

3-2017

The Movement for Human Rights for Sexual and Gender Minorities in Nepal: The Beginning, 2001-2015

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**The Movement for Human Rights for Sexual and Gender Minorities in Nepal:
The Beginning, 2001-2015**

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Master's Paper

May 2017

Submitted to the faculty of Clark University, Worcester, Massachusetts, in partial
Fulfillment of the requirements for a Master of Arts degree in the field of International
Development and Social Change
Accepted on the recommendations of

Dr. David Bell, Chief Instructor

Abstract

The Movement for Human Rights for Sexual and Gender Minorities in Nepal: The Beginning, 2001-2015

Various social justice and political movements have assisted in expanding LGBTI rights around the world. Many international movements have influenced Nepali LGBTI people to start a movement in the country. In addition, political upheaval in Nepal that overthrew the monarchy and established a multi-party democratic republican system along with an inclusive new constitution helped the LGBTI movement in the country grow rapidly. Between 2001 to 2015, the LGBTI groups in Nepal have made history by achieving major milestones such as Supreme Court verdicts in their favor and a new constitution in 2015 that assures sexual and gender minorities of equal rights and protections. As such, Nepal has become established as a leader in South Asia and the Global South on LGBTI human rights.

2001 was a significant year for LGBTI people in Nepal. Before 2001, only a Maoist insurgency had called for LGBTI and human rights to be put on the national political agenda. The party was trying to raise voices of powerless and minorities groups. The turning point for LGBTI occurred in 2001 when the grassroots activists Sunil Babu Pant, Manisha Dhakal and Pinky Gurung together started a LGBTI organization called Blue Diamond Society (BDS) to fight for LGBTI rights in Nepal. Since it was established, BDS has helped set up more than 50 Community Based Organizations (CBO) working on LGBTI rights across the county.

In 2007, the Supreme Court of Nepal affirmed the rights of LGBTI people to have equal rights. Following the court decision, the government of Nepal has gradually started implementing the Court's progressive and far-reaching decision. Some community members have already received citizenship and passport with an 'O' category, making Nepal a pioneer on

transgender rights in the world. 'O' indicates as 'Others' that is mentioned with Male and Female in the citizenship and passport in gender column. As a result many LGBTI people have come out and sought their rights despite family and social stigma. Major political parties (Nepali congress, CPN-United, CPN-Maoist) have included LGBTI rights issues in their manifestos. Sunil Babu Pant was appointed a Member of Parliament by a fringe Communist party and participated in the writing of the new constitution, which included provisions on LGBTI rights. The new constitution has included LGBTI rights in various sections.

However, despite these major achievements, many challenges still confront the LGBTI community. There is continued widespread social stigma and discrimination on the basis of their sexual orientation and gender identity. Family and society do not treat as their child once they disclose their identity. There are not many opportunities of them. They face challenge; while taking government services such from health sector. Successive governments have been slow to implement the Supreme Court's landmark 2007 verdict and society is yet to fully understand the experiences and challenges of the LGBTI community. The government do not think that agenda of LGBTI community is important. Government frequently change due to political instability.

Additionally, there are divisions within various LGBTI subgroups and frictions on what issues ought to be emphasized. Most LGBTI communities are international donor-dependent and often rely on what donor nation's desire for policy changes. This has generally included HIV issues affecting gay men and transgender women while excluding, internationally and unintentionally, lesbians and transgender men. Because lesbians and transgender men are not consider as high risk in HIV/AIDS as gay men and transgender women. A critical issue is that LGBTI people lack opportunities for gainful employment and this often leads them to take up risky professions such as sex work and informal labor.

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Dedication

This research is dedicated to all the LGBTI people in Nepal, and my major sponsor for Clark University, Augustus Nasmith, Jr.

Acknowledgements

I express my sincere gratitude to Prof. David Bell, chief instructor and dean of graduate school William Fisher, second reader, for helping me to write “The Movement for Human Rights for Sexual and Gender Minorities in Nepal: The beginning, 2001-2015” by providing guidance and feedback on the paper. I am very much thankful to Augustus Nasmith, Jr., for providing conceptual guidelines, valuable suggestion and useful materials.

Similarly, I would like to thank Saurav Jung Thapa, Kent Klindera, Binaya Subedi, and Alan Mercel-Sanca for assistance with editing and occasional substantive feedback. I would also like to thank to IDCE tutor Patrick Seed for giving me valuable comments. Likewise, I would like to thank all interviewees who participated in email interviews. I am also indebted to all my professors and the IRB team of Clark University, and all my friends who supported me in completing this paper. Finally, I would like to thank Bryan Howcroft who always encouraged me to write.

List of Abbreviations/Acronyms

AIDS	Acquired Immune Deficiency Syndrome
BDS	Blue Diamond Society
CBO	Community Based Organization
FSGMN	Federation of Sexual and Gender minorities, Nepal
HIV	Human Immunodeficiency Virus
IRB	Institutional Review Board
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersexual
MSM	Men who have sex with men
MSW	Male Sex Workers
NGO	Non Government Organization
SGMSFN	Sexual and Gender Minorities Student Forum, Nepal
SGM	Sexual and Gender Minorities
TG	Transgender

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Background of the study

In 2001 a small group of grassroots activists created the Blue Diamond Society (BDS), a Nepali nongovernmental organization (NGO) to advocate for the human rights of sexual and gender minorities (SGM). BDS achieved progress in the years that followed. How significant was this progress? What explains and what can be learned from it?

Wedged between populous and powerful India and China, Nepal is one of the poorest countries in the world. A relatively small country of great socio-cultural diversity, most people experience caste, class, and gender discriminations. BDS brought attention to the discrimination SGM face, including exclusion, abuse, and denial of legal rights, education, work, and health care.

Having realized sexual and gender diversity and his own sexuality from studies and volunteer experiences abroad, Sunil Babu Pant led the creation of BDS in Kathmandu, the capital and largest city in the country. Ignorance about and discrimination against SGM characterized Nepali society. BDS undertook initiatives to sensitize society, stakeholder, and government officials to create an enabling environment for sexual and gender minority individuals' equal rights. BDS, Parichaya Samaj (a community based BDS supported NGO) and Mitini Nepal (a lesbian NGO) brought a case demanding equal rights before the Nepal Supreme Court pronounced a landmark decision in December 2007 to instruct the government not to discriminate against sexual and gender minorities. The verdict declared that discriminatory laws be eliminated, and that a transgender 'third gender' identity be recognized in citizenship registration to enable economic and political rights. Same-sex marriage law committee would study the question of same sex marriage. (Bista 2013)

The Supreme Court consideration and decision came at a time when political unrest paralyzed other important agencies of government. The decision promoted further awareness in Nepal about SGM challenges and issues and brought international attention. BDS orchestrated the legal representation and expert international testimony presented before the Court. International aid agencies already supported BDS human rights programs, including those to meet the challenges of HIV. Some positive changes resulted. In a few cases local government officials gave citizenship under an “other” category to transgender individuals. Political parties included rights for sexual and gender minorities in their manifestos. However, successive weak national governments failed to fully implement the Supreme Court verdict or to be as proactive as hoped for to improve the lives of LGBT citizens. Since 2008, the Parliament/Constituent Assembly (which declared Nepal a republic to replace the monarchy) has not been able to create a new constitution, which would ideally protect the rights of LGBT individuals. (UNDP, UNICEF, USAID 2014)

