

LEGAL, POLITICAL AND SOCIAL CHANGE

-THE CASE OF SEXUAL AND GENDER MINORITIES IN NEPAL



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ABSTRACT - सारांश

This thesis examines the recent legal, political and social changes for sexual and gender minorities in Nepal. The empirical data were produced during field work in Nepal in 2010. In a short period of time the sexual and gender minorities have experienced a significant improvement in rights as well as increased inclusion in political processes. However, this study shows that they still experience social challenges such as discrimination and harassment. Although positive social changes like increased visibility, empowerment and awareness have been important, negative attitudes, ignorance and a lack of implementation of the legal provisions cause problems for the sexual and gender minorities. Individuals also face different challenges depending on identity factors such as age, social status, sex/gender, religion and where they live. Finally, this thesis discusses whether the strategies employed or the political and cultural context in Nepal have been important preconditions in order for the positive changes to happen, and if there are any lessons one can draw from the Nepali case.

यो सोधपत्र वर्तमान नेपालका लैंगिक अल्पसंख्यकहरूका कानूनी, राजनैतिक र सामाजिक अवस्थामा आएको परिवर्तनकाबारेमा केन्द्रित छ । यस सम्बन्धि स्थलगत अध्ययन सन् २०१० मा गरिएको थियो । नेपालका भएको राजनैतिक परिवर्तनसगैँ छोटो समयअवधिमा यी लैंगिक अल्पसंख्यकहरूले उनीहरूको अधिकार तथा समावेशीकरण प्रक्रियामा उल्लेखनीय परिवर्तन भएको महशुस गरेका छन् । तर अझैपनि उनीहरूले सामाजिक विभेद सम्बन्धि विभिन्न चुनौतीहरूको सामना गर्नुपरिरहेको छ भन्नेकुरा यस अध्ययनको निष्कर्ष हो । समाजमा चेतनाको स्तर तथा शसक्तिकरणमा आएका सकारात्मक परिवर्तनहरू निकै महत्वपूर्ण भएता पनि लैंगिक अल्पसंख्यक प्रति समाजको नकारात्मक हेराई, तिरस्कार र भएका कानूनी प्रावधानहरू कार्यान्वयन नहुनुले उनीहरूले अझै पनि धेरै समस्याहरू भोग्नुपरिरहेको हो । प्रत्येक लैंगिक अल्पसंख्यकहरूले उनीहरूको व्यक्तिगत पहिचान झल्काउने विवरणहरू जस्तै: उमेर, लिंग, धर्म, बसोबासको ठेगाना, सामाजिक हैसियत आदिको बारेमा अझै चुनौतीहरू भैलिरहेका छन् । यो सोधपत्रले लैंगिक अल्पसंख्यकहरूको अवस्थामा परिवर्तन ल्याउन अपनाईएका रणनीतिहरू वा सामाजिक तथा सांस्कृतिक परिवेश कतिको महत्वपूर्ण छ भन्ने कुराहरूको विश्लेषण गर्नुका साथै नेपालमा लैंगिक अल्पसंख्यकहरूको अवस्थामा आएको परिवर्तनको क्रममा भएका शिकाईहरूका बारेमा पनि चर्चा गर्दछ ।

FOREWORD

I first heard about how sexual and gender minorities in Nepal had gained rights while I was vice-president for a Norwegian student based non-governmental organisation in 2009. One of my responsibilities in the job was the area of sexual and reproductive rights, and Nepal kept being mentioned as an example of success in various forums where I attended. Being familiar with so many stories of human rights abuse against sexual and gender minorities in different parts of the world, I found it very motivating to try and understand how these changes took, and still are taking, place. As a geographer I asked myself the classical geographical question of why this is happening in that place in particular.

My hope has been that this thesis will be useful for my informants in illustrating how far they have come, thus increasing their confidence, as well as seeing what still needs to be done. By studying best practices, I also hope that it could prove helpful for sexual and gender minorities struggling for their rights in other parts of the world. It has been my intention that this thesis should not be “my thesis”, but rather the thesis of the people who contributed to it by sharing their thoughts and experiences. However, I take full responsibility for the end result.

