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Statement of Action Canada for Population and Development – Item 6 – Universal Periodic Review – Nepal – Adoption of UPR outcome on Nepal – June 7, 2011

Thank you, Mr. President,

I am Manisha Dhakal from Nepal speaking on behalf of the Blue Diamond Society and the Sexual Rights Initiative.

I am pleased to have the opportunity to welcome my country's delegation to Geneva and to congratulate the Government of Nepal on its acceptance of recommendations from New Zealand, Norway and the United States relating to sexual and gender minorities. These accepted recommendations include a clear commitment to fully implement the Supreme Court decision on sexual and gender minorities.

In that decision, which dates from 2007, Nepal's Supreme Court issued an order to the Nepal government to issue citizenship certificates to persons like me who are third genders. But the Nepal government has not implemented this order and many Nepali third-genders still either do not have any legal identity paper or are forced to carry identification that does not represent our true identity. For example, I am forced to carry a Legal ID as a MAN which is not my true identity. Third genders face problems of bullying in schools, in accessing health care centers, in applying for jobs and face harassment at immigration and security checks.

I ask the government: when will this 2007 Supreme Court decision be implemented?

Mr. President,

Now the proposed civil and criminal laws by the Ministry of Law, which have been tabled in the Nepali parliament, contain provisions to re-criminalize so-called "unnatural sexual offenses" and to define marriage as only between a man and a woman. These attempts by the law ministry are a clear sign not to follow international human rights standards, a clear intention not to implement Supreme Court's decision and also go against the spirit of the interim and new draft constitution of Nepal.

I ask your support to hold Nepal government accountable on implementing Supreme court decisions fully and ensure that the proposed civil and criminal laws are amended to ensure the human rights and equality of sexual and gender minorities, rather than discriminating against and criminalizing us.

Thank you for your attention.