With international financial support and grassroots Nepali LGBTI community leadership, Nepali civil society organizations grew to address social needs. After 2007, more than 30 separately registered SGM NGOs formed throughout the country inspired and encouraged by BDS. Funding came from donors who were impressed by the growing national spread of community activism and registration of the NGOs. With BDS, the SGM NGOs joined to form an umbrella organization: the Federation of Sexual and Gender Minorities, Nepal (FSGMN). BDS continued to be the largest and most effective of the Federation members, with an outsize staff and funding that dwarfs all others. Programs of BDS, the FSGMN and the Sexual and Gender Minority Student Forum, Nepal (SGMSFN) seek to educate the media, public, other civil society organizations, government agencies and political parties. All volunteer SGMSFN sought to unify

SGM students/youth to work for their rights. It aimed to sensitize all faculty and students and the education ministry to SGM realities and measure to promote understanding, inclusion and equality. (BDS 2014)

Concept of social movement

Characteristics of social movements (Turner, P1) account for the progress to gain rights for Nepal's sexual and gender minorities. Those who came to identify with and benefit from the Sexual and Gender Minorities (SGM) movement had been alienated, felt powerlessness and marginalization from society. The courage of the original Blue Diamond Society (BDS) small group, with the charismatic leadership of Sunil Babu Pant, gained attention that drew others to the cause. (Stutje, P7) His voice and leadership transformed the SGM followers' values and beliefs about themselves and what was possible. Initially there was no overall blueprint. Holding to the goal of equality as human beings, the movement evolved in many ways – promoting recognition of the realities of gender and sexuality, and reaching out to all sectors of society and government. The movement mixed “organization and spontaneity”. BDS provided initial leadership. The creation of a network “Federation of Sexual and Gender Minorities-Nepal” (FSGMN) expanded the culture and participation and diversified leadership in the movement, which became a “shared collective identity”. (Dahal, P1)

The international HIV/AIDS pandemic, understanding of the paths of the HIV virus, added international support and Nepal government need to reach sexual and gender minorities. This brought the sexual and gender minority movement into alliance with other marginalized populations, social movements and the larger society. Mass meetings and parades focused on SGM rights and joining larger civil society and political efforts for democracy brought those involved out of isolation into a sense of community. (Turner P3) While originally BDS and its

efforts were outside the mainstream, they became part of social transformation, opening the ways for sexual and gender minority individuals to access to previously denied citizenship, education, employment and respect. Needless to say, in a country as poor, culturally and geographically diverse as Nepal, the SGM gains as a social movement have not eliminated all discrimination. Few social movements have. Extremely significant and giving hope for further progress in Nepal is that the SGM and other civil society movements have been from bottom-up, widening participation in public life and democratic institutions. (Dahal P3)

Definitions of LGBTI

Nepal is diverse in culture and language. The social category present in our society recognizes three genders. It is a fluid term. There are local terms from every ethnic language that communicated to denotes third genders in Nepal. Few examples, Meti: terminology widely used in the eastern part of Nepal and also among Nepali speaking areas in North East India: Born male, but traditionally consider themselves neither man nor woman but third gender. Such persons are called Mehara, Kothi, Khoja, Mauga in terai, Phulumulu in Mountain regions, Singaru in the western hill region. The word Baranth is used for butch females or third genders with female genital.

Sunil Pant, founder and past president of the Blue Diamond Society (BDS), the first and largest sexual and gender minorities organization in Nepal explains that Theshro Lingi (third gender and/or third sex) is an umbrella term to describe individuals who do not comply with perceived gender roles in terms of marriage and forming a family. Included are those whose sexual attractions are homosexual rather than heterosexual (popularly known in the west as gays, lesbians), those who are sexually attracted to both genders (bisexual) and those who feel and behave differently than expected by society based upon their assigned gender (known in the west

as transgender); or those born with both or ambiguous genitalia (popularly known in the west as intersex). According to the 2007 Nepal's Supreme Court decision (English) "Transgender is the state of one's "gender identity" (self identifications woman, man, or neither) not matching ones "assigned sex"(identification by others as male or female based on physical/genetic sex)." BDS has also defined the community as LGBTI, which is more similar to international definitions. However, third gender variations in Nepal have been part of traditional cultures. Heterosexual marriage was the obligation and focus for families. In the west the LGBTI definitions define boundaries, which are not so limiting in Nepal. In the west LGBTI define - Lesbian: A woman who is sexually attracted to other woman, Gay: A homosexual person especially a man, Bisexual: A person who is attracted to both man and woman, Transgender, Intersex: The person who has unclear sexual organ by birth.

Influence of international progress for LGBTI human rights

In Nepal's traditional cultures marriage between male and female provided the basis for family, raising children and economic survival. Gender and sexual diversity were part of cultural reality, as is seen in temple depictions, religious celebrations and cultural dances. While Nepal was never colonized, Western laws and attitudes stigmatizing homosexuality, which adapted by India and other British colonies, influenced 20th century Nepal. Activism for "gay" civil rights celebrates the "Stonewall" protest in New York in 1969. (Lionel) In a milestone in the difficult road to enlightenment about sexuality, the General Assembly of the World Health Organization (WHO) removed homosexuality from their list of mental disorders in on 17 May 1990.

(Boersma)

In Nepal there was little information or education about sexual diversity. As a scholarship student in Belarus and later volunteer work in Japan and Hong Kong, Nepali Sunil Babu Pant learned of gay culture, stigma and discrimination against homosexuals and courageous activism

for human rights elsewhere in the world. He came to understand the realities and threat of the HIV/AIDS pandemic. Upon return to Nepal, Pant explored the situation of gay life of which he had not been aware before. He saw that sexual contact of men with men threatened not only the men involved but also their wives and family life. He gained allies from a committed core of young transgender men who had sex with men (MSM) in Kathmandu and took the step to register an organization, the Blue Diamond Society (BDS) in 2001. (Knight, P8-9)

Kyle Knight's "Bridges to Justice: Case Study of LGBTI Rights in Nepal" provides an insightful comprehensive review of the BDS story. The analysis in this paper on the movement comes from the voices of the BDS sexual and gender minority community and those who worked with them. Internationally in LGBT human rights and the fight against AIDS provided important backdrop for BDS's progress. Recognition of Sunil Pant's leadership in Nepal found him included in the international team of 29, which drafted the Yogyakarta Principles in 2006. (Knight, P21) Pant accepted the 2007 Felipa Award of the International Gay and Lesbian Human Rights Commission (IGLHRC) on behalf of BDS. In December 2007 the Nepal Supreme Court decided the case brought by BDS and instructed the Nepal government to ensure rights for sexual and gender minorities. BDS was still a young organization and much remained to be done in Nepal. While it benefited from previous international activism and support, BDS was already an inspiration to others for LGBTI human rights including those related to meet the challenges of HIV/AIDS. US Embassy support for BDS was evident early on. I (Roshan Mahato), National Coordinator of the Federation of Sexual and Gender Minorities Nepal was appointed to the first Youth Advisory Committee to the US Ambassador to Nepal in 2011. (Kyle Knight) "Our diplomats have opened U.S. embassies and consulates to LGBT communities around the world,

marched in Pride parades, and raised the human rights of LGBT persons in countless bilateral and multilateral meetings.” (The White House)

From International NGOs: Human Rights Watch - What progress has there been on LGBT rights since you established Human Rights Watch’s LGBT rights programme?

