

# **Documentation of Human Rights Abuse and Media Report: A Review**

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**An HIV/AIDS Prevention, Care & Treatment and Human Rights Programme**

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## **1. Introduction**

The Blue Diamond Society (BDS) was formed in September 2001 with a view to establishing a just society where the sexual and gender minority communities can live with equal rights, respect and dignity and all people can have hope and opportunities. It is a leading organization in Nepal working for the health, rights and well-being of sexual and gender minorities. Social justice and ensuing equal rights and respect of sexual and gender minorities and delivering immediate and lasting improvement to the lives of sexual and gender minorities in Nepal is the major concerns of BDS. The organization is currently focused on the issues of human rights and sexual health particularly in the issues of HIV/AIDS and other health concerns of community people who have sex with men and metis (transgender persons).

In the initial phase of the organization, its focus was on HIV/Aids outreach. With only 6 initial community volunteers, BDS' outreach emphasized HIV prevention, and educating members of the MSM (men having sex with men) community about their particular vulnerability to the infection. When BDS took a conscious decision to move more slowly into the human rights campaign from HIV/Aids outreach, and it was thus several years before BDS began documenting violence against community members and raising awareness about the rights violations against the SGM community.

This review examines the role of BDS since its formation in documenting human rights abuse of sexual and gender minorities of Nepal and the media report, and empowering the community people to campaign for the recognition of their rights as citizens of Nepal. This report is significant on the discussion of the major account of the atrocities upon SGM community people which deals with broad issues of human rights violations, and so stands to contribute to community-based movements for rights recognition in Nepal. It also includes the role that media played in reducing gender based violations and facilitating the social inclusion of SGM community, particularly in countries struggling with democratic consolidation

This review report has been divided in to three major parts for the convenience of the readers – introduction, overview of human rights abuse of SGM in Nepal with its media reports and assessment of of SGM movement in Nepal. It has been prepared on the ground of the documents of press statements, letters released by Blue Diamond Society, action alerts and letters by various organizations and the cases of human rights abuses documented by BDS since its establishment and the website news <http://www.globalgayz.com/country/Nepal/NPL>. This reviewing effort has been made to revisit the past struggle and the progress till the date of SGM movement in Nepal with a view to paving the way ahead of BDS priorities on the one hand; and thinking that this compilation of decade long expedition in itself, on the other, will be a memento on the juncture of social transformation for long cherished equal and inclusive society in Nepal.

## **2.0 Overview of Human Rights Abuse of Sexual and Gender Minorities in Nepal**

BDS has documented a number of events of human rights abuses and police violence against sexual and gender minorities since the inception of its formation. The events documented as follows are instances of such abuses. Many of which might have gone uncovered due to contemporary situation of the country and the capacity of the organization. However, the following year wise brief account of human rights abuses against sexual and gender minorities of Nepal have been made on the basis of the documented events in BDS and the correspondences made to that effect to many organizations, appeals made for international alerts and the media reports:

- On 27 March 2000, Maya Tamang, 18, and Indira Rai, 17 -9th-grade classmates in high school who had vowed their love for and intention to live with one another—were handed over by their own relatives to police authorities of the Pathari Village Development Committee (VDC). While in custody, the two women were reportedly subjected to rude and insulting comments about their relationship by police staff. As news of their relationship spread locally and throughout the country, the two women separately emerged as targets of a potentially violent backlash from neighbors and other local people.
- In the year 2002, The Wave Magazine highlighted the news of the arrest and torture of a group of gays dining in a restaurant by baton-yielding and gun-toting policemen. Both parties had sung opposing tunes of charging and counter-charging each other. The fracas resulted in the gays being taken to the police station at Durbar Marg where they were locked, insulted, ridiculed for being gays and then tortured, the latter manifesting as bruises on the victims' bodies.
- On 10 January 2003, a news caption “Untold Stories Show Growing HIV/AIDS Risks” was published as a film review produced by the United Nations Children's Fund that explores the role that society plays in the growing spread of HIV/AIDS in this Himalayan country linking with the formation of BDS and human rights abuse - verbal and physical abuse - rape, torture, blackmail, family apathy and denial, and the individual fear of coming out of the closet with the voice of frustrations and fears in a society that largely views Kathmandu's gay community as invisible, freakish, or abnormal.
- On 5 February 2003, Himalayan News Service, Kathmandu reported that a group of cross-dressing men today accused a man of physically assaulting them for sex at Babylon disco, Sundhara, the previous night. Some 10 gays, who were enjoying dance at the Babylon at about 1:30 am, were reported to have been physically assaulted by a Mongolian-faced man demanding sexual favors. They were chased by a man holding a knife. "Janasewa Police at New Road refused to register their complaint," a press release issued by the Blue Diamond Society states

- On 7 February 2003, Inter Press Service reported a news heading 'Men Who Have Sex with Men Speak up' delivering the message that 'Metis' are the most vulnerable and high-risk group of homosexuals as they have multiple 'ta' partners, men who have sex with other men or women which was a news coverage of the first Nepal National Consultation Meeting for Male Reproductive and Sexual Health held on Feb. 1.
- On 22 April 2003, many newspapers including Himalayan Times and the Kathmandu Post covered the news that Group of 9 MSMs (man having sex with man) in cross dress went to a Disco called "Dynasty" in the night on 21st April 2003 and then around 3am after the disco (then it was already 22nd April) they went to have food to the nearby restaurant called "Oriental" which operates 24 hours, very closed to the Royal Palace in the heart of Kathmandu, Nepal. As they went out of the restaurant to go home after food, they were taking taxis; two policemen came to them forcing them to go across the road where a small police bit was. The police started abusing MSMs saying "Hijras, chhakas, bastards". The police started beating them up as soon as MSMs refused to go with them. A guy (nick name Sun Maya) was beaten badly on his chest by stick, on his stomach by boots and on her back and the face by the belt. He couldn't stand anymore and he fell down but that did not stop the police, the police become more aggressive, continued beating up.
- On 28 April 2003, The Kathmandu Post published a news caption "Increasing police abuse brings gay rights issue to the fore" stating that on a fateful evening three years ago separated Saran (name changed), 18, from his family - perhaps forever. He, along with his friends, had just stepped out of a disco in Sundhara, when a police van came and in matter of minutes, they were in a police lock-up - abused and brutalized. They were cruelly beaten up and forced to walk around just in a single undergarment. Their only crime: they were MSMs (Man having Sex with Man, to use a terminology of their choice instead of more commonly used term, gays).
- On 8 May 2003, Himalayan News Service covered the news with the heading "Catwalk with gay abandon". It was a beauty contest held on May 2. The news further states in its version that Homosexual men cat-walked on stage in drag for the first time in Nepal contesting for MSM (men having sex with men) beauty pageant title. The contest did not stop at the boundaries of any regular beauty contest but it carried a message that homosexuals, popularly called Metis in Nepal, are human beings and should be treated on par with other human beings. 'The Drag Cultural Show and Meti Number One Beauty Contest' promoting Number 1 condom was organized by the Blue Diamond Society, a non-governmental organization that supports homosexual men. Out of twelve contestants, Kusum won the second runner's up title with the cash prize of Rs 1,500, Manisha won the first runner's up title carrying the cash prize of Rs 2,000 while Amisha captured the show by winning the Meti number one crown and a cash prize of Rs 3,000. Similarly, Malini from Biratnagar won the Personality title and Kundalini won the title of Charming Number 1. The message of the evening was that human rights of the MSMs

should be protected and that they should be allowed to live with dignity. Star comedians Madan Krishna Shrestha and Hari Bansha Acharya gave away prizes to the winners and pointed out that society should accept MSMs. Talking to The Himalayan Times, Bishnu Ghimire, project coordinator of the United Mission to Nepal HIV/AIDS, Sakriya Unit pointed out that discrimination does not address the issues of homosexuality instead it could result in revolution.

- On 6 June 2003, "Himalayan News Service" reported the news stating that almost a month after a group of homosexual men complained of being manhandled by the valley police, four other gay men have accused the police of beating them after they were arrested recently. They further alleged that cops at the Sorakhutte Police Station near Thamel molested them. The four arrested and assaulted gay men alleged that they were members of the BDS. "Bikram, Amish, Janak and Bimal (names changed), in drag costumes, were entering a taxi after a night out at Jump Nightclub in Thamel. They were stopped by the patrolling police and asked to remove their makeup and drag costumes and coerced them to identify themselves as male or female on the night of May 24," said the BDS. When they revealed that they were men, the police called other people in the area and humiliated them and forcefully took them to the Sorakhutte Police Station.
  
- On 20 June 2003, Himalayan News Service reported the program news entitled "Laws to save gays from abuse needed" which was organized by BDS. Sexual preferences are a matter of individual choice and people should be accorded the right to exist without abuse was the theme of an interaction that sought to highlight the plight of gays in the country. "Our laws are so behind time that just ensuring that gays are allowed to live their lives without fear and discrimination will be a step in the right direction," said Sapana Malla Pradhan, a prominent advocate for women's and gay rights. Organized by the Blue Diamond Society (BDS), the association that works to protect gays, the program sought to create awareness amongst the general public and media about homosexuality and its prevalence in the country. "Negative stereotyping and the lack of laws to protect gays have resulted in many instances of abuse and discrimination by police," said Sunil Babu Pant, president of BDS. There have been many reports of sexual harassment and intimidation against members of the gay community which have prompted calls for legislation. "The law does not recognize the rights of people who choose partners of the same gender and terms it as 'unnatural sexual activity'," said Pradhan who also explained that current law defines rape only as "vaginal penetration", which exempts gays who have been raped from lodging complaints on the same charge. "Even human rights activists and organizations don't want to take up the homosexual issue for fear of being ostracized," said Pradhan, reiterating the deplorable rights of gays and minorities, and the general state of mind in the country. She cited examples of western nations where the rights of gays are protected by constitutional amendments that protect minorities, interpretation by courts and anti-discriminatory laws. Also

present on the occasion was columnist Manjushree Thapa, who specializes on gender issues. "According to research, approximately 10 per cent of any population is generally homosexual," said Thapa, who has conducted research on homosexual issues in the past. "Homosexuality is something you are born with, something that is genetic, and does not involve issues of choice but nature itself," said Thapa. She also said that although gays in general have a hard time finding acceptance, gay women have it even harder.

- In July 2003, The Gay Today published a compiled news stating "Nepal: Brutal Police Continue Their Attacks on Transgender" in following versions:  
International Gay and Lesbian Human Rights Commission



Kathmandu, Nepal--In addition to abuse perpetrated by police against cross-dressing men who have sex with men (MSM) recorded by Blue Diamond Society on April 22, 2003 (see GayToday, "Nepal Police Launch Brutal Attack on Cross-dress Males," <http://gaytoday.com/world/061003wo.asp> ) the following incidences have also been reported:

- On May 24, 2003, as they were leaving Jump nightclub in Thamel, Kathmandu, four cross-dressing men who have sex with men were verbally abused, arbitrarily detained, and physically tortured and sexually abused in custody by police officers at Sorha Khutte Police Station.

- On June 22, 2003, a cross-dressing man who has sex with men was approached on the street by a policeman, who took him to a nearby police booth in Dhobichaur, Kathmandu, where four policemen beat and kicked him, forced him to strip naked, and exposed themselves as they spat on his genitalia and threatened to rape him with a baton. When the victim suggested it was not a crime to wear the attire of one's own choice in this country, they called him a pimp, a thief, and cheat.

- On July 21, 2003, a mata (feminized male) and his partner were arbitrarily arrested and detained by police at Koteshwore, Kathmandu. Police Subinspector Rajendra Parshad Adhikari said to Blue Diamond Society that they were detained because the mata was dressed up and behaved in a culturally inappropriate way-and reportedly lectured them about proper dress and manners. As he tried to remove the mata's earrings, he showed them a box of jewelry which he claimed to have seized from other cross-dressers. During 14 hours in custody, the victims were provided no food and water.

Moreover, on two occasions, Blue Diamond Society's HIV/AIDS peer educators serving MSM were harassed and threatened by police for doing life-saving prevention work.

- On June 21, 2003, in Pashupati Megasthali, Kathmandu, one peer educator was reportedly approached by three policemen while distributing condoms in an area frequented by men who have sex with men. After receiving condoms, the policemen demanded money from him; when he refused and identified himself as an on-duty HIV/AIDS outreach worker, they verbally abused him, punched him in the stomach, and kicked him. One of the policemen threatened to

put him behind bars if he came to that area again, performed his duties as peer educator, or provided condoms to men who have sex with men.

□ the next day, on June 22, the same peer educator, along with a colleague from Blue Diamond Society, was approached by two of the same policemen from the previous night. They asked why they had returned to the area and performed HIV/AIDS education to men who have sex with men-and demanded them to return to their office to perform these educational activities. When they refused, the police officers verbally insulted them, stole the condoms they were carrying, and physically assaulted them. They threatened to kill the two men if they ever worked in the area again.

After the attack on Blue Diamond Society members on April 22, 2003, bowing to media and legal pressure, the Additional Inspector General of Police (AIGP) pledged to institute sensitization training on issues of sexuality and gender identity for Kathmandu, yet these incidences have proven that respect for the human rights of cross dressers and men who have sex with men among the police is far from realized. Blue Diamond Society has demanded a meeting with police officials, but police have failed to respond with a date.

- During these periods, BDS had made correspondences for national and international alerts. The corresponded version is seen as follows:

“Dear Sir,

We are writing to express outrage over an epidemic of police abuse--including acts of arbitrary arrest and detention, physical violence, verbal abuse, intimidation, extortion, and rape--against cross-dressing men who have sex with men as well as on-duty HIV/AIDS outreach workers serving homosexuals in Kathmandu. Despite our calls for an end to this pattern of violence after an incident on April 22, 2003 reported by Blue Diamond Society-a support organization for men who have sex with men in Nepal--the violence against this population has only intensified.

On four separate occasions in the past three months, police have reportedly attacked cross-dressing men who have sex with men in Kathmandu. These attacks against cross-dressing MSM have transpired late at night, frequently as the victims enter or leave discos and other nightspots. Police officers have reportedly perpetrated acts of verbal abuse, physical beating, sexual abuse, intimidation, extortion, arbitrary arrest and detainment, and torture in custody. According to testimonials of cross-dressing men who have sex with men collected by Blue Diamond Society, police typically attempt to humiliate this population by calling a crowd around to stare, forcing the victims to dance or walk about in drag, taking their photos without permission, or calling them derogatory names such as "hijra".

Blue Diamond Society also reports that on two occasions, police have harassed, threatened, and verbally and physically abused its on-duty HIV/AIDS peer education workers serving men who have sex with men. This abuse has not only rendered two of its outreach workers physically incapable of working but also prevented life-saving HIV/AIDS prevention work targeting vulnerable populations.

These violations of the right to freedom of expression, freedom from torture, the right to security of person, the right to freedom from arbitrary arrest and detention, right to information, right to health, and right to be free from discrimination--all guaranteed by the International Covenant on Civil and Political Rights, to which Nepal is a signatory--are alarmingly common at the hands of the police against men who have sex with men and cross-dressers in Nepal. The

police harassment and violence against HIV/AIDS workers is also preventing life-saving education work against vulnerable populations in Nepal.

We denounce this discriminatory behavior and demand an immediate end to all police abuses against homosexuals. We repeat our demand for an immediate, sweeping, and fair investigation of previous and current abuses against these communities by the police, including the above mentioned incidences. Police should protect and serve citizens, not abuse them. The Kathmandu police should be trained immediately on human rights and issues of human diversity including sexual orientation and gender identity, to discourage discrimination against any group including homosexuals. We urge you to invite local groups such as Blue Diamond Society to assist with training police on these matters.

I anticipate your swift and decisive action to guarantee respect for human rights in accordance with international human rights standards in Nepal.”