In my opinion research is most constructive when it is accessible not only to fellow academics, but to a wider audience. Hence it has been my intention to balance the language in this thesis between academic and colloquial language. For the same reason I have also decided to write the thesis in English. This is not my native tongue, so there might be formulations which are not completely correct or well written. Still, it is important for me that the thesis is available to as many as possible of my informants and others who are interested in the topic, so writing it in Norwegian was always out of the question. It is only my regret that I cannot make it available to those of my informants who read only Nepali, local languages or are illiterate.

I would like to take this opportunity to show gratitude to people who in different ways have been important in seeing this project through. First of all I would like to thank all the informants who made this thesis possible. I was touched by many of your stories and I deeply appreciate that you showed me the confidence to share your experiences with me. To my supervisor Odd Inge Steen: thank you for supporting my somewhat unorthodox choice of topic and giving good advice along the way.

A big dhanyabaad goes to my host family Geeta-didi, Sunjalee-bahini and Ama Tara for making me feel welcome and making my stay in Kathmandu pleasant. An equally big thank you goes to Alina for helping me with so much more than translation and generally being a great person to hang out with. To Joe, for pizza dates, being a good listener, field excursions and foot baths. I'm really happy I met you!

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To my mother and father for their encouraging support of my choices in life, and for telling me how proud they are. Thank you! I also want to thank my siblings Andreas and Therese for inspiring me to always do my best in all situations. Lastly; Benny, thank you for being such a great support and partner in all matters of life. You're the best!

This thesis is dedicated to my great-uncle Rolf Løvaas, Norwegian gay pioneer.

Oslo, May 2011

Eirin Winsnes Isaksen

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Photos of sexual and gender minorities in Nepal are not in any way related to informants.

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1 INTRODUCTION



Figure 1: Examining Nepal (Top News 2010)

“Nepal, Asia’s LGBT Mecca” (Jones 2010). Statements such as this one are not uncommon nowadays, as Nepal is being heralded as the LGBTI (lesbian, gay, bisexual, transgender and intersex) haven of South Asia. Five years ago however, such a statement would seem absurd and out of place. The purpose of this study is to examine the recent changes as well as the current legal, political and social situation for sexual and gender minorities in Nepal. It is also of interest to consider if there are best practices from this specific case that could be transferred to other cultural contexts. In this introduction I will first examine the situation of LGBTI from a human rights perspective. Thereafter I will address the recent political and social changes in Nepal, before discussing some cases of sexual and gender minorities in a regional and global context. I will then present the research questions which form the basis of this study, before finally introducing the structure of the rest of the thesis.

Human rights (or wrongs) for sexual and gender minorities

Until recently sexual and gender minorities in Nepal, just as in many of its neighbouring countries, were marginalised and discriminated. Harassment, threats, discrimination and

violence were experiences far from uncommon for those who transgressed sexual and gender norms, and one only has to go back a few years to find reports of multiple human rights violations against sexual and gender minorities in Nepal (see e.g. Human Rights Watch 2007). Negative sanctions and reprisals were effectuated both by family members, government officials, the state and others.

On a family level, pressure to get married or even threats, violence and exclusion were some of the challenges that sexual and gender minorities had to deal with. In a country like Nepal, where the welfare of citizens is not widely provided for by the state, exclusion from the family can have serious consequences. Nepalis are often organised according to kinship relations, and kinship plays an important role in accessing institutions and resources (Joshi 2004). Thus, the family must be understood as more than a social entity in the context of Nepal, as it also functions as a financial safety net, door opener and a marker of social status in society. Individuals who then lose this safety net become much more vulnerable to poverty and discrimination. There are many possible consequences facing those of the sexual and gender minorities who have been excluded from their families. Having to find jobs to support themselves, many have forfeited their education. Oftentimes they have been forced into low paying manual labour or sex work. Those who have had to involuntarily leave their home towns have as a result often suffered financially through the loss of inheritance and property.