“There’s been enormous progress globally and locally. It’s important to note that the fight for LGBT rights is not a Western phenomenon; many of the governments at the forefront of the defence of LGBT rights are from the developing world. The historic LGBT resolution at the United Nations Human Rights Council, adopted in September 2014, was led by governments from the global south, primarily Latin America, and backed by others from all over the world” (Roth 1927)

UN High Commission on Human Rights – *“Some say that sexual orientation and gender identity are sensitive issues. I understand. Like many of my generation, I did not grow up talking about these issues. But I learned to speak out because lives are at stake, and because it is our duty under the United Nations Charter and the Universal Declaration of Human Rights to protect the rights of everyone, everywhere.”* — UN Secretary-General Ban Ki-moon to the Human Rights Council, March 2012. (UNITED NATIONS HUMAN RIGHTS)

Amnesty International – *“The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, developed in 2006 by a group of LGBT experts in Yogyakarta, Indonesia in response to well-known examples of abuse, provides a universal guide to applying international human rights law to violations experienced by lesbians, gay men, bisexual and transgender people to ensure the universal reach of human rights protections”.* (AMNESTY INTERNATIONAL)

We know International NGOs such as Human Rights Watch, UN High Commission on Human Rights and Amnesty International influenced human rights activists and policy makers to work on LGBTI issues. The organizations provided positive reports that assisted the leaders to work on community agenda. Sunil Pant; only five years after founding BDS was one of member of the group developing the Yogyakarta Principles.

LGBTI and the cultural context prior to 2001 in Nepal

The decade from 1990 to 2000 was a very important period for the establishment and growth of lesbian, gay, bisexual, transgender and intersex (LGBTI) movements in Nepal. With an emerging favorable political climate, the influence of international HIV/AIDS funding, and a growing awareness among LGBTI communities—all combined to lead LGBTI movements

forward. Kyle Knight, a researcher at Human Rights Watch, notes that the year 1990 opened spaces for civil society, because during that year the Panchayat (party-less) system ended in Nepal. At the same time, HIV/AIDS was spreading worldwide among LGBTI communities, and many international donors recognized the need to help financially for HIV prevention efforts in countries like Nepal. Marginalized community such as sexual and gender minorities were given specific priority as the group considered as high risk. In 1992, the first international HIV/AIDS donor funding arrived in country.

In 1996, the newly formed militant revolutionaries political group called “Maoists” began their revolutionary communist movement to change the political system, which included advocating for social change and justice. The Maoist party launched a “people’s” war against the armed forces, the government and the monarchy, to oppose the oppressive rule. Due to the resulting civil war, many minority groups including LGBTI communities were able to create space to raise their voice and fight for their human rights. As Nepal democratized in the 1990s, international donor attention shifted away from working principally with the government and started to focus instead on empowering civil society.” (Pant 6) By the year 2000, Nepali LGBTI movements had become formally organized and started forming an advocacy organization to promote their rights. (Knight 8-6)

Emergence of LGBTI activism and organizations for human rights in Nepal

“After several months of these (informal organizing) interaction in the park, Pant submitted NGO registration forms to the Social Welfare Council (SWC), the government body that oversees all NGO activities in Nepal. ‘The Clerk at the office looked at the papers and said he could only register the organization if its goal was to convert people back to heterosexuality,’” said Pant an openly gay community member - Sunil Babu Pant. As a result, the non-

governmental organization (NGO), called Blue Diamond Society (BDS) was registered as a sexual health and human rights organization - with no explicit mention of homosexuality.”

(Knight 9) In reality, Sunil Babu Pant created history by registering the first LGBTI organization in Nepal. Based in Kathmandu, the organization was dedicated to sexual health and rights for men.

In the beginning, organizing was challenging. For example, in 2004, thirty-nine LGBTI community members arrested while working at Blue Diamond Society. However, not be deterred, Pant led BDS to join the broad People’s movement for democratic rights for all, including women and other minorities. The government’s “crackdown on dissent and protest had created a culture of fear and the broader activist community was, I believe very heartened the we were joining the cause, and we were not afraid to lead from the front...” (Pant 9) This brought LGBTI activism and rights into the mainstream. (Pant 7) BDS found that “Meetings, face-to-face interactions...are the most effective tools for political organizing around issues, especially misunderstood or stigmatized topics such as sexuality.” Going door to door and working to create a broad mandate for democracy and human rights in Nepal resulted in strategic civil society partnerships, and beneficial media attention. (Pant 8-9)

In addition to the growing activist network was formed--the Federation of Sexual and Gender Minorities, Nepal (FSGMN) in the Kathmandu region, by 2007, a national network of independently registered community-based organizations (CBOs) based in 15-20 districts. This new network focused on health and sexual rights for all men who have sex with men and broadened to a national focus for involvement in the people’s movement. (Pant 10) By 2015, the FSGMN network included some 40 member organizations.

In 2009, I (Roshan Mahato), FSGMN National Coordinator and sociology graduate student at Tribhuvan University, led the creation of the All Volunteer Sexual and Gender Minority Student Forum, Nepal (SGMSFN). (Knight) The All - Volunteer student forum broke the stigma and discrimination that LGBTI students faced and feared after 2009 when it started to work. As with BDS and FSGMN, empowered student activists guided by a board of their peers, promoted understanding and change by gaining allies among students, faculty, and media. A core activity was advocating with the Ministry of Education to foster more inclusive curricula and develop scholarship opportunities for LGBTI students.

Throughout this time period, *global recognition for the efforts were noted*. In 2005, Pant's and BDS' accomplishments were acknowledged by being invited to be a representative at the drafting of the Yogyakarta Principles. Held in Indonesia, this consultation resulted in guiding principles for LGBTI rights globally that are still in use today. In 2007; on behalf of BDS, Pant accepted the Felipa de Souza by The International Gay and Lesbian Human Rights Commission. (Knight)

Legal, political and social progress for LGBTI in Nepal

Legal: With the lack of responsiveness by the Nepali government to end state-sponsored discrimination and anti-LGBTI violence, BDS led three community based organizations (Parichaya Samaj, Mitini Nepal and Cruise AIDS) to file a petition with the Nepali Supreme Court in April 2007. The Supreme Court of Nepal ordered the government to end the violence against sexual and gender minorities. The three key orders of the petition were for the government to: 1) end laws of discrimination against LGBTI people, 2) to give legal recognition to third gender people "as natural and deserve rights of equal rights and opportunities, and 3) to form a study committee on the issue of same-sex marriage. (Pant 11) BDS engaged lawyers whom were trained on international precedents, involved LGBTI community members, and

sought media partners to inform society. On December 21, 2007, after four hearings, the Supreme Court decision went much farther than all expectations in favor of LGBTI rights. As a result, in the same year, the National Population and Housing Census of Nepal included third gender in gender category to count the population of “third gender”. (Knight) In addition, in 2007 the government of Nepal started to provide transgender citizenship as ‘other’ mentioning “O” category in gender category. Determined advocacy and legal efforts enabled this milestone in Nepal’s history of human rights for LGBTI individuals, making Nepal a leader for human rights in South Asia and the world.