- On 18 July 2003, Himalayan News Service published the program news entitled “Social norms barrier for MSMs”. At the program on Gender oppression and its effects on man who has sex with man (MSM), Aditya Bandhyopadhyay, a lawyer and activist in the gay movement viewed that one reason for social disapproval of homosexuals is that they challenge the existing 'norms' of the society. Metis are risk to the patriarchal society since he is born a man, but chooses to behave not to get married to a woman but have relationship with men. The society has been using the same dynamics in oppressing MSMs like the ones they use for oppressing the women. The homosexuals counter the entire concept of heterosexual marriage, having babies and other customs of the society," said he. "Thus, there is such a strong denial of MSMs, as people fear that accepting gay men would dissemble the whole social structure. He emphasized on the need for effective and efficient advocacy and awareness programs targeting people at all levels to promote the rights of gay men and women
- On July 2003, BDS revealed another event in its correspondence about police arrest that happened on 21 July 2003 where the police arrested another Meti (One feminized male) and his partner and kept them under detention for more than 14 hours. During which time they were questioned about why the Meti has long hair, wore jewelry, and behaved like female. They were not allowed to sleep for the entire night while being repeatedly questioned about the Meti’s femininity. The police station to which the Meti and his partner were taken is the Koteshwor police station, Kathmandu, Nepal. Adjacent to the police station is a police barrack, and policemen from the barrack also taunted the Meti and his hid arrested partner. However the good thing is this time the police did not force the Meti to have sex with them nor physically abused. This could be possible because the Meti was arrested with his Masculine Partner. There after they let the Meti and his partner go after 14 hours of detention without food and water. In the event victims were quoted as Jaya bahadur Tamang (28) and Manoj K.C. (20).
- On 14 August 2003, The Kathmandu Post covered the news of the event Gai Jatra festivals with the news caption “Gays and Lesbians come out in the open on Gai Jatra. The news further states that the slogans “Accept our existence” “Sexuality is not our choice” and with many other placards in their hands, gays and lesbians move forward excitedly and zestfully in their unique procession

passing through the lanes and corners of Thamel. The occasion of Gai Jatra became a great opportunity for this socially excluded community to make their rightful presence felt in the open. The homosexuals were greatly enjoying themselves and also entertaining the onlookers throughout their procession. Beautifully painted faces, artistic dress up, graceful and intelligent manners of around 200 participants grasped everyone's attention. The strong consideration for each other and the strong unity among the gays was touching. The scene was completely unique and highly interesting to look at. Foreigners, also homosexuals themselves, and their Nepalese brethren had their own unique common culture and display of their nature. Included in the turnout were Japanese, Australians, Koreans and many other foreigners en masse, reflecting an international community in the City of Kathmandu.

- On 5 November 2003, BDS made an appeal for support to fight for right to liberty and security of person, right to freedom from torture or cruel, inhuman or degrading treatment, right to freedom from arbitrary arrest, right to freedom of expression for Gay/lesbian people in Nepal taking reference of the event stating that another terrible day, one more time happened on Laxmi and her partner Meera on 31<sup>st</sup> day of October 2003. Laxmi and Meera were out for shopping and they were late and as usual everybody was ready to give them a hard time at Meera's home. They used to be quiet, usually, when such torture and abuse happened at Meera's home. But that evening was extreme as being lesbians. Meera's Mother, that evening, abused Laxmi and Meera badly, Laxmi was called "Hijra", butch, like a man... threatened for her life and Meera was beaten. So they ran away to Basa Madi (Near Hatuda), at Laxmi's Aunt's place. Then Meera's Mother called Laxmi's father and accused Laxmi trying to sell her daughter and called Laxmi a "Hijra". She also threatened Laxmi's father to call police if Laxmi's father didn't return Meera within 3 days. Then, Meera's Family found out that Laxmi and Meera were at Basa Madi and went with police. They were dragged to a nearby hotel and were questioned. Meera said to them "I can't live without Laxmi, I will rather die if I have to live without Laxmi". Meera and Laxmi both were crying and they were not allowed to touch each other. Then Meera's Mother started beating Meera extensively. It was unbearable and Meera ran away from the hotel and tried to escape but she was caught by police again and handed over to her family.
- On 4 December 2003, BDS made an appeal for national and international alerts referring to the brutal incident towards homosexual from the Public and Business in Kathmandu, Nepal. Sunmaya and Ningma, 2 Metis (feminised male) in cross dress decided to go to a Disco called "Dynasty", Durbar Marg, Kathmandu, Near Royal Palace, in the night on 14th November 2003 around 7.00 pm. They were refused to enter the Disco despite they had bought the tickets. The bouncers at the Dynasty disco told them "Both of you, Hijras, are not allowed anymore to this Discos". But Sunmaya said they both had tickets bought and they had the right to get in. After that the bouncers became more derogative and started pushing them away. Both Sunmaya and Ningma tried not to leave away. Then 13 of them, the bouncers with their friends, started beating them up by boots

and punches. Ningma could escape after being beaten brutally. But Sunmaya was badly injured and got senseless after the brutal act for about 30 minutes from those 13 men from Dynasty Disco.

- On 6 December 2003, news was reported stating 'lesbianism still taboo and scary. In a society where homosexual men are looked down upon, it is even more difficult for lesbians to wear their "lesbianism" on their duppattas. Their stories remain untold and their issues totally ignored-even by those ardent believers in incessant barking for common good. A classic recent case is of a lesbian who, unable to accept her parents' constant pressure on her to marry her off to a man, consumed poison. Anjali Thapa was immediately rushed from Hetauda to Kathmandu for emergency treatment and she survived. Despite resorting to such a drastic step, her parents who are unaware of her choice of living with the same sex and remaining traditionally unmarried, are still forcing her to return home and get married.
- On 7 December 2003, Himalayan News Service, Kathmandu reported gays accuse security men of torture. The news further states those two homosexual youths claimed that were held and tortured by personnel of the Armed Police Force (APF) last night. The victims returned home today after getting emergency treatment at the Bir hospital. The two say said they were picked up by the APF personnel around 8 pm last night. "Some street children were trying to rob us, when suddenly several armed policemen came out from a van. They blindfolded us, took us to some unknown destination, and beat us with leather belts, pipes and gun barrels," said one of the victims, Jaya Bahadur Lama. He claimed the security men took around Rs 2,000 that the two of them were carrying, and also demanded sex with them.
- On 8 December 2003, The Kathmandu Post reported the news 'Transvestites harassed by armed security personnel' that The Blue Diamond Society, an NGO working for the welfare of homosexuals, has accused personnel of Armed Police Force of brutally harassing two homosexuals on the night of December 6. The Society has filed a complaint at the Armed Police Headquarters demanding punishment to the culprits. According to the Society, Jag Bahadur Lama, 28 and Mani Lama, 20, both from Hetauda, and working currently at a carpet factory in Boudha, were harassed by Armed Police personnel after some hoodlums told the police that they were gays. The two were strolling near Ratnapark. The Armed Police personnel took them inside a mobile van at 8 p.m. Saturday and beat them brutally, according to the Society. The two have stated that they were then taken to an unidentified Armed Police camp and asked sexual favors. Upon resisting, they were further tortured for being 'Maoists'. They were then tied, gagged and released near Ratopul at 2 am Sunday.
- On 16 December 2003, BDS released a statement expressing its deep concern and calls for the support and solidarity to protect the human rights of Meera and Raadha and an immediate protection of Meera and Raadha by the Government and the Police from their family against possible attack and marriage against their will. Raadha and Meera, two young women from Hetauda

(south east from Kathmandu) are both exhausted and have little hope of life and living together in the way they wish. Meera's family has, for the past 2 years, been trying to arrange her marriage to unknown men. She was giving up and in despair and tried poisoning herself last month when she realized there was no way out. Fortunately, she was rescued by being taken to the hospital in time. Later, both Raadha and Meera decided to escape to Kathmandu and live on their own. They made contact with Blue Diamond Society, which was able to provide assistance so that both had something to earn so that they could live independently both being over the age of consent.

- On 19 December 2003, BDS wrote denouncing the discriminatory behavior and demand an immediate end to all such abuses, discrimination and degrading behaviors from the discos, nightclubs and restaurants against cross dressing homosexuals.  
On the night of 15th Dec 2003, Kasheri and other members of Blue Diamond Society including Mamata, Jalan, Sunita, Ujeli and Bajai (Nick name of cross-dressing homosexuals) were trying to enter to the Dynasty Club after buying tickets. They all were cross- dressed. The bouncers and local boys stooped them from entering the club saying, “Animals like you, Hijras (derogatory term for homosexual male), Bhalus (derogatory term for female sex workers), because of you police has arrested our friends and taken to Hanuman Dhoka (District police head quarter)”. “So you Hijras!, has no entry onwards” “Get lost from here otherwise you will get kicks and boots from us”. So, all of them were chased away from Dynasty club. It was late night and they decided to go to Oriental Restaurant (an 24 hour opening restaurant in Kings Way in Kathmandu) for snacks. The security and bouncers turned even worse. They said to Kashei and her friends “Hey Hijras, No Entry for you bitches”.
- On 4 January 2004, BDS called for support and solidarity to protect the human rights of Meera and Laxmi and an immediate rescue and also asked for protection of Meera and Laxmi by the Government and the Police from their family against such assault and kidnapping. That day, according to the neighbours, 2 men and 1 woman came by auto rickshaw. They pressured both Meera and laxmi to come with them. For about one hour of discussion and verbal refusal by Meera and Laxmi and pray to leave them alone, the members of Family became brutal. They started beating, dragging them by their hair to the Auto Rickshaw. Laxmi tried to run to Blue Diamond Society for help but she was stopped brutally and also dragged by her hair into the Auto Rickshaw.
- On 3 February 2004, Himalayan News Service, Kathmandu reported that Blue Diamond Society (BDS), in a letter to Prime Minister Surya Bahadur Thapa, urged the nation to vote for the Human Rights and Sexual Orientation resolution at the upcoming 60th session of the UN Commission on Human Rights. According to the letter, such a resolution is important not only to assist the UN in shedding light on violations that are often concealed in silence and stigma, but also to uphold the basic principle that all human rights must be enjoyed equally by all. At the 59th session, Brazil had introduced the aforementioned resolution which affirmed the inadmissibility of discrimination as a

fundamental principle and expressed deep concern at the occurrence of violations of human rights against persons on the grounds of their sexual orientation.

- On February 2004, BDS communicated the physical and sexual assault to the cross dressing men (Meti) by a homophobe whose behavior seemed he is a homosexual. On the morning of 1:30 am, 5th Feb 2004, in Sundhara area near Babylon disco club. 10-12 cross-dressing men (Meti) were in the Babylon disco, enjoying dancing. It was after mid night, a masculine man started teasing the Metis, pushing them, pulling their wigs and forcing Metis to go with him to have sex. But none of the Metis wanted to go with such rude person, so they all refused him. After his long miss behave, all the Metis left the Babylon disco but the troubling man followed them and started to force them to with him by pulling his knife and threatening them to kill if they refuse him.
- On 25 February 2004, Himalayan News Service, Kathmandu reported the news 'Gays, lesbians call for support'. According to the news report, Gay, lesbian and bisexual community called the government and the United Nations representatives in Nepal to support the United Nations' 60th resolution on 'Human Rights and Sexual Orientation' to be held in March. If endorsed, the resolution will safeguard gay rights and an individual's choice concerning sexual orientation since there is not a single international convention that protects their rights. BDS pointed out the need to vote for the proposal because such a resolution is crucial for UN human rights mechanisms to have a clear and unequivocal mandate to address human rights violations.
- On 2 April 2004, The Kathmandu Post reported the news 'Loudest whisper in society - Same sex relationships'. Gays, lesbians, homosexuals came up in quite a number and expressed their woes at the Public Hearing on Human Rights and Sexual Orientation organized by the Blue Diamond Society (BDS). Discrimination and stigmas exist against such sexual minorities. And since the government has no such laws to protect them, they are subject to different sorts of physical and mental abuses. Members of the BDS took to their pride march from the New Baneshwor to Maiti Ghar. There are 15,000 members in the BDS and it has its networks spread over 15 cities of the country.  
On the same day the Himalayan News Service, Kathmandu also reported the news that the gay community has now started coming out in the open, calling on the concerned authorities and society to listen to them and treat them as normal human beings who have a right to live with dignity. Amid many cases of torture and discrimination against homosexuals, there is however, a positive side. Umesh Shrestha tells his story about how his family and neighbours accept him for who he is. "They love and respect me which is what a human needs. Aren't we all humans?" questioned Shrestha. According to him, even the educated people make the lives of homosexuals painful and consider our preference "unnatural."
- On 25th April 2004, BDS communicated the event that at 3:00 am in the morning, Raju Ghale was returning home from a disco. He left a taxi at Chabahil and started walking towards Tinchuli. At

Tinchuli 4 men attacked him from behind. His face was covered with a piece of cloth. One of the attackers put a knife to his neck threatening to kill him if made any noise or tried to escape. They made him walk about 15 minutes towards an isolated place and asked him to take off his all clothes. Then, they kicked him, punched him in the chest and stole his gold chain necklace, his gold earrings, and wristwatch. They then asked him if he recognized them, Raju said yes and they the attacked him by knife twice on his forehead. Raju started bleeding and fell on the floor. His assailants continued beating him until Raju lost his senses. After 3 hours Raju found himself lying in a field. He barely managed to walk home only to find his room was robbed as well. Later, some friends took him to the hospital.

- On 29 April 2004, BDS expressed its deep concern on the injustice and violence against homosexuals in Kathmandu referring to the event occurred on the day before, on 28 April 2004. At 6:45PM in Pashupati Temple area, Amrit Adhikari, field staff of Blue Diamond Society, while doing his duty, which was educating men on HIV/AIDS, safe sex and distributing condoms was assaulted by a man known as 'Haddi Kale'. Amrit was kicked on his back, punched on the face, his safe sex education kit bag was taken and all the condoms destroyed, then he was accused of damaging social morale by distributing condoms. 'Haddi Kale' accused Amrit of being a Hijra and spoiling society. Then 'Haddi Kale' took his money, NRs 1500, punched him again and forced him to leave the place saying that the stolen money would be enough for 'Haddi kale' for a week of drinks and sex. The Pashupati Temple area security personnel didn't do anything except were a silent spectator. No one tried to help Amrit or stop 'Haddi Kale's' assault. In another incident about a month ago, around 9.00PM in the evening in Kathmandu, Gopal, in cross dress, was walking from Bhadrakali to Sundhara. Two men followed him. The two men offered Gopal money to come with them and have sex with them. Gopal immediately felt something was wrong when the two mentioned they were from the Police. Gopal declined their proposal saying he was going to a disco. He started walking towards Jamal, but he was followed all the way to Jamal. Once Gopal saw other uniformed Valley policeman he clearly said he is not available but the two men started beating him up and took his money and ran away. Gopal shouted for help, but the Valley police again didn't give any help – another silent spectator.
- On 21 May 2004, BDS communicated the event that Kumar Tamang, nick name Kumari, age about 15 years from Dolakha, Bhimshen who had been left to a Yogi in Pashupati by his parents when he was a little kid was harassed on Friday the 14th of May. He had gone to Durbar Marg area and was just minding his own business as usual. Around 9:00 am around 10 guys approached him for sex. He got scared and thought that they all might rape him. When he refused to go with them, they got angry and started calling him names like 'Chakka and Hijra'. They weren't satisfied with just this; one of them grabbed a stone and smashed his head. He started bleeding profusely but nobody was helping him, fortunately Kumari was brave enough to go to Bir Hospital and get his wound bandaged. His head is broken so badly that it may takes at least a month to recover and Blue Diamond Society assisting him to provide further medial support as required.