The marginalisation of sexual and gender minorities is further increased by the discrimination by other members of society. Prejudice towards marginalised groups may influence their access to jobs, housing, health services and other basic needs. To avoid repercussions from society many sexual and gender minorities thus choose to keep silent about their identity, often hiding behind sham marriages (Thottam 2009). But it is not only individuals in society who discriminate against sexual and gender minorities. In Nepal, like in many other countries, the state has historically contributed to this marginalisation through a discriminatory legal framework.

State discrimination

Homosexuality is illegal in over 80 countries around the world, with punishments ranging from fines to the death penalty in some countries (Gupta 2008). In Nepal, the national civil code criminalises “unnatural sex” under the chapter on Bestiality (Alizadeh 2007). However, aside from clearly criminalising sex with animals, it does not specify which sexual acts between humans are considered unnatural. This vague legal wording is common also in previous colonial countries (although Nepal was never colonised), who received their so-called sodomy laws from Britain. The history and influence of the British Section 377 regarding sodomy on its colonies and beyond is well documented by Alok Gupta in the Human Rights Watch report “This Alien Legacy” (2008). The sodomy laws did not take consent or age into consideration, thereby making homosexuality indistinguishable from paedophilia and rape (ibid.). A term as general as “unnatural sex” is very open to interpretation. For example it could be interpreted to mean oral and anal sex between heterosexuals or even any other sexual position than the missionary.

In Nepal the civil code criminalising unnatural sex was not used against homosexuals in the court room. Still, it is natural to think that it legitimised harassment of sexual and gender minorities. 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.

(In)visibility

While on the one side criminalising and harassing sexual and gender minorities, some government officials on the other side denied their existence (Human Rights Watch 2007). This paradox of criminalising something which allegedly does not exist is also a known phenomenon from other countries (Gupta 2008), and it has serious implications. The relationship between visibility and rights is mutually reinforcing in that if a group of people are invisible in society, they will not be included in laws. For instance, one consequence of the view that sexual and gender minorities do not exist will easily be that they are not

integrated into national health programmes. This in turn increases their sense of invisibility. Excluding people from rights can be understood as a refusal by others to accept their existence. When sexual and gender minorities are unable to access citizenship cards for example this both leads to a loss of rights and services as well as a heightened degree of invisibility.

LGBTI rights are human rights

“All human beings are born free and equal in dignity and rights” (UN 1948). This famous sentence is from the first article in the Universal Declaration of Human Rights. It should not leave any doubt to the universality of the human rights. Unfortunately discrimination and even criminalisation of sexual and gender minorities is still a challenge in many parts of the world, when homosexuals are sentenced to prison or even death, transgenders are sterilised against their will and hate crimes go uninvestigated and unpunished.

In 2006 a panel of human rights experts from around the world came together to develop what has been known as the Yogyakarta Principles. This set of principles starts out with the same sentence as quoted above, and seeks to provide a consistent understanding of how human rights should be applied to issues of sexual orientation and gender identity (Yogyakarta principles 2007). In addition to addressing issues of safety and access to justice, the Yogyakarta Principles deal with concerns around privacy, non-discrimination, employment, health, education, public participation, migration and freedom of expression and assembly. I will return to how the sexual and gender minorities in Nepal have organised to improve their human rights situation shortly, but first let me present the social and political context of Nepal.

Political and social change in Nepal

Nepal can truly be said to be a diverse country both topographically and demographically. The Southern area of Terai, bordering India is characterised by flat plains and a hot climate. The capital of Kathmandu is in the hilly region, while the mountain landscape of the

Himalayas on the Chinese border in the north contains eight of the world's ten highest peaks (CIA 2011). The population is today estimated to be over 29 million people (ibid.). These are divided into ca. 90 different castes and ethnicities and there are around 70 different languages and dialects (Thapa 2005). Hindus make up over 80% of the population, while other significant religions are Buddhism, Islam, Christianity, Sikhism and animist religions such as that of the Kirat (CIA 2011).