Unfortunately, it took nearly a decade for the Nepali government to implement the groundbreaking Supreme Court decision of 2007. Community’s courage in the fight for equal rights and individual’s courage to apply for an “other” passport are key examples that led to social and legal changes. Monika Shahi (formerly Manoj Shahi before gender reassignment surgery), received Nepal’s first “other” gender category passport. Nepal became third country in Asia to offer a transgender designation. Previously New Zealand and Australia issued such as an ‘X’ category. (Tan) After much debate in 2015, a new constitution was seen as important advancement for sexual and gender minority rights. For the first time in the history of Nepal, an openly gay individual, Sunil Babu Pant became a member of parliament, which served as a Constituent Assembly to propose and approve to make the new constitution. Pant had a very active role. This new constitution had the power to influence all government ministries, agencies and private sector entities to the benefit of the sexual and gender minorities for their livelihoods and family responsibilities. (GAYLAXY)

The long process of the Constituent Assembly to draft and agree to a new Constitution was accomplished by approval of the President of Nepal, Dr. Ram Baran Yadav on September

20, 2015, replacing the Interim Constitution of 2007. On September 16, 2015 representative Pant circulated an email about new constitution that included LGBT rights. “Article 12 (Citizenship ID) of the new constitution states that people have the right to have citizenship ID that reflects their gender identity. Article 18(Right to Equality) covers rights to equality and states that the State will not ‘discriminate against any citizens based on origin, religion, race, caste, tribe, gender, language or ideological conviction or likely any other status.’ Article 18 also lists ‘Gender and Sexual Minority people’ among disadvantaged groups that are recognized by the constitution. ‘Nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the interests of socially and culturally disadvantaged women, Dalits, indigenous peoples, tribes, Madhesi, Tharu, Muslim, ethnic minorities, backward classes, minorities, marginalized, farmers, workers, youth, children, senior citizens, gender and sexual minorities, handicapped persons, pregnant persons, disabled or helpless, people of backward regions and economically disadvantaged citizens,’ the new constitution states. Article 18 also replaces language in the old constitution that references ‘male and female’ and ‘son or daughter’ with gender-neutral terminology. Article 42 (Social Justice) of the new constitution lists ‘gender and sexual minorities,’ among groups that will have right to participate in state mechanisms and public services based on the ‘principle of inclusion.’”

Some districts have started to issue citizenship classifications according to an individual’s identity. For example, Bishnu Adhikari, a transman, was the first Nepali citizen being given the classification of “other” on September 17, 2008. Similarly, Dilu Buduja, another transman was offered the “other” classification on 4 May 2009. The first private sector entity, Everest Bank, began including “Other” category in its application forms as well. (Bista 7) Other highlights include the 2011 Nepal Census, being the world’s first census process to allow people to register

as a gender other than male or female. Unfortunately, the enumeration was fraught with difficulties, with the release of preliminary data not mentioning third gender, which most likely meant those who identified as “other” were left out of meaningful data sets altogether. (Michael Bochenek & Kyle Knight) In October 2015 Bhumika Shrestha - transgender woman “became the first Nepali citizen to travel with documents marked with the country’s legally recognized “third gender”. (theguardian)

Political: In 2006/2007; The second people’s movement was catalyzed; citizens fill the streets demanding inclusion and the end of the monarchy; LGBTI activists join the protests and build alliances Comprehensive Peace Accord, ending the civil war. In 2008; a group of LGBTI community members, including Sunil Babu Pant, stood for Nepal’s first post-war parliamentary election. In the end, a small party called Communist Party of Nepal-United (CPN-U) representation seat selected Sunil Babu Pant as a member. By 2008, thanks to effective advocacy efforts, Dr. Babu Ram Bhatarai (Finance Minister) offered the first specific budget line item for sexual and gender minorities in Nepal. (Knight)

Social: The following interpretation of Buddhism has been noted: “Sex is not necessarily seen as something which forms a person’s identity, but rather as a pleasurable activity, regardless of the sex of one’s partner.” (Isksen 9) Similarly, Hinduism does not exclude homosexual practices, “With regards to gender minorities, South Asian societies have traditionally had a tolerant view, where transgender individuals often had recognized roles in societies. Within Hinduism both transgenderism and androgyny are found in deities, and homosexual acts are mentioned and even positively portrayed in important scriptures such as the Manu Smriti, Arthashastra, Kama Sutra and Upanishads.” (Isksen 9) Although Nepal is considered the most progressive country in South Asia for LGBTI rights, the majority of LGBTI individuals have

lived in poor conditions even for this economically poor country. LGBTI individuals have limited social support, often face rejection by family, and can be deprived of education and employment based on stigma and discrimination. (Bista 8) That said, as the “silver lining” of the HIV/AIDS epidemic, sexual and gender minorities organization have been targeted for funding; working for HIV awareness and prevention. These nationwide efforts have benefitted sexual and gender minorities, with an emphasis on men who have sex with men (MSM), transgender individuals and male sex workers (MSW). According to government statistics, approximately 11,000 Nepalis, or 22.4 percent of the HIV positive population, are enrolled on ART-antiretroviral treatment.” (UNDP 66) Key to this success has been organizations such as BDS, whom have made a collective voice and a platform for social change, breaking down information barriers, and improved frameworks for advocacy and empowerment. (Lesnikowski)

The LGBTI-focused Supreme Court decision of 2007 helped a lot to bring positive change for LGBTI individuals. For example, after the decision, the government started to accept transgender people. “The Nepal Election Commission almost immediately started allowing voters to register as third gender, and many trekking permit applications added a third gender category as well. The Ministry of Youth and Sports added third gender to its National Youth Policy in 2010. And in perhaps the most sweeping implementation of the category, the 2011 federal census allowed citizens to self-identify as male, female, or third gender.” (Knight) Following the decision, many organizations formed to work and promote LGBTI issues in Nepal. According to Sunil Babu Pant, BDS is working for Community Based Originations (CBOs), which have expanded to nearly forty districts across Nepal. BDS estimates it is able to contact with more than 4000,000 people, who belong to sexual and gender minorities. Similarly, I (Roshan Mahato), the leader of Sexual and Gender Minorities Student Forum (SGMSFN)

estimated they are able to connect with nearly two hundred members; helping to sensitize students about LGBTI on campus. (Knight)

Challenges: Although there has been positive change in society, sexual and gender minorities still face pervasive stigma and discrimination based on age, social status, sex/gender, religion and residential location. Society in general still holds negative attitudes towards LGBTI individuals, discrimination is rampant and there is little public support. Lacks of the legal provisions continue to cause problems for the sexual and gender minorities. There is not clear law to protect to LGBTI. (Isksen v) “Transgenders have been especially subjected to harassment, police brutality and detention in Nepal. Even when the perpetrators were not the police, sexual and gender minorities who had experienced abuse, could not seek justice through the law. Sexual and gender minorities who were organised also experienced police raids in their offices and detention and arbitrary arrests while working in the field.” (Isksen 3)

Even though by law, transgender people have the right to a third gender classification in Nepal based on the Supreme Court’s 2007 ruling, they still continue to advocate for their real identity in areas such as such as citizenship. Because government officer are not sensitize about their issue, and they do want to provide citizenship as “Others” to them. From 2007 to 2015, nearly a decade to implement the Court decision. (Ghoshal and Knight), most transgender people do not enjoy their full rights. Kyle notes that due to improper identity such as citizenship and passport, transgender people face various difficulties and discrimination. International travel is still difficult, since they often look different than their identity on legal documents due to their cross dress. Similarly, in emergency situations, transgender individuals do not always get proper attention due to stigma and discrimination. (Knight) Kyle writes; police routinely target and harass transgender people, which has been documented by both BDS and the media. “BDS

archives, in 2003, major local media outlets ran 13 stories about abuse of LGBTI people in Nepal. A year later, major international NGOs and media outlets would cover the arrests of 39 third gender BDS members, pushing the movement into the spotlight.” (Knight) Gay men also face challenges; because they often have to play double role in their family. ““I am third gender, but my wife does not know...I am forty-two years old, and I have two children. I have known about this identity for only three years, but I have always felt like I’m not a man, but I have not told her yet. Telling her would mean losing my family.” (Knight)

Lack of access to condoms and lubricant is also a major challenge for transgender sex worker in Kathmandu, thus increasing their risk of HIV and other sexually transmitted infections. Sexual and gender minority rights include access to education and access to tailored health promotion and disease prevention practices, yet government and NGOs have inadequate investment for outreach services. Organizations working for LGBTI human rights must include focus to address health (including HIV/AIDS) as well as legal and social change. Failure to do so weakens the movement and adds to negative public attitudes toward sexual and gender minorities (IRIN).