- This wasn't the first time Kumari had been harassed. He says that he gets verbal abuse wherever he goes, especially by police from Indrachowk. He's also been imprisoned many times by police from Janasewa and Thamel on the false accusation of theft and calling him names like 'Chakka and Hijara'. They have also shown their power by other means of harassment such as forcefully snatching his earrings right from his ears and cutting his hair, which he'd taken so long to grow.
- On 28 May 2004, Blue Diamond Society denounces this discriminatory behavior and demand an immediate end to all such abuses, discrimination and degrading behaviors from the Police and other uniformed personnel against cross dressing males. The incident took place near Biswajyoti Cinema Hall in Jamal on the 28th of May around 3:00am. Two Metis (cross-dressing males), Nima Lama and Gopal Shrestha were coming back from a disco. On the way home they were taking a Taxi. As soon as the police saw the two Metis they yelled out 'Look the Hijras are here' the Metis didn't react even though they were angry at being abused verbally. When the taxi didn't start one of the policemen said 'The taxi's not starting because Hijras are sitting inside it'. Hearing this Gopal Shrestha reacted by getting out of the taxi and asking the police why they were calling them names. As soon as he asked this, the police pulled his hair (wig) back. When Nima told him to stop the police slapped Nima as well. One of the police also threatened to put his stick up Gopal's rear.
- On 1 June 2004, Himalayan News Service, Kathmandu reported the news 'discrimination against metis flayed'. In a press release, BDS denounced the discriminatory behavior against cross dressing males and has sought an immediate end to all abuses, discrimination and degrading behaviors against such people. Meanwhile, the BDS has informed that three unidentified persons last night raped two cross dressing males in a guesthouse at Thamel. "Two persons approached Joshna, Rupa and Jaya (named changed) — the cross dressing males — at the Oriental Restaurant and asked them to go with them to a hotel. All five went to the White Lotus Guest House at Thamel and the two persons started drinking and making sexual advances. One of the three metis asked for the money that had been agreed before but the men started misbehaving, forcing them to drink beer and beat them badly," the press release said. "The scuffle lasted for about two and half hours and the metis were forced to have oral and anal sex with them, before the three managed to escape from the site. They informed the police, who arrived the scene and arrested the two persons who were drunk and naked and were taken to the Sorakhutte police station," The BDS said. The three metis today filed a complaint at the police station. However, the two arrested yesterday night are at large from police custody, the BDS has said. This is the first time that such a case had been brought formally to the attention of the police, the release further states.
- On 4 June 2004, BDS expressed its deep concern on the repeated torture and sexual assault by police against Metis (Cross dressing Males) in Kathmandu. On the 3rd July 2004, at 11PM in Jamal, 7 Metis (Suntali, Nepti, Kali and others) members of Blue Diamond Society, while walking



along the road to go to disco for fun and some of them to make money to support their family and survive themselves, were abused by the police patrolling by their mini truck by saying “Hijras, Chakkas, you all should be killed, dirty animal you have anal sex and oral sex, do this to us also....’ But the Metis didn’t react knowing that the police will beat or take their money or force them to have sex if they say anything back. But after 5 minutes the police mini truck approach them again after a small ride and started to ridicule them. But this time the police stopped the truck and got down and started beating the Metis. Kali asked what her fault was, but instead of getting about 25-30 police men on their uniform form Police headquarter showing their masculinity by beating the 7 cross dressing males around oriental restaurant very near from Royal Palace. They were accused of being homosexual, they were asked to perform oral sex, anal sex, they were called Hijras, Chakkas. On such degrading behaviors, BDS declared a peaceful protest rally with the following demands:

- Immediate end of sexual oppression and assault against sexual minorities from the police and the society
  - Thorough investigation of all the violence against sexual minorities from police and the other parties and bring the perpetrators to the justice.
  - Immediate end of the sexual oppressing and degrading behavior to all kinds of sex workers.
  - Demand immediate de-criminalization of sexual minorities and secure our equal rights as other human being is our society
  - Demand immediate end of condom violence by the police and the entertainment business owners.
- On 4 July 2004, BDS informed the proposed rally program for 5<sup>th</sup> July 2004 to protest the occurrence of violations of fundamental human rights in Nepal against Metis and MSWs (male sex workers) despite having several interactions with the Police and other related parties and the situation not improved.
  - On 25 July BDS expressed its much concern on regular assault and rape (without condom) against Metis and other sexual minorities in Nepal and condemned the degrading action from the Police personnel who are supposed to protect the citizens. Jaya Bahadur Lama (Hetauda City), 28, Ramesh Lama (Hetauda City), 20, Binod (Butwal city), 22 and Madan (Melamchi), 17 living in Kathmandu, all are surviving by selling sex. They were walking at 3.30 am in the early morning near Jamal, central Kathmandu. After a while a guy harassed the Metis after they refuse to go with him for sex. So the guy started abusing them verbally and Metis also started shouting at him. At that moment, night patrolling police van (blue coloured vehicle, No: 2348) arrived. The police started forcing the Metis to get into the police van after the police recognised them as Metis. There were 5 policemen under the influence of alcohol and 3 street guys were already in the police van. After that the police van took all of them at sloppy road in Sinamangal. All the Metis were beaten inside the van, their wigs were thrown away, the Meti’s bras were also torn and their money (NRs 2,400) was taken. The police van stopped at the road and one of the police slapped Jaya Bahadur Lama and forced him to perform oral sex middle of the street. When Jaya Bahadur Lama refused saying there were

people around then the police took him to the corner and forced Jaya Bahadur Lama to perform oral sex initially and he was raped anally without condom. When Jaya Bahadur Lama requested the policeman to use condom, the policeman kicked him instead of using condom. Then they were taken to the Gausala Police station near Pashupati Temple area. Then, all the Metis approached Blue Diamond Society for complains. Blue Diamond Society tried to call Women Cell within the Nepal police for support and also called Police head quarter but so far we haven't been successful to file the complain.

- On 7 August 2004 reported the news 'Meti assaulted for refusing to have sex'. A group of unidentified persons yesterday night abducted and attempted to murder a meti (cross-dressing male) at Ason, Kathmandu, after he denied having sex with them. According to a press release issued by the Blue Diamond Society (BDS), a gay organisation, some armed persons abducted Jayaram from Jamal. They later stabbed him on his throat and his left thumb was severely wounded in the attack. The BDS said Suraj took him to the hospital with the help of other metis. Director of the BDS, Sunil B Pant, said Jayaram's condition is critical.
- On 10 August 2004, an appeal was made attaching the photographs of an attempted murder of a Meti in Kathmandu Nepal. His throat was slit and his finger was almost severed. Following list of some of the oppressive activities against Métis was given to clearly show a pattern of abuse and violence:
  - 1] On the morning of 1:30 am, 5th Feb 2004, in Sundhara area near Babylon disco club: Violence by a man who seemed to be from the armed forces against a group of Metis including assaulting some with a knife. All the Metas decided to write complain and approached Durbar Marg Police Station. The police, also, refused to file a complaint saying Sundhara is NOT their area and Metas were suggested to go to the Jana Path Police station. But in Jana Path police station turned even worse, the police there abused all the Metas and alleged them to go away.
  - 2] On the early morning of June 1, 2004 about 3:30 am 3 Metis (cross dressing males) named Joshma, Rupa and Jaya (named changed to protect their identity) age 31, 22 and 32 were having snacks in Oriental Restaurant, from where they were picked up and forcefully taken to the White Lotus Guest House, where they were raped. A complaint was filed and the police arrested two of the rapists they were drunk. Case of rape is still pending. Progress is unknown.
  - 3] 28th April 2004, at 6:45PM in Pashupati Temple area, Amrit Adhikari, field staff of Blue Diamond Society, while doing his duty, which is educating men on HIV/AIDS, safe sex and distributing condoms was assaulted by a man known as 'Haddi Kale'. Amrit was kicked on his back, punched on the face, his safe sex education kit bag was taken and all the condoms destroyed, then he was accused of damaging social morale by distributing condoms. Then 'Haddi Kale' took his money, NRs 1500, punched him again and forced him to leave the place saying that the stolen money would be enough for 'Haddi kale' for a week of drinks and sex. The Pashupati Temple area security personnel didn't do anything except were a silent spectator. No one tried to help Amrit or stop 'Haddi Kale's' assault. Next morning, 29th April 2004, Amrit along with BDS representative

went to the Gaushala Police Station, which is near Pashupati Temple, to file a case of assault. The police didn't register the application saying that it was more important to capture the perpetrator rather than registering the application. So two policemen, Amrit and myself went to Pashupati area to look for the 'Haddi Kale'. The policemen pretended not to know him despite seeing him in the area. Amrit was so scared and thought if he identified 'Haddi Kale' in front of the police, 'Haddi Kale' might kill him in future. He suspected that he would get not get any protection from the Police. Amrit didn't identify 'Haddi Kale' to the Police. It is later learnt that this particular criminal gives regular money to the police so that they keep turning the other way.

4] It was about 3:15am early morning 7th August 2004, JayaRam (photo attached) has his throat slit in a public area in Jamal, and his finger severed. He is admitted to emergency unit at the Bir hospita nearby. The Police were called. Other Métis report to BDS that a group of persons had threatened them with violence at the same area as well that night at about 1 AM.

5] July 2004: a writ is filed by a lawyer in the Nepal Supreme Court against the government of Nepal, claiming that it is violating Nepali Law by allowing an organization like the BDS to exist in Nepal, and claiming therein that homosexuality is against Nepali Culture. The writ is pending.

6] July 2004: The police baton charges a peaceful demonstration of Metis organized by the BDS to protest the continued oppression of Metis and the government inaction. Many are injured.

7] On the night of 9th August 2004, at 10.30 PM, as a reaction to the outcry on the attempted murder of a Meti and the continued oppression against them that the government does very little to check and control, the Nepal government reacts by arresting **39 members of Blue Diamond**.



**On August 9 2004, 39 members of Blue Diamond Society were arrested arbitrarily and kept in prison for 13 days without charge. Later they were released on bail for the charge of public nuisance**



Outreach educators and Peer educators are attacked

Photos of Meti-victims of violence

1)



2)



3)

4)



- 1) Two metis raped and beaten by armed police in December 2006
- 2) A meti beantn at Thamel by police from Durbar Marg police staion on 24th Spetmeber night
- 3) one of metis beatn by Durbar marg police staion during nepali new year eve near thamel, 14t April 2005
- 4) A meti was forced to perform oral sex and afterwards the same man slit her throat. She barely survived.

The appeal further urged that the Nepali Government needs to act up and stand up to its commitments towards human rights. The addresses in the 'To' field of this letter belong to the Ministry of Foreign affairs of Nepal, the Ministry of external Affairs, the Ministry of Home [internal/security] affairs, the ministry of law and justice, and the Director of Nepali police respectively. Also provided at the end of this mail is a list of Nepali Government Functionaries with their contact details. Some do not have any e-mail. Please fax them you protest. Please write in your protest letter to these authorities and ensure that they treat all Nepalis including Métis with the dignity they deserve and protect their Human rights.

This is a matter of grave concern. Some of you have the power to ensure that the situation changes. Those in the media can create the necessary impetus by publicizing this. Those with international agencies having influence over the Nepali Government can call the government to account. The office of the UN-OCHCR can take on this matter and call on the government of Nepal to task. This letter is an appeal to all to do whatever you can to help

- On 10 August 2004, BDS issued a Press note on the arrest of 39 members of Blue Diamond Society which is as follow:

#### Press Note

Last night around 22:30 PM 39 members of Blue Diamond Society were haphazardly arrested and taken to Hanuman Dhoka Police Station, centre of investigation in the heart of Kathmandu. They have been detained till now without food and have been treated inhumanly without having any faults and we, Blue Diamond Society are very concerned. They were arrested along with other people from different occupation and this is against the Human Rights and rights of sexual minorities of any national or international laws. This also shows carelessness and discrimination done by the police. In addition the inhuman behavior done by the police is not only arresting but also brutally beating up the arrested MSMs, which is against any principles.

- On 11 August 2004, In response to the latest extreme violence and the arrest of vulnerable population by the police in Kathmandu last night, Blue Diamond Society, with collaboration of FWLD (Forum for women, law and development), Maiti Nepal, Nepal plus, watch, GWP, human rights activists, journalists etc. organized a protest rally and press conference.
- A New York-based human rights group has urged the Nepalese authorities immediately to release a group of gays and transsexuals arrested recently. Human Rights Watch say that they have been held without charge. It has accused the authorities of intimidating sexual minorities and has called for an investigation into allegations of violence against them. Mistreated in custody "Nepal's government must decide whether it wants to enforce homophobia or protect basic human rights," said Scott Long, director of the Lesbian, Gay, Bisexual and Transgender Rights Project at Human Rights Watch.
- On 13 August 2004, Amnesty International has issued an urgent international appeal on behalf of 39 male transvestites in Nepal who have been arrested and are at risk of ill-treatment and rape in police custody. All 39 'metis' (male transvestites) are members of the Blue Diamond Society, an organization in Kathmandu that campaigns for the rights of sexual minorities and provides sexual health advice and support services. They were reportedly given no food or water for their first 15 hours in custody on the night of 9 August, and have not been charged with any offence. The Blue Diamond Society is facing a possible Supreme Court ban on its activities for "trying to make homosexual activities legal." Nepalese law outlaws "unnatural sex", though this is not clearly defined. In response to a private petition, the Supreme Court has asked the Ministry of Home Affairs and other authorities to demonstrate that a ban should not be imposed. Amnesty International UK said:

"This crackdown on members of the 'meti' community in Nepal is extremely disturbing. The Nepalese authorities should ensure these people are not discriminated against because of their sexual identity. They must be charged with recognizable offences or released, and they must be treated humanely while in custody."

Amnesty International is calling on the authorities to respect the rights of sexual minorities to freedom from discrimination, as contained in the International Covenant on Civil and Political Rights, to which Nepal is a state party, and is urging the authorities to investigate the attacks and bring those responsible to justice.

The human rights organization is issuing the appeal to its members worldwide asking them to petition the Nepal government to protect those arrested and give assurances that they will be treated humanely while in custody and not tortured or ill-treated.

- UNAIDS concerned about detention of AIDS activists in Nepal. Geneva, 16 August 2004 – UNAIDS is deeply concerned about the recent detention and reported mistreatment of 39 members of the Blue Diamond Society, a Nepalese AIDS NGO working with sexual minorities. The Nepali police arrested these people on 9 August 2004 and they are still being held today.
- On 19 August 2004, The Seven Sisters issued a statement on the arrest of 39 Metis in Nepal. In the statement the Seven Sisters mentioned the following notes:

It is pertinent to note that the action of charging the metis with public nuisance is unjustified since none of the metis were actually arrested in a sexual act. The sole basis of their arrest seems to be the fact that they are feminine by Nepali standards and some of them are cross dressers, exhibiting in the process the deep rooted gender bias and gender phobia of the Nepali State and the Nepali Police. There is no law in Nepal that prohibits any person from wearing the dress of the opposite gender, nor is there any prohibition on homosexuality. This makes the arrests of the 39 metis totally arbitrary.

The police have continued to threaten other members of BDS with arrests. As a result of this, the entire work of HIV prevention and outreach carried out by the Blue Diamond Society has come to a standstill. This endangers the lives of men who have sex with men who rely on BDS for risk reduction tools like condoms and lubricants, and is a general threat to the public health of the Nepali state as it could lead to national increases in HIV infection. While the Nepali Government policy on HIV prevention allows these men to access services, the actions of the police are in direct conflict.

Furthermore, Nepal's responsibility to uphold and protect a certain degree of health for its citizens is made in its commitment to international human rights conventions. In order to recognize the rights to health of not just the arrested Metis but of all sexual minorities in Nepal, including men who have sex with men, the government must take concrete action.

Sexual minorities face widespread discrimination and violence in Nepal. The arrests come after repeated cases of violence and abuse against metis and members of BDS, including a gruesome attempt to murder a meti just 2 days before the arrests. It also comes soon after a lawyer filed a writ in the Nepal Supreme Court, contending therein that the activities of BDS is against Nepali Culture and that therefore it should be shut down. Furthermore, the police have usually refused to accept complaints from sexual minorities when they have wanted to report acts of violence, abuse or rape against them.

Demand:

The Coalition of Asia-Pacific Regional Networks on HIV/AIDS (The Seven Sisters) declares that the detention of the 39 metis is a violation of their human rights, and is opposed to international commitments to human rights made by the Nepali State including the ICCPR, ICESCR, and the CAT. We condemn the actions of the Nepali Government and call upon it to:

- 1] Release the arrested Métis from custody forthwith;
- 2] Till their release, treat the arrested metis humanely and provide them with food and water and humane conditions of existence within their prisons;
- 3] Ensure that the Blue Diamond Society is provided with security for its staff and personnel so that they can carry on their important and vital work of prevention of HIV amongst Males who have Sex with Males [MSM], since such work is squarely within the purview of the AIDS Control Policies of the Royal Nepal Government;

4] Initiate training and sensitisation work with your police force, possibly in collaboration with Blue Diamond Society, so that police personnel do not subject metis to further violence and indignity;

5] Expedite the investigations into pending cases and complaints that have been filed by Métis in various Police Stations on the violence that they have suffered in past incidents.

- On 24 August 2004, Sidaction, in co-operation with Act Up-Paris and Inter Centers LGBT letter to Népal Embase in Paris with following protest note:

Sidaction, in co-operation with Act Up-Paris and Inter Centres LGBT, decided to protest officially, in France and in Nepal, about this flagrant lack of respect of human rights.

Of course, it was a great relief to learn, last Saturday, the release of these 39 persons.

After our today's meeting at the Royal Nepalese Embassy in Paris, with Mr Nirnanjan Man Singh Basnyat, charge d'affaire, we would like to formally express our concern about:

- Future prosecutions for those who have been arrested, knowing that up to now it is absolutely not clear under what law article they are going to be suit. Therefore, it would be necessary to know exactly what they are now facing in terms of pain (are they risking a prison sentence or a fine?). Do we have any idea of the forthcoming agenda for those who are going to be prosecuted?
- The overall situation of gay and lesbian persons in Nepal is a global concern. Does the recently appointed government deliberately will to discriminate and stigmatize the gay and lesbian community members? If so, Nepal would join the very few countries that decided to improve conservative values instead of promoting and building an open-minded and tolerant society.
- We demand also some more information about the fact that four members of this community would have been raped on the 25th of July (apparently by some members of uniformed forces) and how police and legal authorities are dealing with this particular issue.

We would like to remind you that we are constantly keeping the diplomatic cell at Jacques Chirac's cabinet at l'Elysée and the French Ministry for Foreign Affairs informed about our reaction to this unacceptable situation.

We would like the Royal Nepalese Government to decide to protect the weaker members of the national society instead of promoting hate and crimes.

- A brief report 13 days police custody of 39 metis prepared by BDS  
According to the arrested metis, all of them were taken saying that they were being taken for a meeting and needed them to identify the guy who'd been caught under the suspicion of Jayaram's case. Some of them were dancing inside Babylon disco and most of them were on their way to the disco. The police that were their clients took them and most of them were ones that they knew from before. They went with them because they approached them in a friendly manner and told them that they were all being taken for two hours meeting. After they were taken they were all kept in a room that wasn't even big enough for five people and said they would be freed after questioning them. Most of the metis that were arrested were just out to enjoy themselves in the discos and wanted a night of dancing. Inside the prison on the first day when one of the metis wanted to use the bathroom they didn't open the door and when he yelled at them to take him to the bathroom they beat him up with a stick till it broke. Due to this he suffered from fever and was all shaky and even after seeing his state the police didn't take him to see the doctor or get any medications for him. Three police came and when he asked them for the medicine they said we'll get it and later just

laughed. So Blue Diamond Society had to take the medication for him after being informed. The police also beat up another meti, Amber Majhi who was attacked by three police after he protested after seeing a journalist videotaping them inside the cell. This was yet discrimination from the police, they violated the rights of all the metis by letting the media expose them when there are a lot of metis that haven't opened themselves at their homes and could face difficulties later. There was a lot of verbal harassments from the police, they called them names and said they will shoot them when they protested against being locked up for being innocent. They also said that "Acid should be put on the face of the hijaras and that they don't deserve to live". The police called them names and even got other people to see them. They were laughed at and everyone feels like they were punished for a crime that they hadn't done. They were kept for a long period of time and some were tortured psychologically by saying they were going to be kept for more than six months. Everyone feels like it was very inhuman from the police to trick him or her into going with him or her and locking him or her up for no reason at all. They didn't even give them any explanation as to why they were being kept inside. They were just verbally abused. While giving statement a lot of them were made to sign on something that they couldn't read since there are a lot of illiterate metis in the arrested 39. Others who could read were made to sign and not given a chance to read what they were signing. They were all pressured and threatened and made to sign on statements where anything could be written.

- On 26 November 2004, Umesh Shrestha an Outreach educator in Blue Diamond Society filed a complaint to the IGP, Nepal Police Headquarter, Naxal, Kathmandu, Nepal demanding to take action on the Police harassments and misbehaves while returning home from fieldwork on 23 November evening 2004.
- On 6 April 2005, A Nepali Meta (feminine homosexual) aged 23, was tricked and sold in Bombay to a male brothel by an agent seven years ago and afterwards tortured variously escaped. Blue Diamond Society organized a press conference/ interaction program today at 4pm to bring into light the gruesome stories and similar stories of other similarly sold Metas of Nepal who are forced to live a life worse than hell.
- On 14 April 2005, BDS released press statement stating Sorrowful start of New Year 2062BS. After Blue Diamond Society's small New Year's Eve gathering, about 18 Metis left for the festival for New Year in Thamel. About 11 PM, 13th April 2005, Metis were walking towards Thamel along Kantipath, near to the Royal Palace. While the Metis were passing the Jiyoti Bhawan Building in Kantipath, they saw two other Metis, Roshani and Faridha, being beaten by Police. They saw a police van parked nearby was from Durbar Marg Police Station. Once the police saw more Metis across the street, the police ran after the bigger group and started beating by batons, gun butts and sticks. Alex (Meti name Julie) was threatened by the police at gunpoint and then beaten in the stomach with a gun butt and after he fell down the police kicked him all over. Jorha was beaten on her hand with a stick - her palm is broken and her arm is bruised and bleeding. After she also fell down the police kicked her all over her body. Kamala and Suntali were also beaten with sticks and kicked on their legs. Suraj was also beaten. Out of 18, 9 Metis were severely beaten. Prem Malla, Inspector and Durbar Marg Station's In-charge, was ordering his policemen to torture Metis and enjoying the scene from inside the Police Van. As it was a Thamel festival, many people were moving towards Thamel but nobody else was attacked except the Metis. After the police were satisfied with their brutality they left the Metis in the street. The Metis gathered again and thought to report the incident to the police but with little faith. They decided to go to the Durbar Marg

Police station and report the case. However, when they arrived at the Police station, they were not allowed to enter. After one hour of waiting, the Metis wrote down the details of the incident and left for a hospital. Bir Hospital treated the Metis nicely and given the report.

- On May 2005, Pradeep Yadav, Team Leader, Blue Diamond Society, Janakpur reported the news that Jajul, a local Meti (cross dressing effeminate male) from Sarpale village, ward No7, Mahottari District, Janakpur revealed that about 5 years ago the VDC President (of that time) called all the villagers including Metis after he heard complaints about Metis having sex with men in the village. The President of Sarpale VDC then decided his verdict by punishing the Metis including restriction the mobility of Metis, trimming their long hair to very short, not allowing Metis to dance, which was their means of survival, and even traditional roles that society made for Metis during festivals, weddings and child birth in the village. The Metis approached the police but the police didn't show any sympathy to the Metis and their families. For the survival of themselves and their wives and children, the Metis were forced to migrate to different cities in India. Jajul was one of the victims, who has for the last 5 years lived in Gorakhpur (a city in India few hours drive from Janakpur, Nepal border). Jajul came into contact with Pradeep Yadav a week ago when she came to see her old mother back in the village, Sarpale. Jajul was very happy to hear about the Blue Diamond Society and its support for Metis in Nepal. Jajul said that she will tell other Nepali Metis in Gorakhpur about BDS Janakpur and will bring them when they come back to Nepal after the next rainy season.
- On 24 September 2005, BDS inscribed about the Police brutality and threats to Blue Diamond Society. A number of Metis (effeminate males) and gay men were hanging around the streets next to Himalayan Java Café. As often happens, a few Policemen in civilian dress came to abuse the metis, trying to make some money and having free sex. One policeman named Nava Raj Adhikari, started abusing a young meti, Puspa (21 years old), by burning his cigarette on her hands, forcefully putting his hand on her private parts and asking her to come with him for sex. Puspa refused and tried to avoid him but he became more violent and pulled her hair and slapped her. When the other metis saw the man (policeman) being heavy handed with Puspa, they rushed to help her. Initially, the Metis were successful in chasing the policeman away. But after a while, the policeman, Nava Raj came back with more friends and started beating two other metis, Sanjaya (about 25 years old ) and Suntali (about 21 years old). Suntali was hit hard on the waist by a stone thrown by the policemen. Both Sanjaya and Suntali then ran away.

Then the policeman with more of his friends started beating other metis. The metis also threw stones back at the policemen. Two more Metis, Neema and Umesh, were injured and the policeman - Nava Raj - was also injured on his head. The policemen become more violent and started brutally chasing more metis.

Then they caught Kala Rai, a meti in her mid 20s. The policemen beat her with boots and fists and dragged her to the Durbar Marg Police Station, next to the Royal Palace. Nava Raj accused Kala Rai of hitting him with a stone.

Then more policemen from Durbar Marg were mobilized to abuse more metis. Three policemen in uniform came by a taxi no 1816 to Thamel and beat another meti - Rabi. She was badly injured on her leg, hands and backside when the policemen beat her with sticks and boots.

In Durbar Marg Police station, Kala Rai was kept for one day and asked to pay Nepali rupees 1800 to compensate the policeman, Nava Raj, otherwise, she was threatened to be jailed for 6 months and to pay a fine up to Nepali rupees 28,000 on a public offence charge. Poor Kala Rai (who is living with her already compromised immune system), became scared and agreed to pay as much as she could. Yesterday evening, 25th September, she was released after she paid Nepali rupees 1000 with the support from BDS members.

During the day (25 the September 2005), Blue Diamond Society called the National Human Rights Commission and Human Rights Cell of the Nepal Police to come and monitor/report the case. Both of them refused by saying 'it seems to be a fight between a meti gang and a Police gang' and they couldn't get involved. FWLD's lawyer Rup Narayan Shrestha came to help at the Durbar Marg Police Station and suggested "It's better for Kala to compromise with the police as her position in this case is too weak and police can twist the case around to give Kala more trouble."

- On 12 January 2006, Human Rights Watch said in a letter to Nepalese authorities that a string of police attacks on transgender people reflects the vulnerability of Nepalese in a climate of violence where civil liberties remain restricted. "Police in Kathmandu are violently attacking and even sexually abusing transgender people to clear the streets of people they deem immoral," said Scott Long, director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch. "Nepali human rights groups are calling this crackdown 'sexual cleansing.' This amoral campaign has to stop." Human Rights Watch says there has been a pattern of arbitrary arrests and violence against "Metis", who identify themselves as women. The organisation has called for a full investigation of such abuse and appropriate punishments. Police in Nepal say they are taking the allegations very seriously. However, the head of a human rights cell in the police said many of the Metis were working as prostitutes and that as this was illegal in Nepal, raids on hotels were "permissible".
- On 16 January 2006, Human Rights Watch petitioned the government of Nepal, demanding an end to the police brutality aimed at its LGBT community. Human Rights Watch has sent a letter Thursday to the government of Nepal, demanding an end to the police brutality aimed at its transgender and homosexual communities.
- On 9 April 2007, 365Gay.com published the news that two young lesbians captured by Maoist guerrillas in southern Nepal have been released. The LGBT rights group. Dukhani Choudhary, 16, and Sarita Choudhary, 20, said they had been seized on March 2 after the rebels who control much of the south discovered the pair was gay. They turned up at the Society's office in Kathmandu, the capital, on Monday. The women said that they were on their way to work at a local HIV/AIDS office when they were taken prisoner, according to Blue Diamond. The women, from impoverished families and nearly illiterate, worked as cleaners at the office. Referring to Blue Diamond the news said that women were taken to a rebel camp, questioned and then imprisoned where they were beaten until they renounced homosexuality. The women reportedly were then freed, after agreeing to join the Maoists. They said they slipped out of a rebel camp and made their way to the capital. Nepal has come under increasing international condemnation for its treatment of sexual minorities. In January, U.N. High Commissioner for Human Rights, Louise Arbour, criticized the new government of Nepal for not ending discrimination against the LGBT community. Members of the

LGBT community are arbitrarily arrested, held without a hearing and beaten and tortured by prison guards. Last year police arrested 26 transsexuals in one raid.

- On 17 April 2007, 365Gay.com published the news that The Communist Party of Nepal must stop anti-gay violence by its cadres and renounce anti-gay rhetoric, Human Rights Watch said today in a letter to lawmakers. The former rebel Maoists are now part of the Nepalese government. In the most recent known example of discriminatory attacks, Maoist soldiers detained a woman and a teenage girl accused of having a sexual relationship and tried to force them to become Maoist soldiers.

In March Maoists detained a 16-year-old girl and a 20-year-old woman on suspicion that they had a sexual relationship. The two were on their way to a celebration of the annual Hindu Holi festival in Pankali village in Sunsari district that had been organised by the Human Welfare Society, a Nepali non-governmental organization working on issues of HIV/AIDS and human rights. According to the Blue Diamond Society, another Nepali group working in the field of health, sexual rights and HIV prevention, the two were held for eight hours at the Maoist camp in Singiya village in Sunsari.

They were intensively interrogated about whether they were homosexuals, and informed by a Maoist cadre that they would have to "undergo a blood test to check if they were lesbians." Officials from the Human Welfare Society were also summoned to the Maoist camp and subjected to interrogation. The girl's family had used violence on several occasions against the couple and had demanded that the Maoists take action against them.

In late 2006, the girl and woman were abducted and held in a Maoist camp at Lochani village in Morang District. At the camp, the Maoists called the alleged couple derogatory names for homosexuals and ordered them to join the Maoists as soldiers because it would lead them to the "straight life." When they refused to carry weapons, they were deprived of food and beaten almost daily. After one month, they managed to escape.

- On 7 May 2007, a meti called Binda Gautam was walking on the area of lakeside dance restaurant Pokhara, a western town of Nepal, with other four meti friends at around 11 pm. A local police officer approached them for sex which they rejected. The police claimed that they were homosexuals and returning home. The police officer brought other 3 police officers and threatened the meties saying that if they refused, they would be arrested. Still the metis refused and the police accused them of stealing money from the police officers' purse and arrested. Even in the police station the same police offered for sex. The meties once again rejected their proposal but this time the policemen manhandled them tore down their clothes as they remained naked the whole night in custody. The metis requested the police not to behave like that but the police said if metis were ready to have sex they would release them otherwise they would be compelled file a legal suit for stealing. The metis didn't accept it anyway rather informed their family about the arrest. The family released them later. Next day police circulated the news that 4 homosexuals were arrested on charges of stealing money. Refusing the police officers proposal for sex mad them suffer and be falsely accused for stealing.