Kyle Knight describes the failure of the Nepali government’s use of World Bank HIV/AIDS funds (\$10 million) in a timely fashion as a major challenge to progress in fighting HIV infection. The government is influenced by political leaders and could not make a decision to distribute the fund. Clearly, a lack of government leadership and transparency was responsible for this forfeiture of funding. These funds were intended to support NGOs to offered community delivered HIV services. Knight describes the devastating impact on BDS and sexual and gender minorities organizations whom often struggle with funding gaps. The organization is international donor dependent; there is not much support from country itself. The failure

impacted BDS's ability to offer effective staff and peer educators, who in turn were unable to reach sex workers and clients with life saving information about health promotion and disease prevention. Funding is critical to effective HIV/AIDS prevention efforts in such an economically poor country as Nepal. The response of the sexual and gender minority community showed how they had come to value the HIV prevention measures BDS had taught and provided, and saw the government working to block this progress by stopping the funding. (Knight)

Too often, due to mismanagement, the Nepali government delays funding for sexual and gender minorities, which has serious impact on community programs and the greater LGBTI rights movement. Lack of funding impacts BDS program staff's ability to motivate outreach workers to engage sex workers in the field. Too often, the failure of government is related to incompetent officers not being sure whom has the authority to sign such agreements with economic development partners such as the World Bank. Nepali government bureaucracy and lack of effectiveness of key officials delays funding and endangers programs. (Knight) Too often, LGBTI organizations are donor dependent.

Most of media journalists are great supporters of LGBTI movements in Nepal. Unfortunately, not all media outlets are supportive. For example, in 2014 the "Khoj Khabar" program run by "Sagaramatha" television aired a thirty-minute documentary accusing BDS leadership of corruption and mismanagement of funds. The program claimed had BDS that done nothing for its communities with an annual budget of thirty - two million Nepali rupees - \$18590.82 (BDS), with its leadership financially benefiting. While clearly slanderous, the accusations raise distrust among the LGBTI community of Sunil Pant, BDS and its work. The accusations also forced BDS management and leadership to devote lots of energy to respond to the accusations, thus adding additional difficulties for their challenging mission. While

representatives of donor organizations in Nepal defended BDS, the unnamed accusers continued to cause trouble by planting accusation in social media to continue to spread lies and divide LGBTI communities. In the end, an investigation by the Global Fund to Fight HIV, TB and Malaria found no basis for charges against BDS, and former BDS staff who had been fired for irregularities were indicated to be the source of the false accusations.

While natural disasters are a major challenge for an economically poor country like Nepal, there are additional challenges and vulnerabilities that impact sexual and gender minority communities. As mentioned above, due to stigma and discrimination, many are poor to start with and often are excluded from family assistance. Those who are still part of families do as much to support them as they can. As felt after the Ghoroka Earthquake (April 2015), major impacts were seen by community movements, all civil society programs and national progress in general. The situation of LGBTI community after earthquakes Nepal was extremely challenged. As was reported, BDS's community center and office sustained structural damage, making the use of the building unsafe. Manisha Dhakal, a BDS leader, and her colleagues reported that they continued their work outside from tents provided by the Nepal Red Cross. Thanks to prior advocacy efforts, the Red Cross supported BDS because LGBTI individuals had been considered as a vulnerable group. Many community members had to leave their homes and had no other place to go. The damage to the building (a cracked wall of the BDS headquarters) further challenged HIV/AIDS support programming and most importantly, a hospice center of BDS (i.e. people living with HIV did not feel safe they are staying outside of the building). In fact, BDS was preparing to celebrate The International Day against Homophobia and Transphobia (IDAHOT); however, the earthquake canceled their plan. (Froberg)

In other reports from other national disasters show challenging situations. For example, “Natuwas” (known as third gender in Eastern part of Nepal) reported quite bitter experiences, where members of the community were discriminated against while receiving relief commodities from government and non-government organization after a major flood in 2008. A third gender named Manosh reported that his family did not get full support as other families because his family had a third gender member. (Knight)

Likewise, LGBTI people face discrimination in refugee community. Clearly increases challenges to communities based on “double discrimination.” Refugees already suffer because of their displacement from countries like Bhutan, as they do not have Nepali citizenship. However, additional discrimination on the basis of sexual orientation can further traumatize these already vulnerable individuals. As reported by a 19 years old Bhutanese refugee, Yoman Rai, “last month a transgender was beaten in the camp.” While there is a protection unit in the camp, sexual and gender minorities still face major difficulties. Many LGBTI are not open about their sexuality because of fear. (Knight)

Findings and analysis

The findings are based on **ten e-mail interviewees** with various people from community sections, donors, and supporters of LGBTI rights. Random sampling was used to selecting the interviewees. I asked five different questions. The findings are based on analysis of the five of the ten interviews.

The Origins of the sexual and gender minorities in Nepal

Respondents provided different meanings to the origins. All respondents noted that Blue Diamond Society (BDS) had a major role to initiate the LGBTI movement in Nepal. BDS was first organization and was established legally in Kathmandu (Capital and largest city of Nepal) in

2001. The organization became the largest LGBTI organization in Nepal. Respondent (2) noted: *“From the registration of the Blue Diamond Society (BDS) in 2001 as a human welfare organization, Sunil’s principled leadership inspired others to recognize their realities and have the courage to work for equality in their rights to be who they were.”* Respondent (4) also mentioned Sexual and Gender Minorities (SGM) movement: *“The origin of the SGM Movement was after the establishment of Blue Diamond Society. BDS was the mother organization of our SGM movement.”*

Similarly, all the respondents thought that Sunil Babu Pant, **founder of the organization, was the key person to start LGBTI movement in Nepal.** Pant was the founding president of BDS and Federation of Sexual and Gender Minorities Nepal (FSGMN). He was also first openly gay person in Nepal and later became Member of Parliament representing LGBTI community. Respondent (2) noted how *“Sunil Babu Pant had his own awakening to sexual and gender diversity from studies and volunteer activities abroad. Upon return to Nepal, he set out to learn of sexual and gender realities previously unknown to him. Kathmandu with its not hard to find underground cultures of men who have sex with men (MSM) and transgender (TG) opened his eyes. He also understood the threats of the HIV/AIDS pandemic for Nepal in view of what he learned abroad.”*

Furthermore, most of respondents **mentioned that HIV/AIDS evidence was a key issue that led to the establishment LGBTI movement in Nepal.** LGBTI, as a community, was considered a high risk group. Responded (2) explained how: *“National and international donors’ attention to work for the community. The organization started its work on intervening the issue of HIV/Aids. Family Health international was the first organization who supported homosexuals and transgenders. Continuous awareness and outreach work of the organization help other*

community members to realize the necessity of coming together and speak up to bring change in the society.” (Respondent - 2)

Participants also noted how **unity efforts in a public place allowed a community to develop**. Community unity started from a park called ‘Ratna Park’. The park is situated in the center part of Kathmandu and became place where individuals within the movement could fight for their rights. Respondent (6) indicated how: “Prior to the establishment of Blue Diamond Society, the history of homosexual and third gender commenced from ‘Ratnapark’, which was the ideal place to seek homosexuals and third genders.” “Ratnapark was the place of gathering to all kinds of people, on that crowd sexual and gender minorities used to meet and discuss together in secret.” Respondent (7) added: “Prior to the establishment of Blue Diamond Society, the history of homosexual and third gender commenced from ‘Ratnapark’, which was the ideal place to seek and find homosexuals and third genders. This initiative was taken by Sunil Babu Pant.” The assembly in the park was an effort to counter the stigma and discrimination toward sexual and gender minorities. Therefore, various communities started their movement at the park. Respondent (6) mentioned how the loss of a colleague started the movement: “After the tragic loss of Kali (A meti who did suicide because her family found her in drag and badly beaten up) the group realized they need to come together to struggle for the change, to overcome the violence, torture, stigma and discrimination. Hence, in 2001 the group decided to register an organization.”