- On 12 June 2007, at 8pm Chandra Gurung, a homosexual, was talking to other Meties and a friend at Ratnapark. A Durbar Marga police van approached and officers asked the Metis to move. Other Meties decided to leave quickly, but Chandra was moving slowly. Police beat him for walking slowly. He received injuries on his face and leg. The next day he came to Blue Diamond Society to file his complaint. The lawyers spoke to the police over the telephone who admitted their mistakes and stated that such incidents would not repeat.
- On 15 June 2007 a meti called Dipa was walking around Thamel area with two other meti friends at around 10 pm. The group of police from Sorakhutte started to beat them using filthy language like "Chhaka, Hizara". Her two meti friends ran away but Dipa protested saying the police not to use such words. The police became more violent and again started baton charging. One of the police officers ordered another to detain her and put her in the police van. The police took her to Sorakhutte police station and detained for two days without even giving her drinking water. Even in the custody, police gave her physical and mental torture. Sometimes she was kept along with male inmates and sometimes she was transferred to the female custody. Police repeated such behavior more than 10 times. Dipa requested the police to stop such insulting behavior but police didn't listen to her. They said there is no room for a "Hizara" in police station. After two days of detention she informed Blue Diamond Society's human rights officer about her arrest. Immediately the lawyer and one human rights officer went to the police station for her release. The lawyer filed a complaint at the national human rights commission and police human rights cell.
- On 2 July 2007, a Meti named Tina and two other friends were returning from a disco in Thamel at about 1am in the night. They were in front of the Sanchayakos Building when a Durbar Marga police van stopped in front of them and started baton charging. Other Metis fled the scene but Tina did not move. As a result of the beatings she received swelling injuries on her left leg and hand. She asked the police not to beat her without any cause, stating that it was her right to walk on the street at any time. However, the police officers were drunk and insulted her by using derogatory words. They continued the abuse by touching private parts of her body. She came to Blue Diamond Society to file a complaint. The same day BDS lawyers filed a complaint at the police Human Rights Cell in Naxal. They also went to the Durbar Marga police station to discuss the matter. Inspector Ramesh Thapa apologized and stated that he would do his best to stop the violence against the Metis. He also reprimanded the officers who misbehaved with the Metis and warned them not to repeat such activities or face serious action.
- On the night of July 14th, 2007 at 9:00, four Metis named July Chamling, resident of Lazimpat, Sandhya Lama, resident of Kalanki, Simmy, resident of Maharajjung and Diwakar resident of Kathmandu (Name changed of obvious reasons) age 27, 17, 30, and 19 respectively were sitting at Ratnapark when a Janasewa police inspector named Pradip Singh along with another two police officers approached them. They asked the Meties Sandha and Diwakar why they were sitting there. The officers then proceeded to check their purses. When they saw condoms in their purses the police became violent both verbally and physically. They forced Sandha and Diwakar to remove their clothes, leaving them naked on the street. The officer's then forced the Metis to perform a sexual intercourse for them. At the same time another community member, Juli, saw the police officer's inhuman behavior and she requested the police to stop that. As a result, the police became more violent and began to brutally beat Juli as well. She received injuries on the right leg, neck and hand. She immediately called the senior police staff of Janasewa for an investigation but they would not help the Metis. Immediately the Meties went to the Durbar Marga Police station to file a complaint but there too the police refused to register a case stating the incident took place in

Ratnapark which was not under their jurisdiction. They told the Metis to go to the Janasewa police. The next morning at 10am they filed the complaint at Janasewa police station. The police did not take any action against the culprits. After filing the case the Metis came directly to the Blue Diamond Society to inform about the incident. Lawyers documented the complaint and a community officer took them to Bir Hospital for a medical checkup. The complaint was filed at the National Human Rights commission and Police Human Rights Cell. The case is similar to the torture and compensation case filed at Kathmandu District Court demanding punishment to the police and providing compensation to the victims. The case has been running since.

- On 15 July, 2007 a meti called Smirika Rai, was talking to other Meties at around 12 pm at Thamel. A Durbar Marga police van approached and officers asked the Metis to move. Other metis ran away except Simrika. The police officer started baton charging at her saying "Chhaka Hizara". She received serious injuries on her body including her private parts. The same day she came to Blue Diamond Society to file a complaint. The officer of Blue Diamond society took her for a medical checkup and her complaint was filed at the National Human Rights commission as well as Police Human Rights cell.
- On 7 August 2007, PinkNews published the news 'Lesbian' soldiers dismissed from Nepalese army. Two female personnel have been kicked out of the army of Nepal on suspicion of being lesbians. The Kathmandu Post reports that the pair were court-martialled after being found in bed with each other. They said that nothing sexual had occurred, but that charges of lesbianism were brought against them by their superiors. Nepalese army spokesman Brigadier-General Ramindra Chhetri told the Post the women were dismissed because they "lacked discipline" and refused to comment on the lesbian allegations. The position of gay, lesbian, bisexual and transgender people in Nepal has worsened in recent months.
- On 18 August 2007, a meti called Rekha Thapa was walking at Thamel area at around 11 pm. She was in front of the Sanchayakos Buliding when a Durbar Marga police van stopped in front of her and started a beating her using derogatory language as "Chhaka and Hizara". She received injuries on her leg and hand. The meti asked why she was beaten and if she didn't have any right to walk on the street. The police kept her inside police van and was released next morning.
- On 28 August 2007, Bipasha Rai, a 23 year old transgender was walking in the Thamel area at 11pm. A Durbar Marga police van with registration number 5575 stopped in front of her. A group of police got off the van and one of them started beating Bipasha using vulgar words such as "*Chhaka and Hijara*". The police officer touched her private parts. Bipasha told the officer that it was her human right to walk on the street. Immediately after her retaliation, the policeman got more violent and started brutally beating her. The officer replied by saying, "Let's see how your human rights work." She was badly injured; her left leg was swollen and bruised. She also had her muscles ruptured. She lied down on the street. She repeatedly requested the police not to beat her, but they would not listen. She attempted to stand, but was unable because of excessive pain. Eventually a taxi driver helped her back to her room. She was unable to sleep that night because of pain. The following morning she came to Blue Diamond Society to file a report. A human rights officer took her to the hospital for a medical checkup. She was badly discriminated against, even in the hospital. The doctor harassed her with questions concerning her sex. A BDS lawyer went to the police station taking her report and photos of her injuries. After a long discussion the police agreed to stop such behavior within. BDS is filing the case to the NHRC as well as police Human Rights Cell.

- On 1 September 2007, a meti called Mina Pun was returning to her room from Sunauli Bhairahawa at around 10 pm. The police misbehaved with her shouting *Chaka and Hizara*. She requested the police to use respected words because they were also human beings like him. Then the police officer replied he would not correct his language and if she spoke more then he would arrest her. Just because she was a homosexual, the police gave unnecessary harassment to her.
- On the night of 5th Nov 2007, a Meti called Garima Sapkota was severely beaten by four police men from Durbar Marga police station after refusing their request to have sex. She sustained severely injuries on her leg and back. She was kicked in the face and her lip was bruised and swollen. She was pinned to the ground and unable to get up. She yelled knowing she was denied to her rights but the police continue to beat her. After that the policemen went away leaving her alone on the street. Next morning she came to Blue Diamond Society to report the incident. Blue Diamond Society employ then took her to the hospital for emergency check up. After that Blue Diamond Society took her to the police station for discussion. Finally Inspector Ramesh Thapa and other police officers admitted their mistake and stated that such behavior would not be repeated. They also requested the community people not to create any obstacle on the street.
- On November 21, 2007, the Supreme Court of Nepal heard a writ petition submitted by Blue Diamond Society (BDS) and three other Nepali LGBTI groups demanding protection of their legal rights. Their demands were threefold: to recognize the civil rights of transgender people without requiring them to renounce one gender identity for another; to create a new law preventing discrimination and violence against LGBT communities; and to require the state to make reparations to LGBT victims of state violence and/or discrimination. In response to a request by BDS for legal observers to be present at the hearing, the International Gay and Lesbian Human Rights Commission (IGLHRC) commissioned a team of lawyers from India, Vivek Divan and Arvind Narrain, to serve as court observers and share legal strategy with BDS legal counsel.

Below is a release by Sunil Pant of BDS announcing that day's victory:

Great victory of Nepalese LGBTI!

Supreme Court of Nepal issued directive orders to the Government of Nepal to end discrimination against LGBTI and ensure equal rights as heterosexual men and women in Nepal. Four LGBTI organizations including Blue Diamond Society had filed a writ petition in last April 2007(05/01/2064) demanding to defend and protect equal rights of lesbian, gay, bisexual, transgender and intersexed (LGBTI) people of Nepal. After having heard 3 times over the last few months, Supreme Court of Nepal has recognized LGBTIs today as natural persons



Picture by Usha Titikshu/SANGYA group at the front yard of Supreme Court after the historic decision. <http://www.insn.org>

It is believed that LGBTI will enjoy, today onward, all the rights according their sexual and gender identities as other genders enshrined by the Constitution of Nepal and human rights conventions in which Nepal is a State Party. The Court issued directive orders to Nepal government to ensure rights to life according to their own identities and introduce laws providing equal rights to LGBTIs and amend all the discriminatory laws against LGBTI's rights as well. On the issue of same sex marriage, The Court has also issued directive order to form a 7 member committee (Doctor appointed by Health Ministry, one representative from National Human rights commission, law Ministry, socialist appointed by government of Nepal, representative from Nepal police, representative from Ministry of population and environment and one advocate as a

representative from the LGBTI community) to conduct study about the other countries'/international practice on the same sex marriage. Based on the 7 member committee recommendation government will make appropriate law. We, all LGBTI Nepalese, are extremely happy and proud on Supreme Court whose decision is extremely progressive on such a difficult issue for our society, especially on the matter of gender identity to the possible extinct. This is the first time ever any Supreme Court has spoken such a positive manner on gender identity issues ever on the world. We salute our honorable judges Baram KC and Pawan Kumar Ojha. We would like to express our sincere gratitude to all friends, leaders, media, civil society, international support, political parties, OHCHR, ICJ, National Human Rights commission, Human Rights Watch, FWLD, Front Line Defenders, ILGHRC, Lawyers Collective, Alternative law forum, NFI, Outrageous, ARC international and our lawyers (Hari Phunyal- ICJ, Rup Narayan Shrestha- FWLD, Hari Upreti, Bhuvan Niraula, Sarmila Dhakal, Prem Rai-ICJ, Chandra Kanta Gaywanli). I also salute our LGBTI communities who have fought for years and stood for these rights even in difficult times and situation, without whose collective struggle it would have never been possible. We would like to express our hearty thanks to our donors, LLH/Norad, HIVOS, Dutch Embassy, Astraea Foundation, Sigrid Rausing Trust, CCOs, Sidaction, Elton John Aids Foundation, FHI, PSI, DFID, Global Fund for Women, Mama Cash, Urgent Action Fund, and Butlars County and many more.

- On Thursday, 29 December 2007, a Meti called Sweta was returning to her room from Thamel at around 12 PM. Two civilian people came to her and asked to return a cell phone. Sweta was unknown about the mobile and she didn't recognize them. She asked them why they were talking about the mobile. Then those guys started to threaten her if she does not return the mobile then they would call the police. Sweta repeatedly told them she didn't know the guys and mobile. Sweta knew that those guys were trying to blackmail her. But those guys filed a complaint at Janasewa police station. The police detained her for two days without even giving drinking water. After the third day of detention, she called the BDS Human Rights officer. The lawyer immediately went to the police station and released the meti. The BDS officer asked the police about the reason of the detention for more than 24 hours. But police didn't say anything.

- On 24 January 2008, four meties were badly beaten and arrested by Tinkunae police without any cause at 1pm night from their room (Bhimsengola) while they were returning from the Themal to their room. Earlier, two armed drug addict caught them threatened them to kill if they denied having sex with them. The meties were afraid but were able to run away from there and went to their rooms. Those guys became more aggressive and stalked them up to their rooms before knocking at the door. The poor meties were afraid and requested for help with the house owner and neighbors. But all of them refused to help them saying that they were chhakas and hizaras. Instead the house owner ordered them to leave the house immediately ignoring their call. Meanwhile the addicted kept knocking at the door for more than two hours and created chaos there quarreling loudly. This prompted the locals to force them to leave the house immediately. Those aggressive guys broke the window panes of the nearby acting DSP's house and ran away. The DSP and his wife immediately called the Tinkunae Police and ordered to arrest the meties although they knew that the meties were innocent. The meties tried to convince the police but no one was ready to listen to them. The police badly beat and even broke the mobile set of the meties and forced them into the police van. They were kept in custody even without a glass of drinking water for 24 hours. Police were preparing to take them to the court seeking permission to prolong their detention and in the nick of the time the meties informed the BDS lawyer about their arrest. Lawyer immediately went to the police custody and asked the reason for their arrest. The lawyer reminded the police that they didn't have any right to keep anyone under detention for more than 24 hours. After a long debate police were ready to release the meties threatening that if they walked at the nighttime they would be again arrested. Those four innocent were detained even without being given drinking water just because they were of the LGBT community. Lawyer reported the incident to the national Human rights commission and OHCHR.
- On 7 February 2008 around 5.30 evening the staff of the Human Welfare Society Itahari were celebrating one of the fellow trans-gender's birthday. At the time, ten police officers (Near Budhi River Bridge) came under the command of sub-inspector Murari Shrestha. They misbehaved and teased the group of community people pointing guns and Lathis and abusing with words like *Chhaka* and *Hizara*. The community people requested them to use descent language, but the police officers laughed at them and continued teasing them.
- On 8 February 2008, the community people went to the regional police station at Itahari to file a complaint. But the police inspector Biswamani Pokharel rejected to register the complaint saying that was not their area rather suggested to go to the Morang Police office. He also said he would inform all the incidents to the Morang police station. Human Welfare Society informed the case to Head of program OHCHR Siwani Barma and she came to visit the office at around 12:00 in the afternoon. The Society also informed the regional program officer of National Human Rights Commission Ritu Gautroula. On the same day the president of Human Welfare society and other community members including the Head of the program OHCHR, Siwan Burma went to the Belbari Police Station to file a complaint against the police officer. They demanded to take necessary action to the police officer as well as apology from the police officer for the mistake in written. The team also said that if the police officer repeated such behavior in future, the society member would file case at the court. Finally, the issue was settled with the written apology from the police officer concerned.

- On 9 February 2008 a meti called Garima Sapkota was walking near the Sanchayakosh building, Thamel at around 10 pm. Three civilians purposed having sex with her. When the meti asked 500 rupees for three people, those civilians started beating her saying that they were police officers and they would not pay for sex. She sustained severe injuries on her face, leg and back. She was kicked on the face and her lip was bruised and swollen. Those guys ran away looting her mobile. Armed Police Force personnel caught the thugs in request for help of the Meti and took them to Durbar Marga Police Station. Police detained them the whole night and released the following morning. On the same night, 10<sup>th</sup> Feb, those civilians came to Thamel in search of Garima. When they saw her, they started brutally beating her saying she was the same who detained and accused for looting mobile the earlier day. When other metis saw Garima being beaten by some people, they ran to help and brought the civilian at Durburga Marga Police Station. The meti filed a complaint demanding compensation. After the investigation, police found that those civilians were rickshaw pullers. The case was settled after two days as BDS lawyer brokered a deal between the two sides after those guys were ready to provide compensation to the meti.
- On the night of February 16th 2008, Four metis; Suntali, Strawberry, Anjali and Sofi were walking in front of the Go Go Bar at Thamel at around 11.30 pm. Few policemen under the command of assistance sub-inspector approached the metis. The sub-inspector started beating the meti named Strawberry. The other meti Suntali asked the police why they beat his friend. The police became more violent and ordered other police officer to baton charge at the metis. After getting injured, the meti named Suntali snatched the baton from the police and hit on his head of one policeman in retaliation. The police got injured and fell down on the street. The police started to blindly beating all the metis gathered there. The metis, especially Suntali and Strawberry, sustained serious injuries on there face, hand and back. The police handed over the baton to other police who were present there in civil dress. The Police team immediately called a police van along with reinforcement to take the situation under control. More policemen were mobilized in the area. The large number of policemen started beating the metis who ran away for cover. The second van of Durbar Marga caught them near Narayanhiti Palace and tried to force them inside. After a long debate, the van commander left them. Metis were unable to file the complaint at the police station as the police officer denied registering their case. On the following day, the injured metis came to BDS to file the complaint. BDS lawyer went to the police station and successfully settled the debate.
- On 23 June 2008, APRainbow wrote Nepali Third Genders not Equal Citizens of Nepal. The news further states that it is a matter of grave concern that the Government of Nepal continues not to respect Nepali third genders as equal citizens of Nepal. Like many marginalized and voiceless Nepali people, homosexuals and third genders fought against autocracy and took to the streets for democracy during the 2nd people's popular movement in Nepal in 2006. Now democracy has prevailed in Nepal and Nepal has become a Federal Democratic Republic but many homosexuals (person attracted to same gender) still remain without any rights and many third genders (persons different than man and women) are either compelled to carry a wrong citizenship ID or are denied any recognition as citizens of Nepal at all.

Many sexual and gender minorities still face violence, abuse and rape. Many sexual and gender minorities are excluded from education, employment and health care. There is not a single overt sexual or gender minority person that holds any government position and when found that any person is of a sexual/gender minority, the person is immediately expelled from the job. An example of this is last year when Bhakti Shah was fired from the Nepal Army for being sexual/gender

minority after serving with full responsibility for 4 years as physical training officer in Nepal Army training center, Kharipati, Bhaktapur.

- On 23 June 2008, APRainbow covered the following news:

### **Nepali Third Genders not Equal Citizens of Nepal**

It is a matter of grave concern that the Government of Nepal continues not to respect Nepali third genders as equal citizens of Nepal. Like many marginalized and voiceless Nepali people, homosexuals and third genders fought against autocracy and took to the streets for democracy during the 2nd people's popular movement in Nepal in 2006. Now democracy has prevailed in Nepal and Nepal has become a Federal Democratic Republic but many homosexuals (person attracted to same gender) still remain without any rights and many third genders (persons different than man and women) are either compelled to carry a wrong citizenship ID or are denied any recognition as citizens of Nepal at all. Many sexual and gender minorities still face violence, abuse and rape. Many sexual and gender minorities are excluded from education, employment and health care. There is not a single overt sexual or gender minority person that holds any government position and when found that any person is of a sexual/gender minority, the person is immediately expelled from the job. An example of this is last year when Bhakti Shah was fired from the Nepal Army for being sexual/gender minority after serving with full responsibility for 4 years as physical training officer in Nepal Army training center, Kharipati, Bhaktapur.

- On 19 September 2008, referring to the unknown source, the same APRainbow covered the news with headlines 'Nepal Citizenship Under 'Third Gender' as following:

Pokhara, Nepal - The local administration issued a citizenship certificate to a transgender person under a "third" gender category, Monday. Bishnu Adhikari, 21, of Dhikurpokhari VDC ward-9 in Kaski district, was issued such an ID as per a Supreme Court verdict handed down last year, said administrative officer at the District Administration Office Taranath Adhikari, who issued the citizenship. The Apex Court handed down its verdict on December 21 last year, thus allowing lesbian, gay, bisexual and transgender (LGBT) people to obtain citizenship certificates and avail of other rights at par with other citizens of the country.

This is the second time such an ID has been issued after Chanda Musalman of Banke district got a citizenship certificate with "male and female" mentioned under the gender category in January last year. "I'm a daughter biologically, " said an upbeat Bishnu Adhikari Thursday, adding, "But socially, I'm a son. Right from my childhood I started putting on pants and other boy's clothing instead of girl's garb like skirts."

According to Adhikari, it was very difficult to get such a certificate. "Even the VDC secretary was first reluctant to recommend me as a third gender person. However, I insisted and finally got it." When asked about this, Chief District Officer Baliram Prasad Singh denied having any information. "I'm looking into the details as to who issued such a citizenship as there has been no such directive from the Home Ministry."

Officer Adhikari, however, insisted that he issued the certificate as per the Supreme Court verdict. "I gave it as I understand that a court order is as good as the law." Meanwhile, Blue Diamond Society, an organization working for the rights of LGBTs, hailed the Kaski DAO's decision on

issuing such a certificate. "This is a landmark decision for sexual and gender minorities in Nepal after the Supreme Court verdict," a press statement read.

- On 17 November 2008, PinkNews wrote as follows:  
Nepal's highest court confirms full rights for LGBT people  
By Staff Writer, PinkNews.co.uk

A Nepali MP has said his "eyes were filled with tears" when he read the full written decision of the country's Supreme Court on a writ petition from four organizations representing lesbian, gay, bisexual, trans and intersex people. A summary decision was issued in December 2007, when the court issued directive orders to the Nepal government to ensure the right to life according to their own identities and introduce laws providing equal rights to LGBTIs and amend all the discriminatory laws.

The final judgment was issued today. It reiterates that all LGBTIs are defined as a "natural person" and their physical growth as well as sexual orientation, gender identity, expression are all part of natural growing process. Thus equal rights, identity and expression must be ensured regardless of their sex at birth. The writ petition was filed by Blue Diamond Society and other 3 LGBTI organizations in Nepal demanding the protection and defense of the equal rights of sexual and gender minorities.



"Reading this decision my eyes were filled with tears and I felt we are the most proud LGBTI citizens of Nepal in the world," said Sunit Pant, Nepal's only gay MP. "A legal note of point has been raised for the new constitution of Nepal while ensuring the equal rights to individuals, like the bill of rights from South Africa, and non-discrimination provisions on the grounds of sexual orientations and gender identities must be introduced."

The Court has also issued a directive order to form a seven-member committee, with a doctor appointed by Health Ministry, one representative from National Human rights commission, the Law Ministry, one socialist appointed by government of Nepal, a representative from the Nepal police, a representative from Ministry of Population and Environment and one advocate as a representative from the LGBTI community, to conduct a study into the other countries' practice on same-sex marriage. Based on its recommendation the government will introduce a same-sex marriage bill.

- On 20 January 2009, PinkNews wrote giving the headings 'Nepalese MP honored for work fighting homophobia'. The news further states that an MP from Nepal is one of five people who have been recognised for their significant contributions toward eradicating homophobia. Sunil Pant will receive the Monette-Horwitz Trust Award, as will Gavin Newsom, Mayor of San Francisco, and Anastassios Aliferis, the mayor of a Greek island who defied the authorities and married same-sex couples. Since 1998 the Trust has conferred the awards on people or organizations fighting homophobia. Awardees received a \$2,500 (£1,790) stipend.

In May Mr Pant, founder of Blue Diamond Society, was named as one of five representatives of the Communist Party of Nepal-United in the 601 member new constituent assembly. The Maoists are the largest party with 220 seats. Maoist insurgents, who fought a ten-year guerrilla war against monarchist forces at a cost of over 12,000 lives, finally signed a peace agreement with the new

democratic government in November 2006. LGBT people joined the Maoist rebels and others to protest in a democracy movement against the king, demanding a freely elected, secular government.

- On 3 February 2009 - thaindian.com covered the following news:

#### First transgender choir strikes gay rights chord in Nepal

ICT by IANS –

Kathmandu - Bhakti Shah faces an uphill struggle to get her job back a year after Nepal's army sacked the physical training instructor for being involved in a lesbian relationship with a trainee. "I have filed a case in the Supreme Court," says the 24-year-old, who looks like a teenaged boy with her close-cropped hair and wiry frame.

"But the hearing can't start until the army has completed its procedure and the army is deliberately prolonging it." Shah's partner, who too was sacked by the army, has been disowned by her family for refusing to end her relationship. She now faces a harrowing time in college. "I am studying management," says the 23-year-old, who does not want to be named. "But I can't attend class because the other students mock at me."

Suman Tamang, 26, who comes from Nepal's tea garden district of Jhapa in the east, has a similar story. Rejected by her family after she decided to begin a same-sex relationship, Tamang now works as a peer counsellor at Blue Diamond Society (BDS) in Kathmandu, Nepal's pioneer gay rights organisation. "Sundays used to be the worst days for me," Tamang confesses. "With the office being closed and nowhere to go, I used to have dark thoughts about how my family and friends treated me and I would become depressed. "But now, I have begun looking forward to Sundays. They have become fun days."

For nearly two dozen gays, lesbians and transgenders like Tamang and Shah, Sundays now have a new purpose, thanks to the first transgender choir that made its debut with a concert at a hotel in Thamel, the capital's tourist hub, Sunday. The choir is the brain child of a Dutch gay couple, Sjoerd Warmerdam, 21, and Jaco Van Dendool, 29, who first visited Nepal in February 2008, came in contact with BDS and decided to stay on. Joined by a third tourist, 28-year-old Marloes Oudeman, the three set up a band, Poesie and the Fags, and began to play gigs in Thamel's hotels.

"We saw how gays are treated in Nepal," says Sjoerd. "They are thrown out by their families and no employer would give them a job. We saw the interest they have in music and dancing and we thought of forming a gay band. It is meant to get together and have some fun afternoons."

- On 19 March 2009, MyRepublica.com published an article by by Kushal Regmi on the heading of Nepal's sexual minorities on the move which is follows:

Kathmandu, On February 25, Sunil Babu Pant received the Monetts-Howitz Trust's annual award for making a significant contribution for work against homophobia. This is not the first time that Pant has received an International award. But this time it was, in Pant's own words, more special because a representative of the Monetts-Howitz Trust, Winston Wilde, came all the way to Kathmandu from Los Angeles to present the award among his own people.

"There are so many gay organizations fighting for rights, but the work that has been done in Nepal is significant and thus stands out," says Wilde. As the work done by Blue Diamond Society (BDS), an organization of the lesbian, gay, bisexual, transgendered and inter-sex (LGBTI) people of Nepal,

gets recognition around the world, its members are also gaining more confidence in their fight to gain equal rights, but for many the fight against an age old taboo is still a lifelong struggle. A transgendered person who bumped into BDS a few years ago, Bhumika Shrestha, says the community of sexual minorities she found in BDS finally helped give her a sense of identity.

“Before coming here, I was utterly confused about how to regard my sexual orientation, my own acceptance, and how dependent I was on what others thought about me,” shares Bhumika. But now Bhumika not only found a community that accepts her as she is, but she is also taking the cause of the LGBTI community to places she hadn’t imagined before. Bhumika, currently the human rights officer at the Blue Diamond Society, has made it her mission to fight for the rights of the LGBTI community.

“We had gone to meet the President yesterday, and his response towards us is very positive,” says Bhumika. “Before we needed to hide, but now society has recognized our existence, although most remain prejudiced. Our major concern is that we still don’t have even the most basic fundamental rights,” she adds.

In December 2007, the Supreme Court issued a directive which contained three ruling points. These points included providing citizenship cards according to gender identity and also to insure equal rights for the LGBTI community. While laws are being amended at the judiciary front, Sunil Babu is lobbying at the Constituent Assembly, and the LGBTI community of Nepal is making notable progress, issues at the social front things remain more complex. A gay man I talked with did not want to reveal his identity because he says it would complicate things at home.

“Although I started to be aware about my sexual orientation when I was eleven years old, I still haven’t been able to say it to my parents,” he said. Now in his twenties and with a stable job, this member of the Blue Diamond Society says the reason for him to keep this secret from his family is, “because they just wouldn’t understand!” He is not alone though. According to Sunil Babu Pant, among the hundred and forty thousand members of the Blue Diamond Society, only five thousand have revealed their sexual and gender identities to their family.

Pant feels it will take time for the social stigma attached to the LGBTI community to change. As the first and only gay member of the Constituent Assembly, he receives mixed reactions from other CA members. “Many women members of the Constituent Assembly tell me that they didn’t know that a group more marginalized than they also existed, but many older men accuse me of increasing the number of gays in the country,” he says with a laugh. Winston Wilde of Monetts-Howitz says it takes a whole generation for social acceptance to occur.

“A generation ago, only 25% of college students raised their hand when asked if they had a gay relative, now 50% raise their hand. This doesn’t mean that the population of gays has increased, but the acceptance certainly has,” says Wilde. BDS states that on an international level eight to ten percent of the population of each country makes up the LGBTI community. Sunil Babu Pant says the case is the same in Nepal. And although he feels Nepal has made great strides towards gaining rights for the LGBTI community, he agrees with Wilde that it may take an entire generation before social acceptance is truly achieved.

- On 26 March 2009, - Gays Without Borders came with the news article  
**Nepal: Kathmandu, Luring Gays as Tourism Destination**

- By Baburam Kharel

Kathmandu - Life’s pretty rough on gays and lesbians, more so while travelling. Even on a simple occasion like eating out, more often than not they are subjected to discrimination. For instance, waiters get nosy about their appearance and may even ask them about their sexual

identity. Fortunately, thanks to Nepal's tourism and service industry, foreign gays and lesbians do not have to suffer like in other countries.

In a break from the traditional mindset, some of the country's tour operators have now geared up to lure foreign gay and lesbian tourists. Earlier, this kind of travel used to be closeted. A number of restaurants, discos and hotels have been established in the country that cater to gay and lesbian couples. Employees in these establishments have been trained to behave better so that visiting couples get the respect they are looking for.

Popular travel website [utopia-asia.com](http://utopia-asia.com) has listed these various places where foreign gays and lesbians are treated differently. However, proprietors of these venues rarely open up regarding the service they provide. Another travel website — [www.visitnepal2011.com](http://www.visitnepal2011.com) — has come to the fore calling gays and lesbians to visit Nepal. This website has posted a separate section for gay/lesbian travel but does not disclose its travel features.

Notably, according to Lonely Planet's website, some foreign gays and lesbians have been choosing the country as the most romantic rendezvous. Owing to the country's deep-rooted culture of respecting guests, scores of foreign gays and lesbians travel in the country every year without any hindrance, say travel operators. But this is a subject rarely discussed.

"It is something that foreign guests are always treated in a good manner," says Jyoti Adhikari, President of Trekking Agencies Association of Nepal, an umbrella organization of more than 700 travel agencies in the country. "Compared to other western countries, foreign gays and lesbians are not discriminated against here." Adhikari admits that a large number of travelers have been visiting the country since years and no case of discrimination has come to the fore. "Some restaurants and hotels in Kathmandu offer good treatment to these couples," he informs.

Likewise, Sunil Babu Pant, a lawmaker and president of Blue Diamond Society, an organization that advocates the rights of gays and lesbians, also admits these tourists have never been discriminated in the country whereas Nepalis from the same community are always prone to harsh treatment. "With travel package for foreign gays and lesbians, local sexual minorities can get employment opportunity in the tourism sector," says Pant. "The government itself should take initiative in this regard."

The Supreme Court in a landmark verdict recently said gays and lesbians were "natural" people. It directed the government to remove all discrimination against the community and ensure for them the rights enjoyed by all other citizens.

- On 24 August 2009 - Time magazine published the following narratives on the BDS movement in Nepal:

### **Why Asia's Gays are starting to win Acceptance**

- By Jyoti Thottam / Kathmandu

Sunil Babu Pant is a schoolteacher's son who grew up in the rough green mountains of central Nepal. The youngest of six children, indulged by his family, Pant remembers feeling attracted to other boys. But he wore that knowledge lightly, with the innocence of a sheltered child. Boys and girls played separately; Pant thought that his friends must feel just as he did. "It didn't appear as a problem to me growing up in the countryside," he says. "Even though I knew about myself, I couldn't define it."

By 28, Pant had a word for what he felt, and in 2000 he moved to Kathmandu, Nepal's capital, to find other gay people and some sense of belonging. What he discovered horrified him. After dark, a small underground subculture of gay men and women would meet each other in a few of the city's parks and ancient courtyards, gatherings that took place under a constant threat of

violence by the police. A law against "unnatural sexual conduct" was often used as a pretext for harassment, he says. "It was such an unseen, unspoken tragedy that was going on every day." Pant could have chosen to live as other gays do in Asia's conservative societies, hiding his sexuality behind a sham marriage while leading a dangerous double life. Instead, he decided to come out and to work against discrimination. "There was a choice to make," he says, "whether you feel threatened and live your life with misery, or you live with courage." In 2001, Pant and a few friends organized the Blue Diamond Society — named after the Diamond Sutra, a well-known translation of Buddhist teachings emphasizing compassion — to distribute information about HIV. The group later began documenting human-rights abuses against gay people, and its members sued to overturn Nepal's law criminalizing homosexuality. In December 2007, Nepal's Supreme Court ruled in their favor. Four months later, Pant, who was the main petitioner in the case, became South Asia's first openly gay Member of Parliament. By the end of 2008, the Supreme Court issued its full judgment, which not only nullified the old law but also established a "third gender" category for government documents. A newly formed government advisory committee is studying the possibility of legalizing gay marriage. In less than a decade, Nepal, a poor and devout Hindu kingdom, had become what the Indian writer and gay activist C.K. Meena calls "a gaytopia."