Sexual and gender minorities human rights movement achieved socially, politically and culturally

Most of the interviewees spoke about **social and political progress**. FSGMN and its affiliated Community Based Organizations (CBOs) including BDS empowered LGBTI.

Empowered community members helped to sensitize and educate families and Nepali society. Respondent (2) spoke of his education work in rural areas: “My 2008 visit to Narayangarh, Chitwan District included a dynamic meeting with the Human Conscious Society there. I was impressed by participation of local municipal and health officials, journalists, educators and even some student relatives of the SGMs.” This demonstrated how various levels in society engaged with LGBTI issue. Respondent (3) explained the progress: “The organization spread all over the country. There are now more than 40 organization all over the country. Because it was getting too big then it needed a federation.”

Political visibility also led major political parties in the country to include LGBTI issues in their manifesto. Respondent (2) noted how: “The small Nepal Communist Party United offered to field SGM candidates for the 2008 parliamentary elections which would take on the challenge to determine the Constitution for the new republic. Sunil Pant became one of the party’s 5 members of parliament.” Similarly, Supreme Court’s decision to uphold the rights of LGBTI community was also a major achievement for the community. “Probably Nepal was one for the first country in South Asia where Supreme Court declared that LGBTI people deserved to be happy and live freely in the society. It ordered that being LGBTI is totally legal and normal as well. It added that they should be living discrimination-free and stigma-free life. Also court ordered to make a group of government people to learn and understand about same sex activity and marriage to legalize same sex marriage in Nepal.” Respondent explained how the government started to implement the court's decision and how some LGBTI community received citizenship and a passport not as female or male but as the ‘other’. Bishunu Adhikari became first person to received citizenship as “Others”. Similarly, Monica Shahi became first person to obtain passport as “Other”.

Accomplishment that the SGM rights movement a head in legal status, government policy, education, and social change

The organizations (BDS, SGMSFN, FSGMN and it's CBOs) that are working for human rights for LGBTI participated in educational efforts to educate the population. The Supreme Court decision was timely because it happened during the period when the country was working on a new constitution. The efforts made by various organizations allowed Nepal to be more open and democratic in the process.

Majority of the respondents noted how **the positive decision by the Supreme Court opened new ways of being and living for LGBTI community in 2007**. The Court order Nepal government to give rights to LGBTI. Respondent (1) spoke about the changes that took place after the ruling, particularly noting the category of “third gender”; “The inclusion of LGBTI human rights in the recent 2015 – 2016 Nepal Constitution is the most substantial, and with it recognition of a third gender on the sex/gender entry section of Nepali passports (more progressive than many Western nations), but other achievements include, but are not limited to, the following: The Ministry of Women and Children and Social Welfare has included the issues of LGBTI people in its Ten Year Strategy plan, LGBTI issues have been taken into consideration and the thinking of seven political parties manifestos, Nepal government released its five years Human Rights work plan and has talked about various activities to promote rights of sexual and gender minorities in Nepal including Conduct various awareness raising programs to demystify myths around SGM in the society, Inclusion of subject matter in class 6, 7 and 8 of health and physical education in curriculum.”

Similarly, Respondent (2) noted that **after the Supreme Court's decision, the government started to work in favor of LGBT**. “The 2007 Nepal Supreme Court decision

instructing the Nepal government to provide equal citizenship status to sexual and gender minorities (third gender) was an advance, even more striking because it came at a time of transition for the country from monarchy to republic.” The decision also increased acceptance “Recognition of third gender status promoted inclusion and participation in democracy and furthered acceptance by families and social institutions of citizen diversity. By 2015 those with “O” (other) citizenship (as opposed to M (male) or F (female) could apply for “O” passports.” Likewise, there were positive changes in education settings for example, “BDS and FSGMN educational efforts were strengthened greatly by the Sexual and Gender Minorities Student Forum - Nepal, (SGMSFN) founded by Roshan Mahato, FSGMN national coordinator and sociology Master’s student at Tribhuvan University. Meeting first in confidence in 2009, student forum leaders undertook to combat discrimination in educational settings and promote SGM education throughout educational institutions.”

Challenges that blocked or continue to block progress

While the progress that continued throughout the 2001-2015 period was remarkable, as were the dedication and energy of so many involved, challenges continued because of the ruling by the Supreme Court. Two respondents (1) and (6) noted that there was much demand to **educate and create** meaningful changes yet many organizations did not have resources to create sufficient changes. The government was also not as helpful for the community since it did not view LGBTI community as a political form. Respondent (2) noted that even as many progresses took place from 2001 to 2015, it was because of the community’s energy and work. However, there were still lots of challenges that blocked the community’s progress. “Program and staff funding gaps because of government and donor bureaucratic requirements (SGM staff did not have savings or other resources to bridge when their salaries were not paid).” Similarly, “false

accusations of corruption or mismanagement that were fueled by media and former BDS employees who were fired because of their own corrupt practices, jealousies and who sought personal vendettas.”

Likewise, respondent (3) and (7) wrote that there was still **stigma and discrimination** from family, society and government despite the positive ruling by the Supreme Court. Despite the ruling, societal lack of knowledge about LGBTI issues was difficult to overcome in a short period of time. Respondent (8) noted the problem was the prevalence of: “Patriarchal and conservative social norms that emphasize different -sex marriage and reproduction by families for continuation of lineage.” Furthermore, Respondent (9) mentioned how external forces obstructed local work. “It has failed to engage the broader human rights community, failed to engage with other minority groups and work together jointly on issues of equality and non-discrimination. Being donor driven it is quick to portray slight gains as huge successes, which isn’t strictly the truth. How much of this is the fault of poor leadership in Nepal or how much of this is bad donor policy.” Respondent (10) also noted the problem concerning a lack of leadership following the Supreme Court’s decision. “Major problems, as so far is the delegation of authority and leadership as well as internal conflict and phobia among the LGBT communities themselves.”

Criticisms and recommendations come from outside and within the movement

Respondent (1) agreed that partnership with national and international agencies could make the community capable and strong. The respondent noted: “so much can be achieved in partnership with overseas organisations and bodies (for these can impose standards of good practice, entrepreneurship, and directly influence companies, banks, etc. in Nepal that can help

with more LGBTI people becoming self-employed. The main sectors would be tourism & hospitality, the arts and crafts (including clothes and modelling and fashion).”