Rights and Recognition Nepal's transformation could only have happened in the first decade of the 21st century — and similar changes are taking place elsewhere in Asia as sweeping economic and social forces erode long-held prejudices. In India, the Delhi High Court recently struck down as unconstitutional a 149-year-old law criminalizing homosexuality, in a judgment so eloquent in its support of gay people's right to dignity that some wept in the courtroom as the last pages were read. In China this summer, Beijing and Shanghai hosted gay and lesbian festivals with little official interference — an achievement in a country where mass gatherings of any kind are tightly controlled. Tolerance isn't measured by any official statistic, but it's there in many forms — gay characters on television and in films, openly gay celebrities and gay public gatherings. Manila held Asia's first gay-pride parade in 1994; this year there were similar festivals in a dozen other Asian cities. "If nothing else, people aren't denying the existence of homosexuality anymore," says Jeffrey O'Malley, the director of the HIV group for the United Nations Development Program in New York City. "That's a huge difference from 20 years ago." The rising visibility of gay people in the region is just one of many social changes that have been accelerated by travel, urbanization, education, democratization and, most of all, the explosion of information across every imaginable medium. This isn't simply Westernization — the old argument that homosexuality is yet another crass cultural import from the West has been all but discarded. But the Asian social institutions and beliefs that often stood in the way of tolerance — religious conservatism, intense emphasis on marriage and having children, cultural taboos against openly discussing sexuality — are weakening. In some parts of Asia, space is opening up for homosexuals in society. "The debate about sexuality is in the realm of the constitution, of democracy, equality and human rights," says Gautam Bhan, a gay activist in New Delhi. "The terrain of the debate has shifted."

The Road Less Traveled Pant's journey from rural Nepal to Kathmandu's parliament — with detours through a college campus in Belarus and the nightclubs of Tokyo — reveals how one gay man and his community came to terms. By leaving Nepal as a young college graduate, he experienced for the first time both homophobia and acceptance. In 1992, he went to Belarusian State Polytechnic Academy in Minsk to get his master's degree in computer science. The newly independent country, which had been part of the Soviet Union, welcomed students from the

developing world, but he arrived at a time of growing hostility toward homosexuals — a banner at the college's medical clinic warned "Beware of Gays." He spent five years hiding who he was. "I understood that my sexuality could be a problem to the authorities and I could be deported," he says.

After completing his degree, Pant decided to take a trip to Japan as a volunteer for an environmental group. In Tokyo, what was originally scheduled to be a two-week sojourn stretched to three months as he immersed himself in one of Asia's most established gay subcultures. Homosexuality has a long history in Japan, with allusions to it documented as far back as the 11th century Tale of Genji. Attitudes changed with the growing influence of Christianity in the 1800s, but since the 1880s Japan has not had laws punishing homosexuality like those passed throughout the British colonies during the same period.

This quiet tolerance doesn't include legal rights or full social acceptance, but it does allow Japanese gays and lesbians a limited freedom. Tokyo has long had its own Chelsea in Shinjuku 2-chome, a neighborhood full of shops, nightclubs and bookstores catering to gay people. That's where Pant read about the 1969 Stonewall riots in New York City's Greenwich Village, an uprising against police harassment that many consider the beginning of the gay-rights movement. In Tokyo, Pant also discovered ancient Hindu texts celebrating same-sex love. When he returned to Nepal, he used this knowledge to explain to his parents that homosexuality was part of Hinduism's old traditions. This made coming out to them easier. "They had some questions," he says. "But when you talk about culture, about religion, it's not something foreign, somebody telling you something from outside."

His mother's worst fear, Pant says, was that he would be a victim of violence. "She was terrified," he recalls. After the Supreme Court ruling in 2007, such incidents are rare, although his parents still get upset when his political opponents make derogatory comments. Those are among the few intrusions into his otherwise ascetic life. His longtime partner recently moved to Bangkok, so he lives with his parents and grandmother in Kathmandu, spends time with his nieces and nephews, and visits his village regularly.

In Nepal, as in the rest of the world, the fight for gay rights is closely linked to the fight against HIV and AIDS. The deadly virus was initially tagged as a "gay disease" in the West, and its early victims struggled against a blatant and sometimes violent backlash. In Asia, homophobia took a different form: denial. For years, authorities asserted that HIV couldn't be a problem because homosexuality simply didn't exist. But by the late 1990s, it was obvious that HIV/AIDS posed a serious public-health threat that would only get worse if ignorance remained official policy. It's no coincidence that Pant's Blue Diamond Society initially worked on AIDS issues. Because of a global effort by public-health authorities and governments to raise HIV/AIDS awareness, "it was where we could get funding," Pant says.

This support gave him a platform to organize the local gay community — as it did for pioneers in the gay-rights movement in other countries. Anjali Gopalan, an activist in New Delhi, was there at the beginning of HIV/AIDS-awareness efforts. Trained in political science and international development, she moved to New York City in 1985 at the height of the AIDS epidemic and was involved in some of the first attempts to bring information about the disease to immigrants and the poor.

The experience proved to be a personal awakening. "It makes you learn a lot about your own culture," she says from a brightly painted office in south New Delhi, "to understand discrimination, to understand equality, to learn how to respect differences." After Gopalan returned to India in 1994 to be closer to her aging parents, she started the Naz Foundation

(India) Trust, one of the country's first HIV/AIDS groups. Well before India's economic boom or the push to decriminalize gay sex, the movement helped to introduce issues concerning sexual orientation and sexuality into India's public discourse. "The government itself was funding programs for men who have sex with men," she says.

— with reporting by Jessie Jiang / Beijing, Coco Masters / Tokyo, Madhur Singh / New Delhi and Omar Waraich / Lahore

- In September 2009, The Rising Nepal published an article titled **with ‘Ensuring Rights Of Sexual Minorities’**

- By Laxman Datt Pant

Nepal is in the process of drafting a new constitution. The issue of inclusion has been the top agenda for many of the political parties. Many groups including indigenous people, Madhesis, women and marginalised groups have been lobbying to make the constitution inclusive. Sexual minority groups have also been lobbying for a guarantee of their right to identity.

Supreme Court orders although sexual minority groups that include lesbians, gays, bisexuals, the transgender and intersex (LGBTI) are frowned upon in the Nepalese society, on December 20, 2007 the Supreme Court directed the government to enact laws to provide equal rights to the LGBTI citizens. It was a welcome step by the court. The Supreme Court order states that all LGBTIs are natural persons and their physical growth as well as sexual orientation, gender identity and expression are all part of a natural growing process. Thus equal rights, identity and expression must be ensured regardless of their sex at birth. However, no concrete measures have been initiated yet by the government to ensure LGBTI rights.

The LGBTI community in Nepal identifies itself with a terminology different from those used in the Western countries. For example, effeminate homosexual men are referred to as metis, singlarus or kothis. Gay or bisexual men are known as dohoris. The sexual partners of the metis and dohoris are known as tas. They see themselves as masculine and mostly act like heterosexual males. And those who are born biologically male and wish to be female are called hijras or eunuchs.

One hardly finds an open gay life in Nepal. Gays are mostly either forced into marriage by their families or are left with no choice but to leave the home. Though Nepal has no laws that criminalize homosexuality, under the bestiality chapter, an unnatural sexual act is punishable by up to one-year in prison or a fine of Rs. 5000. However, there is no law to define what a natural and unnatural sexual act is.

There is no statistics regarding the LGBTI populace as they are not regarded important in Nepalese society. Nepal's national Central Bureau of Statistics (CBS) is contemplating including the 'third gender' in the 2011 census. The CBS is also pondering the option of a survey to count the number of LGBTIs in Nepal. Blue Diamond Society (BDS) estimates there are some two million homosexuals and people of the third gender in Nepal. About 40,000 are registered as the third gender with its offices in 35 districts across the country.

Nepal is the first South Asian country to recognize the rights of the LGBTI. Recently, the sexual minorities were recognised by the law in India also. In practice, however, discrimination is widely prevalent. Members of the sexual minorities have been victims of discrimination in Nepal. A 21-year-old lesbian became the first person in Nepal to be officially recognized as a third gender person during the Maoist-led government. This move was hailed as a landmark for the sexual minorities in Nepal.

Bishnu Adhikari, who was forced to leave her home in Pokhara town by outraged relatives and neighbours, became the first person in Nepal to be given an official identity card that described her

as a "third gender" on September 8, 2008. Bhakti Shah, 23, a cadet of the Nepali Army, found her service terminated because she was found spending most of her free time with a fellow female cadet. On July 16, 2007, a court of enquiry by the army ordered that she be dismissed from the training academy for carrying out "immoral" activities. Shah was a national volleyball player who grew up in remote Achham district and was happy to dress in unisex clothes and hang out with male friends.

It is, perhaps, the political movement that has answered for the problems faced by the sexual minorities in the country. Sunil Babu Pant, the first gay member of the Constituent Assembly (CA) is an example which can encourage both NGOs and civil society members to work with the idea. Pant, founder of Blue Diamond Society, represents the Communist Party of Nepal-United in the 601 member Constituent Assembly. The LGBTI communities were part of the campaign for garnering votes for the Communist Party of Nepal- United. They approached Pant to campaign, and he secured 15,500 votes. This shows that LGBTI people are quite interested in matters of politics and governance and not just sex.

There is a need to understand who and what the sexual minorities are. To trigger the larger response of the civil society, a long-term process-based strategic relationship with politicians and other systems of government must be established.

Nepal needs to change the societal norms that have demarcated the roles of men and women. There have been changes in the laws against the sexual minorities within a short period of time. However, it will take more time for the society to accept them as intelligent and contributing citizens.

It is noticeable that the Supreme Court decision has opened ways to ensure equal rights to individuals representing the sexual minority groups. The implementation of the decision will guarantee their rights. But one needs to see how the mere mention of one's sexual orientation on an identity card will reduce discrimination in the Nepalese society.

The major political parties don't take the issues of the sexual minorities seriously. The community has not been supported by the government. However, during the Maoist-led government, the finance minister had announced in the annual budget that the state would accord special priority to solving the core problems of the Nepali people relating to sexual and gender minorities and that a common house for 50 people would be built for them to live together and socialize.

Recognition, respect and opportunities should be granted to the sexual minorities for them to respond positively. The government should provide housing facilities for them. Poverty alleviation programs such as micro-credit, training programs, educational scholarships, health care and training opportunities should be provided to the community.

The LGBTI community needs to work with human rights organizations and civil society members to campaign for their rights through rallies, protests, conferences, discussion panels and delegations. Support from the youth organizations and political leaders are a must to end discrimination at all levels.

### **Dignity**

The time now is crucial because the country is drafting a new constitution within a few months. The organizations working for the welfare of the sexual minorities should focus mainly on constitutional and legal reforms. It is unfortunate that the government has yet to implement the December 2007 Supreme Court order on equal rights for the LGBTI people. The government should take immediate steps to implement the Supreme Court order so that all third gender people can live with dignity.

- On 22 October 2009 - The Kathmandu Post published an article by Kamal Raj Sigdel focusing on tourism as follows:

### **Nepal eyes sexual minorities for tourism**

Kathmandu - Almost three years after the Supreme Court established gay rights in Nepal, the country is awaiting to host “one of the most extravagant groups of tourists in the world” — the sexual minorities consisting of lesbians, gays, bi-sexuals and transgenders (LGBTs). Nepal Tourism Board (NTB) officials hope that LGBT arrivals will contribute to the government aim of bringing in a million foreign tourists in the Nepal Tourism Year 2011.

In the recent past, the tourism authority has held a series of meetings with some internationally established private companies, tour operators and non-profit organizations to promote Nepal as a potential destination for LGBTs. The sexual minorities make up about 10 percent of the world population—670 million as of July 2008—according to the Kinsey Institute at Indiana University, an acclaimed research organization specializing in sex, gender and reproduction.

“Some international companies want to work in tandem with the government and attract LGBTs. We will develop strategies for the same,” said an NTB official. “The beginning is encouraging.” What has encouraged the government the most is that the renowned US-based Community Marketing Inc. (CMI), which is involved in gay and lesbian market research, has agreed to join hands in promoting Nepal as one of the best destinations for sexual minorities. A CMI research shows that gay and lesbian consumers make up at least 10 percent of the consumer market. LGBT activists say they prefer destinations like Nepal, which is rich in culture, art, architecture, cuisine and music.

The CMI believes that Nepal has both natural beauty and the goodwill of the LGBT community worldwide to emerge as one of the world’s top destinations for sexual minorities. Nepal recently made history by having Asia’s first openly gay lawmaker Sunil Babu Pant, who is also Chairman of Blue Diamond Society. Pant, who has been involved in promoting Nepal as a destination for sexual minorities, believes that the state could revive the economy if it could bring in at least 10 percent of the total LGBT population. “All that the government has to do is welcome LGBT travelers,” says Pant.

As part of the first promotional activity, Nepal is hosting a historic international conference in February, which is expected to bring together the world’s top tour operators, airlines and agencies selling adventure tourism to Kathmandu to explore opportunities for gay tourism in Nepal.

- On December 14, 2009 - Hindustan Times published a news article:

#### **Nepal readies to recognize third gender voters**

Close on the heels of the Indian election authorities recognizing third gender voters; Nepal's Election Commission has also begun a massive project to grant recognition to voters who are neither male nor female but transsexuals and transgenders. Shyam Sundar Sharma, joint secretary at the Nepal Election Commission, said the Himalayan republic had begun the process to upgrade the voters' list almost eight months ago and was happy at the Indian decision but not influenced by it.

"In Nepal, we read the Indian decision with interest," Sharma told IANS. "We are glad the Indian Election Commission decided to recognize third genders' identities in the voters' registration forms. However, we have noted that the decision came after an order to that effect from the court. In Nepal, we took the decision to recognize the third gender voter without any court order. We are curious why it took India so long."

Nepal last went to the elections in April 2008, which resulted in a sea change. The former Himalayan kingdom was transformed into a secular republic and its Maoist guerrillas, who had fought an armed insurrection for 10 years, came to power for a short period after emerging as the

largest party. The constituent assembly that was elected agreed to promulgate a new constitution by May 2010.

"We are readying for the next general election on the premise that it will be held within six months of the new constitution coming into effect," Sharma said. "If things go as per schedule, Nepal will have its general election in November 2010." The next general election will see, for the first time in Nepal's history, a voter being registered as either male or female or third gender. Nepal's population stands at about 27 million. There are about 17.6 million eligible voters so far.

Sharma estimates that the new change will not cause the number of voters to go up dramatically. "The constitution grants everyone the right to vote," he said. "And many third genders, who are above 18 years, are already enrolled as voters. The new decision will simply establish their sexual identities."

The official said the Election Commission intends to hold discussions with Nepal's only openly gay Member of Parliament, Sunil Babu Pant, and the gay rights organization he has founded, Blue Diamond Society. "We would like to discuss the technicalities," he said. "Whether the third gender would like to be identified as third gender or have a specific gender identity." Besides homosexuals and lesbians, Nepal's sexual minorities also have metis, men who feel they are actually women trapped in a male body, and eunuchs.

Nepal's Supreme Court issued a series of directives to the government in the past, making Nepal the most progressive country in South Asia. Besides asking the government to end all discrimination against the community, the apex court has also given the go-ahead to same-sex marriages.

The April election also struck a blow for third genders, seeing members from the community contest for the first time and with the major political parties wooing them with promises to ensure their rights. However, the security forces still remain homophobic, especially the army. The BDS is fighting a case in court against the dismissal of two women who were sacked due to the allegation they were lesbians.

- In the year 2010, Ramina Husen came to BDS on 8 March 2010 after she was suspended from her job of traffic police under accusations that she was engaged in kidnapping of a girl and forcefully practicing a physical relationship. In spite of the fact that no evidence was produced that substantiated these claims, she found herself facing punishments and inquiries about the nature of her relationship with her friend and Kathmandu District Court give a decision to release on bail on 7 March 2010.

Ramina talks how she knows her partner Puja (name changed). During her time in traffic police, Ramina met her future partner's maternal aunt, Mrs. Indira Basnet, who was impressed with Ramina's skills in driving and having own bike. Mrs. Basnet would usually ask Ramina to come to her home and one day they went for a visit to Churiyamai Temple in Hetauda. This was the first time she met Puja. Eventually they started to meet more often. Puja proposed to Ramina and around mid of Mangsir (November) her partner ran away from her home and they started to live together afterward. Ramina continued to go to her job to fulfill her accountability towards her country and at night time only they lived together and enjoyed each other's company. During the day Puja enjoyed time with her friends and the days were passing on. After 3 months Ramina's partner's maternal aunt Mrs. Basnet showed up at Ramina's home with policemen. They arrested Ramina and took her to Hanumandhoka Jail. The in-charge said she would be there only for 2/3

days, after that you will be released, but after 3 days she found that she was accused of kidnapping and having forceful sexual relationship with Puja. And the case was filed against her with Supreme Court under the name of her friend Puja. The news was blasted in newspaper and people from Blue Diamond Society came to know about it that and tried to meet her. Previously Ramina also knew about BDS from different newspaper so she begged some help from her close friend who also informed BDS about the situation of Ramina. Now BDS is fighting for her case.