However, respondent (3) thought that the movement was **“More focused about fulfilling donors demands, but not real work.”** The respondent also blamed the organizations for focusing more on transgender women, but not on gay men and lesbians “There is majority of transgender women. The organization itself is not being able to attract gay men and lesbians.” Similarly, respondent (4) noted how the organizations were only promoting transgender women since it focused on “International and national concern of only depicting Transgender (from Male to Female) as part of the organization structures and activities. There was limited space for LGBTI to create enabling environment within the organization. The transgender (from Male to Female) have ruled the organization for decade and required changes.”

The above perspectives reveal the challenges that organizations face, including the internal and external demands. In addition, the participants note how organizations often have to follow donor demands and develop a culture overtime that includes as well as excludes people.

Conclusions and Recommendations

2001 was the most significant year for the LGBTI movement in Nepal. Community members founded the Blue Diamond Society (BDS), an organization providing direct services and advocacy related to HIV prevention, health and human rights. While some LGBTI people had participated in activism prior to 2001, BDS represented the first time activists and community members launched an advocacy project aimed at combating stigma and discrimination. Furthermore, international assistance and the global LGBT movement were critical in helping formalize the LGBTI rights movement in Nepal. Specifically, many international donors funded HIV prevention and awareness efforts.

2007 was another significant year for the LGBTI movement in Nepal. For example, in its landmark decision the Supreme Court ordered the government to give equal rights to LGBTI people. Moreover, that same year the Federation of Sexual and Gender Minorities Nepal (FSGMN), an umbrella organization of community groups, was established to unite and strengthen LGBTI movement. Today, there are more than 50 community-based organizations affiliated with FSGMN.

Similarly, the Sexual and Gender Minorities Student Forum Nepal (SGMSFN) was established in 2009, promoting educational rights of LGBTI youth. At the same time, BDS founder and director Sunil Babu Pant was nominated as a Member of Parliament (MP) by a fringe Communist Party. Because of his leadership and the community members' efforts, LGBTI rights were included in the 2015 constitution. In addition, major political parties of Nepal include LGBTI issues in their manifestos, and the government began providing citizenship documents and passports with an 'Other' category. Today, major stakeholders like media and human rights organizations have strongly supported the LGBTI movement. As a result, LGBTI communities have created strong networks of their own as well as partnerships with other key social and political stakeholders.

Beside these significant achievements, there are still many challenges faced by the LGBTI movement. For example, LGBTI people need to be financially empowered with specific programs tailored for them. Specifically, they could benefit from investment in education and training. In addition, LGBTI communities in Nepal are still divided into two broad camps. One well-funded and powerful group is affiliated with BDS and FSGMN, while another camp consisting mostly of lesbians and transgender men has needs that are not adequately addressed by the BDS/FSGMN camp.

Moreover, a lack of strong organizational policy, leadership and management, as well as corruption among some advocates, continue to raise challenges. For example, community based organizations are still overwhelmingly donor dependent and driven with only minimal support from local. Also, current officials within the movement have failed to train the next generation of activists and leaders.

Recommendations are based on ten interviewees of the research -

1. The Supreme Court (SC) verdict of December 2007 was a major achievement for LGBTI people in Nepal. It brought about many positive changes in government policy and social awareness about the LGBTI community. However, the implementation of the decision is proving very slow. *The organizations working for LGBTI rights should advocate more vigorously pressuring the government to implement the letter and spirit of the SC verdict.*
2. The SC verdict called for legalization of same-sex marriage in Nepal, but this has yet to happen. *The executive and legislative branches should prioritize legalization.*
3. LGBTI people are stigmatized and discriminated in many workplaces. They are often forced to leave their jobs once they are identified or self-identity/come out as LGBTI. *LGBTI organizations need to educate the owners of businesses that LGBTI employees bring much strength and are not a hindrance.*
4. People are still not fully aware about sex, gender and sexuality. *LGBTI activist and organizations need to organize different kinds of activities to raise awareness, such as rallies, meetings, workshops, and celebrations.*
5. Education is a great way to inform new generations about the issues and needs of LGBTI people, who may be immediate family members, relatives, colleagues and friends.

LGBTI organizations need to collaborate and work with educational institutions to incorporate their issues into the curriculum.

6. LGBTI organizations *should collaborate with government agencies, the media, civil society and other stakeholders to build good networks.*
7. LGBTI organizations in Nepal have received tremendous support from international donors over the last two decades. However, these organizations have been beset by management problems and a lack of transparency. *Better mechanisms need to be implemented to ensure transparency and accountability.*
8. Most funding and programming is targeted at HIV prevention and cure for issues afflicting gay men, men who have sex with men (MSM) and transgender women. However, lesbians and transgender men receive little funding and attention. *This needs to be remediated. Moreover, infighting and disagreements within subgroups of the LGBTI community are problems that need to be better addressed.*
9. The local LGBTI organizations are donor driven. They have to follow donors' instructions and policy directions that do not always help the community and the movement. Therefore, *the organizations should make better use of local resources and take into account the priorities of beneficiaries. It is also important to make the community self-sufficient, thereby avoiding excessive donor dependency and lack of local fundraising capacity.*
10. LGBTI organizations have done a commendable job empowering the transgender women community. At the same time they have failed to empower lesbians, transgender men and gay men to the same extent. *Lesbians and transgender men are excluded from leadership positions. More needs to be done to address these gaps.*

11. Organizations are spending large chunks of their budgets on management, staff salaries and events and entertainment. *The budget needs to be more focused on supporting grassroots communities through programming and direct service provision.*
12. LGBTI organizations *need to train a new generation of leaders as well as the movement's founders, who have been around for a long time but are holding back growth.*
13. Many commercial *sex workers are also employed by LGBTI organizations. This practice should be stopped as it reflects poorly on the broader LGBTI community.*
14. Nepotism and placement of relatives in key positions are major problems in some organizations. This does not help the organizations and the community and *such practices should be stopped.*

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Appendix

IRB Approvals

Roshan,

Attached please find a signed IRB approval letter for the study entitled “Analysis of the Movement for Human Rights for Sexual and Gender Minorities in Nepal: The Beginning, 2001-2015” (IRB Protocol # 2014-101). Please retain a copy of this email for your records since a paper copy of the approval letter will not be sent out.

Note that administrative close-out occurs on the approval expiration date, 6/23/2016. If you would like to extend the approval for an ongoing study, please fill out the brief Continuing Review form, indicating “Annual Report”, and submit to the IRB via the humansubjects@clarku.edu for review. The Continuing Review form is due two weeks before the expiration date above. (Form is available at <http://www.clarku.edu/offices/research/compliance/humsubj/index.cfm>)

Please read through the Investigator Responsibilities section. It includes consent form guidelines, instructions for submitting reports for unanticipated events and requests for amendments to the approved protocol. Federal regulations require review of the study on the anniversary of the approval. Information about navigating the continuing review process is included in this section.

If you have any questions, please email me at the humansubjects@clarku.edu address or call x3880.

Best of luck on the research!

Diane

--

Diane Sainsbury
Office Assistant/IRB Coordinator
Office of Sponsored Programs and Research
Clark University
508.421.3880

CLARKO

CHALLENGE
CONVENTION.
CHANGE
OUR
WORLD.

IRB Proposal No. 2014-101

REPORT ON ACTION OF
COMMITTEE ON RIGHTS OF HUMAN PARTICIPANTS IN
RESEARCH AND TRAINING PROGRAMS

Investigator: Roshan Mahato
or:

Advisor: Jude Fernando

Department: DSC

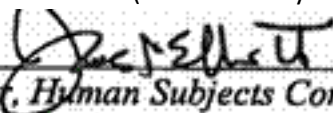
Project Title: Analysis of the Movement for Human Rights for Sexual and Gender Minorities in Nepal: The Beginning, 2001-2015

This is to certify that the project identified above has been reviewed by the Committee appointed to review proposed research, training and related activities involving human subjects, which has considered specifically:

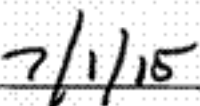
I. the adequacy of protection of the rights and welfare of the subject involved;

1. the risks and potential benefits to the subject of importance of the knowledge to be gained; and
2. the adequacy and appropriateness of the methods used to secure informed consent.
3. Action date: 6/23/2015
4. The collective judgment of the Committee is that:
5. (x) the study is APPROVED (Research may begin)

Signature


 Chair, Human Subjects Committee

Date



6.

APPROVAL EXPIRATION DATE: 6 / 23 / 2016

To renew this approval for an ongoing study to extend it beyond the expiration date, federal regulations require completion of a

Continuing Review form indicating it is your project's "Annual Report". This form should be submitted to humansubjects@clarku.edu two weeks before the expiration date above for IRB review and approval. The Continuing Review form is available at <http://www.clarku.edu/offices/research/compliance/humsubi/index.cfm>.

Please note if the Continuing Review form is not submitted for renewal of your IRB approval, the approval will lapse and under federal regulations no further work under that protocol may occur after the expiration date.

INVESTIGATOR RESPONSIBILITIES for all APPROVED research projects:

1. **Investigators must keep consent forms on file for the three years following the date of IRB approval. Faculty advisors are also obliged to keep, for three years, consent forms received from research projects undertaken by students.**
2. The investigator(s) must notify the IRB chair immediately of unanticipated problems that affect subject welfare.
3. Any changes to this protocol must be submitted to the IRB for review prior to being implemented.
4. Federal regulations require continuing review of all approved protocols. The Office of Sponsored Programs and Research (OSPR) will send the investigator(s) a Continuing Review form, which is due by or before the expiration date above. In order to ensure our continued compliance, we ask for your assistance by filling out this brief form and returning it to OSPR within two weeks of receipt. Indicate "Annual" if the study is ongoing or "Final" if the research has been completed. (Form is available at <http://www.clarku.edu/offices/research/compliance/humsubj/index.cfm>)
5. Clark University FWA 00000262

6. Sponsored Programs and Research

7. 950 Main Street • Worcester MA 01610-1477 USA • 508-793-7765 Phone clarku.edu

From: Human Subjects Research
Sent: Friday, July 8, 2016 10:03 AM
To: Mahato, Roshan
Subject: RE: For Approval - IRB (2014-101)

Apologies, Roshan! I started your notice of continuing review then switched midstream to someone else's study.

I did receive a signed form from the IRB Chair for your annual report. I can confirm that IRB protocol # 2014-101 "Analysis of the movement for human rights for sexual and gender minorities in Nepal: the beginning, 2001-2015" is renewed for another year until **6/23/2017**.

If you would like to renew the approval for an ongoing study, please fill out the brief Continuing Review form, indicating "Annual Report", and submit the form along with a fresh copy of your consent form to the IRB via the humansubjects@clarku.edu for review. The Continuing Review form is due two weeks before the expiration date above. (Form is available at <http://www.clarku.edu/offices/research/compliance/humsubj/index.cfm>)

If you have any questions, please email me at the humansubjects@clarku.edu address and be sure to use the IRB Protocol # in the subject line of the email when referencing this study.

Thank you for bringing the error to my attention,
 Diane

--

Diane Sainsbury
Office Assistant/IRB Coordinator
Office of Sponsored Programs and Research
Clark University
508.421.3880

Hours: M – F 9:00 am to 1:30 pm

CONTINUING REVIEW FORM
FOR RESEARCH INVOLVING HUMAN SUBJECTS

IRB Protocol: 2014-101

Investigator(s): Roshan Mahato

Advisor (if investigator is a student): Jude Fernando

Department: IDSC

Project Title: Analysis of the movement for human rights for sexual and gender minorities in Nepal: the beginning, 2001-2015

This is a (n):

Annual Report (check here if research is ongoing)

Final Report (check here if research has been completed)

In accordance with policies and procedures established by Clark University, all projects involving human subjects must be reviewed to ensure that appropriate safeguards are being followed. Continuing Review forms must be filled out by investigator(s) to confirm that research was conducted as approved by the Institutional Review Board/Committee for the Protection of Human Subjects in Research and Training Programs (IRB). Please complete this statement and return this form to the Research Office, Geography Building, Room 300.

1. Have you conducted your project in accordance with the protocol approved by the IRB?
(If no, please explain any deviations from the approved protocol. Use additional sheets if necessary):

Yes

I will keep all consent forms on file for three years from the date of my proposal approval and will make available upon request by the IRB, copies of signed consent forms of all subjects participating in the research.

In signing this statement, I certify the accuracy of the information provided and reassert my intention to abide by University policies and procedures governing research with human subjects.

Roshan Mahato
Principal Investigator or Researcher

06/26/2016
Date

Advisor (if investigator is a student)

Date

This Continuing Review statement has been reviewed and approved by the IRB.

Chair, IRB

Date

Research Methodology

I collected research data through qualitative research through email interview. I requested thirty people, but only ten people participated in the interview. I had asked five different questions related my paper. The interviews and questions were cross-section of people, including diverse members of the sexual and gender minority community, leaders of their organizations, NGOs, media, international NGO and government donors, and Nepali government officials, university professors, students, families, friends and supporters of community members.

Secondary data was collected from the organizations, which are working for sexual and gender minorities such as Blue Diamond Society (BDS), Federation of Sexual Gender Minorities, Nepal (FSGMN), and Sexual and Gender Minorities Student Forum, Nepal (SGMSFN). Similarly, secondary data was collected from the Internet (see bibliography for details).

Time	Task	Method
May to June, 2016	Preparation and investigation	Contact to local organizations, preparation of questions and literature review

July to December, 2016	Fieldwork	Secondary data and Skype interviews
January to March, 2017	Data analysis and research completion	Data triangulation (looked the data in different angles), review, and analysis

Data Analysis Framework

Qualitative information was analyzed by analytical process. Analytical process follows different process from the beginning to end. Privacy and confidentiality was maintained throughout the interview process and analysis. Data was anonymized by deleting names and addresses. The anonymized data was coded to bring main theme. Upon careful reading and consideration, the codebook was indicated whether the codes were deductive, inductive or in vivo. After that, It was grouped the codes on the basis of similarities. Then codes was linked according to common attribute and categories. Then it was conceptualized. While conceptualizing, zooming in and zooming out, were established important themes and conclusions.

Research Ethics Statement

Clark University ethical approval was sought from its Institutional Review Board (IRB). Written consent was obtained from every informant contacted by e-mail, since those people understand English. The consent form and questions were also translated in Nepali. Each informant had given opportunity to seek clarification and/or withdraw even after signing the document or agreeing orally.

Confidentiality and assuring anonymity with regard to interview responses were essential to keep risks to the subjects in this project minimal. There were no physical risks involved, everything was done by maintaining confidentiality and anonymity to enable those interviewed to respond honestly. Identity of the participants was kept confidential. All participants was given the opportunity to ask questions and address any queries about the research and the questions at any point during their participation. If at any time a subject feels uncomfortable answering questions, the person has the right to refuse to answer, to halt the interview, or withdraw from participating in the project. The data gathered in ways to ensure/preserve anonymity and was kept confidential.