- In May 2010, Jyoti, 26 years old M to F transgender was raped by a security person. They were in contact before 4 months. The perpetrator talked with her as a girl; he did not know she was Third Gender. On May 2010, he called her to meet and talk about on their personal matters. Then she felt that this is the right time to tell him the truth. Thinking that she went to meet her in a guest house (hotel) nearby her office. When they met, they started to talk about friends, family, and many more things. At the same time the perpetrator said to her, “I like you and love you so much.” Jyoti felt so odd and tried to tell about her sexuality but he said, “Let’s go somewhere else, here I feel so crowded.” She was still searching for an appropriate time to tell him about her gender identity. He offered her to go upstairs where there is a separate place to talk. She went with him and they found a comfortable room. She tried to explain to him and also showed her sexual organ too. Then he started to shout at her, saying, “You are playing with me, you fraud!” Then he raped her. She tried to shout but he closed her mouth she was so scared and came out from there with pain. She felt so weak and with great difficulty reached home. Only after two days she dared to talk about the incident with the lawyer of Blue Diamond Society. On the same day lawyer called her for check up and to collect evidence but the doctor said you have to report on at the police station first, then come with the police report for check up. They went to the Suryabinayek police station where the incident had happened. They filed the case and got checked up, but all the physical evidence was lost. And police tried to find the perpetrator but they were unable to find him because he lied about his family profession and everything with the victim Jyoti. But still she is searching for that person to give him punishment for the crime he committed.
- On 25 January 2010, Republica published the news with the heading ‘**Sexual Minorities Still Struggling In Nepal**’ by Damakant Jayshi:  
Nepal’s a curious case when it comes to recognizing and protecting sexual minorities’ fundamental rights. It is the first country in South Asia (India is the other one) in deciding that lesbians, gays, bisexuals, transgender and inter-sex individuals (LGBTIs) are natural people and entitled to all fundamental rights as Nepali citizens. However, due to lack of proper sensitization of the bureaucracy and the debate (albeit a hushed one) over “natural-unnatural” aspect of sex, this momentous decision has been reduced to paper.  
Those working in the field of sexual minorities’ rights often complain about the attitude of government officials (and others as well) toward LGBTIs. There is smirk on their faces; more questions, often humiliating and uncomfortable ones, are asked and various reasons cited for not adhering to the apex court’s orders on granting citizenship as per their status. The sad part is that even those who are aware of, and fight for, an individual’s fundamental human rights find it difficult to accept the LGBTIs as natural human beings.

This is surprising considering that Nepal has been on the forefront of recognizing sexual minorities as natural human beings, and crucially important, as citizens. Chanda Musalman, a 48-year old, was issued a citizenship certificate, not as 'male' or female', but as both in Banke district in early Feb 2007. Later that year, on Dec 21, the Supreme Court ordered that ILGBTIs are natural people and hence should be entitled to all fundamental rights as Nepali citizens.

A year later the court again directed the government to form a committee to study the possibility of recognizing same-sex marriages. Since the SC order of 2007, sex between same-sex couples has been officially decriminalized. (The emphasis is deliberate as in practice discrimination and stigma abound.) Pretty impressive stuff, if one just looks at this statistics. There is the other side as well and it is not pretty at all.

Khushi Gurung, 21, leads a miserable life in Pokhara after her parents abandoned her. A story by my colleague in Republica on Jan 18 tries to capture her pain. Born a boy, Khushi says she developed a girl's behavior. "My parents forced me out of house by putting pressure on me to lead a life of a normal boy," she shared her pain at a function on the rights of the third gender in the city recently.

Another colleague filed a story, published in Republica on Dec 20 last year. Arati Shrestha, 19, from Kanchanpur district was also thrown out of house for refusing to marry as per her parents' wishes. She too was born a boy but started behaving like a girl. This was too much for her parents in a conservative society like ours. She is now taking shelter in Nepalgunj after brief stays in Dhangadhi and Mahendranagar.

Sunil Babu Pant, a Constituent Assembly member and founder and director of Blue Diamond Society which works for the rights of the sexual minority in Nepal, rues that despite the Supreme Court decisions, discrimination against sexual minorities has continued. He accuses Home Minister Bhim Rawal of not being very supportive of the LGBTIs rights. The district administration offices (DAOs) across the country - which work under the home minister - are still reluctant to issue citizenship cards under "tesro lingi" (third gender).

Rawal, on the other hand, denies being an obstacle to sexual minority groups and violating the apex court order. "No one can violate the SC order," he told this writer. Rawal's interpretation of the SC order is that the highest court of the land has not categorically ruled to issue citizenship under transgender category. Among the people calling shots in Nepal, Rawal's discomfort is shared by many other "natural" people.

In January 2007, Dev Gurung, the then Minister for Local Development, had said, "Homosexuality is a product of capitalism. Under socialism this kind of problem does not exist!" Two months later, his party and cabinet colleague Hisila Yami was not as harsh as Gurung. She said, "...don't punish homosexuals, but we also don't encourage homosexual behavior".

While the fight for right is an ongoing battle, there's another serious dimension to the sexual minorities. It is that of survival. While homosexuals, so long as they are not out in the open do not have problem in getting education or employment (of course there are exceptional cases), the transgender face a totally different world. They say that since they are born as male (or female) and behave as the opposite sex, they are ridiculed and shunned. More serious is lack of access to health centers.

At a workshop on MSM, sexual minorities, sexual diversity, human rights and HIV in Colombo, Sri Lanka in late November, some startling data was shared by the organizers - UNDP, Naz Foundation International and the Asia Pacific Coalition on Male Sexual Health. Prevalence of HIV among the MSM (men who have sex with men) was rising on an alarming note, particularly in Thailand and Burma. According to the statistics, 30 percent each of the MSM in Bangkok

(Thailand) and Yangon (Myanmar) have been detected with HIV. The figures are 15 percent in parts of India and more than 5 percent in Beijing.

While no specific data on HIV prevalence among MSMs in Nepal was available, the rise of the HIV infection in countries close to Nepal is something that cannot be ignored. There is more awareness about HIV and AIDS in Nepal and people do visit health centers and hospitals more freely than in the past. But cases like Mansara BK's do happen. According to Dec 2, 2009 edition of Annapurna Post newspaper, this 30-year old woman was thrown out of her village in Santada in remote Achham district for being HIV positive.

Minority sexual rights activists say MSM have problems in having access to health centers due to the stigma attached with their status. With a data showing number of MSM on the rise in Kathmandu (and in Bangladesh), it is possible that HIV among them could be on the rise too. We can tackle the HIV among them. But for that we must accept the sexual minorities as one amongst us – human beings.

- On 2 February 2010, The Kathmandu post published the news on LGBT Centre with the headline:  
**Capital to see first LGBT Centre in region**

Kathmandu - Nepal has been ahead of other South Asian countries to ensure the legal rights of sexual minorities. Now, members of the community have decided to establish a South Asian Community Centre, said to be the first of its kind in the region, in the Capital with an aim to empower and foster a sense of unity among sexual minorities.

According to Sunil Babu Pant, the first Constituent Assembly member from the community and the president of Blue Diamond Society--an organization that works towards sexual minority rights, the centre will play a pivotal role in imparting various trainings for Lesbians, Gays, Bisexuals and Transsexuals (LGBTs) so as to make them self-dependent. Despite legal rights, LGBTs in Nepal still are not socially accepted. Most are still unemployed, and some have difficulties enrolling at schools or colleges due to their sexual orientation.

According to Pant, the Centre will have all the facilities such as a health centre, a library, a theatre hall, a conference hall, shelter for needy and abandoned members, playgrounds, swimming pool, and a cafeteria with ample parking space. In this regard, Blue Diamond Society has already bought five ropanis of land in Taudaha on the outskirts of the Valley, and architectural plans for the centre are underway. A part of the funds were provided by the government.

Pant is hopeful that the centre will systematise their programmes and activities, uplift the existing status of community members, provide temporary residence for members of the community, and ensure the privacy of members as well as social security to elderly members. The estimated budget for the centre stands at Rs. 24.5 million. "There is no way to wait for government assistance. We will reach out to potential donors," said Pant. In addition, the government has also pledged to provide assistance to make the plan successful.

Blue Diamond Society plans to complete the construction of the centre within three years.

- On 14 September 2010, Hon'ble member of Constituent Assembly Sunil Babu Pant and dozens of LGBT activists were arrested in Nepal who have been to Singhadarbar to ask for the appointment of Prime Minister to demand government identification papers for the third sex or transgender people since the Ministry of Home Affairs refused to authorize the issuance of identity cards to the third sex despite the court ruling. Total 58 persons including 3 volunteers from Denmark were caught by the police and they were detained for 5 hours in Metropolitan Police Sectors in Singhadarbar and Kamalpokhari.

### **3. Major achievement of SGM movement in Nepal:**

Society in Nepal is primarily dominated by the Hinduism culture that has little room for diversity of caste, class, gender and the sexual orientation. However, the sexual and gender minorities' community people were more optimistic and they never lost hope in building an inclusive and just society where any individuals from whatever background can have a space in this society. In this course, BDS has proved itself as a platform to encourage community members to be organized with the common vision of building a just society that respects pluralism in every aspect including gender and sexual orientation of any individual. The organization is spread across 5 development regions and 40 cities in Nepal, working to improve the rights of a marginalized and often hidden population and the sexual and gender minorities' communities have been constantly campaigning for their rights peacefully in Nepalese society. BDS is has been organizing massive campaigning programs to sensitize broader society like media, government bodies, non-government representatives, international communities, political leaders, law makers and the other associations like business groups, private sectors, human rights activists & intellectuals. Major achievements of SGM movement so far in Nepal are seen as follows:

1. Land mark decision of the Supreme Court in December 2007 AD ordering government to grant all citizenship rights to Sexual and Gender Minorities in Nepal
2. Sunil Babu Pant, leading LGBT activist and openly gay, has become a member of the Constitution Assembly and Parliament of Nepal from Nepal Communist Party United
3. BDS offices and partner organizations operate in 40 cities across the 5 development regions of Nepal and are lead by the community members.
4. More than 15 Community based organizations have registered their offices in their locality and became members of Federation of Sexual and gender Minorities Nepal.
5. Among these organizations, more than five CBOs were able to get local government funds for social development and skill development activities. The funding is utilized in skill building programs for the community persons and public sensitization programs.
6. More than three hundred thousand community members are in constant touch with Blue Diamond Society and its partner organization, accessing services and sharing information.
7. The two constitutional subcommittees, Fundamental rights and state guiding directives committee and Marginalized and Minorities committee, mentioned the legal recognition and protective provisions for sexual and gender minorities in their preliminary drafts of the constitution. In the discussions on these drafts, the issues of LGBT are never debated. Every CA member has shown agreement on LGBT rights.
8. Nepal government allocated 3 million NPR budget to the community (for the second year in a row).
9. Investment Bank mentions others" in the line of Male and Female of its Bank account form.
10. National Human Rights Commission has also mentioned "others" as a gender option along with Male and Female on its complaint form.
11. Prioritization of support in social development of the sexual and gender minorities is specifically referenced in the Memorandum of Understanding held between Nepal government and Norwegian government in March 2009
12. In July 2009 Nai Prakashan, one of the eminent literary publication houses, established an award to recognize the person in the LGBT community who contributed to the society and their community. The award size is Nrs 10,000.00.

13. The text book of social science in the Bachelors and Masters of the Government education Curriculum introduced LGBT definition.
14. Establishing a Forum for student from sexual and gender minorities in Nepal, headed by Roshan Mahato, secretary of BDS and also a student in Trichandra Multiple College. The main vision of this forum is to end discrimination and facilitate LGBT students to get higher education and other supports.
15. At least once in a week, LGBT issues have been a constant feature in print and electronic media which helps in sensitizing the public at large.
16. ABC National Television started to broadcast one episode per week as "Third Sex" bringing out the issues from different dimensions of political, social and cultural aspects of LGBT. Every Tuesday at 7:30 PM-8:30 PM, Third sex program has been running.
17. Blue Diamond Society is pioneering the Pink Tourism in Nepal that encourages LGBT around the world to visit and spend their holiday time here in Nepal. BDS and Pink Travels and Tours are jointly promoting LGBT tourism in Nepal.
18. Sunil Babu Pant, Constitution Assembly Member is also engaging in the burning issue of Climate Change. Along with 11 other CA members, he visited Chitwan District and Mustang District to understand the impact of Climate Change in those rural settings. He is also the coordinator of a parliamentary committee on Climate Change mitigation team. He actively participated in Copenhagen Conference on Climate Change in Dec 7-19th 2009 AD
19. An increasing number of visitors, scholars, interns, volunteers, and students show willingness to study and understand the community issues. Currently, there are 8 interns, foreigners and in-country members doing internships in the Blue Diamond Society and in its partner organizations.
20. Federation of Sexual and Gender Minorities Nepal has been established to strengthen the networks between the community based organizations working in different parts of Nepal. This is the Umbrella organization, under which Blue Diamond Society is also a member organization. Currently there are more than 15 CBOs associated with this Federation.
21. Same sex marriage study committee has started its work on possible provisions for same sex marriage in Nepal.
22. Central Bureau of Statistics (CBS) of Nepal has decided to mention "third gender" in its population and household census form. In its previous form, only "male" and "female" existed in the category of sex/gender. It will be the stepping stone in Nepalese LGBT history to bring out the hidden population into government programs.
23. Election Commission of Nepal has decided to mention "Third Gender" in its voter's list form. In its previous form, there were male and female in the gender column.
24. One transgender woman, Bishnu Adhikary was granted citizenship ID in her own gender identity as ruled by the Supreme Court to the Government of Nepal in 2007 AD. This has encouraged other transgender people to demand their identity in their own gender. This was the first positive result after continuous lobbying, delegations and sit-in programs at the central to local level.
25. Sexual and gender minorities or LGBT communities gradually increasing their participation in social and national causes to demonstrate that they can contribute to the fellow members and to the society. They are giving their hand of solidarity to the cause of women, dalits, madhesis, differently-abled communities, sex workers, baadi community, labor, ethnics groups. They are increasing their presence in the national events like Environment day, Republic Day, Human Rights day, World Aids day, Labour Day, Women's Day, Democracy day, Day against

Homophobia and other timely burning movements which are genuinely having an impact on the society and its people.

26. Memorandum of Understanding (MoU) has been signed by and between Ministry of Women, Children and Social Welfare (MOWCSW) and the Blue Diamond Society in July 2010 with a view to strengthening the partnership between MOWCSW and Blue Diamond Society to advance sexual and gender minority equality and conduct different activities.

### **Conclusion:**

It's known to all that BDS is working toward its goal of equal rights and opportunity for SGMs through four main channels: individual empowerment, social sensitization, legislative reform, and organizational networking. By breaking down information barriers about sexual health issues in the MSM community, and increasing access to prevention materials and STI testing and treatment, BDS informed community members about common issues and created opportunities for individuals to contribute their experiences to the movement for social inclusion. The expansion of the Human Rights Program infused this focus on sexual health with local awareness about the legal rights of LGBTI individuals and recourses available to those who felt that their rights were being violated, which has contributed to the language of rights developing within BDS. The arbitrary arrest and abuse of LGBTI individuals by the police, exclusion from the family, and instances of job discrimination are among the issues that BDS began to document and which formed the basis of the Human Rights Program.

Now, it's the high time to focus the BDS interventions also to create an enabling environment for the SGM people to render them self-reliant through provision of various sustainable rural livelihood based vocational and skill as well as institutional development training activities and to enable them to venture into the economic mainstream.