Nepal has for many years been troubled by poverty and conflict, and today almost a quarter of the population live below the poverty line (CIA 2011). Historically Nepal was a monarchy led by high caste royals, the Shahs, or their mukhtiyars (prime ministers), the Ranas (Thapa 2005). After a failed attempt at democracy in 1960, Nepal experienced political unrest in the late 80's and early 90's leading to the end of the authoritative Panchayat system and the first democratic election in several decades. However, the optimism that this initially sparked did not last for long. The King kept his power over the army, and was given discretionary powers in case of constitutional crisis (ibid.). In 1996 Maoists fed up with the failures of the politicians, started an insurgency which was to last for a decade (CIA 2011).

The ensuing civil war witnessed more than 16 000 casualties and over 70 000 people were displaced from their homes (Internal Displacement Monitoring Centre 2009). When the entire royal family was massacred, allegedly by the crown prince himself, the brother of the late king eventually took over the throne. He assumed absolute power, and the parliament was dissolved. This political turn did not have a lasting positive effect on the civil war (Thapa 2005). After a period of mass protests the king reinstated parliament in 2006, and a peace agreement with the Maoists was reached. Two years later monarchy was abolished and Nepal was declared a secular Federal Democratic Republic (Adhikary 2008).

Today's political situation is still heavy with uncertainties. Recent reports show that there are still human rights challenges in Nepal regarding impunity, freedom of speech and human rights abuses (Asian Human Rights Commission 2010). The completion of the new constitution which was originally due in May 2010 has been extended one year. Much therefore, depends on getting the new constitution in place, and this concern is also shared by the sexual and gender minorities.

Organising for LGBTI rights

The first organisation working for sexual and gender minorities in Nepal, the Blue Diamond Society (BDS), was established in 2001. Originally BDS worked on raising health awareness for sexual minorities, but increasingly they started including legal rights and advocacy in their work (Pokharel 2008). According to the founder of the organisation, Sunil Pant (in Chu 2008), it was only after some serious incidents occurred, when for instance one transgender was killed by a police officer, that Nepali society became more aware of sexual and gender minorities and their lack of rights. Such assaults were horrific signs of what needed to be done, and it gave them sympathy from the media and general public (ibid.). BDS employed a multifaceted approach in their rights work. In addition to building alliances and sensitising police, media, politicians and other central actors, it was also necessary to educate sexual and gender minorities about their rights and provide skills training for them.

The Supreme Court Decision

The real breakthrough came in 2007 after BDS and other NGOs petitioned the government. In November of that year the Nepali Supreme Court ruled in favour of recognising the rights of sexual and gender minorities (Thottam 2009). The court decision stated that: *“Lesbian, gay, bisexual, transsexual and intersex are natural persons irrespective of their masculine and feminine gender and they have the right to exercise their rights and live an independent life in society”* (BBC News 2007). It is this verdict about LGBTI in 2007 that I have in mind when discussing “the Supreme Court Decision” later in this thesis.

A result of the court’s decision is not only that homosexuality has been decriminalised, but that discrimination based on sexuality and gender expression was made illegal. Furthermore, the court recognised a formal third gender category, which will give LGBTI who do not identify as male or female the possibility of accessing identity cards registered with the third gender. Another result of the Supreme Court ruling is the formation of a government advisory committee which is studying the possibility of legalising same sex marriage (Thottam 2009). On a legal basis then, the litigation strategy can be considered a success.

Changes for sexual and gender minorities?

There have also been positive political changes for sexual and gender minorities the past few years. Many of the major political parties have now integrated clauses in their political manifestos recognising sexual minorities (Aryal 2008), and in 2008 the BDS founder Sunil Pant became the first openly gay Member of Parliament (MP) (Thottam 2009). A provision for sexual and gender minorities was even included in the national budget for 2008-09 (Finance Minister Bhattarai 2008). The major political changes in Nepal as well as the changes for sexual and gender minorities the past ten years are summarised in figure 2.



Figure 2: Timeline-Recent changes in the state and for sexual and gender minorities in Nepal

On the negative side, the government has been criticised for taking too long in implementing the new laws. There have been a few cases reported where third genders actually received identity cards stating third gender (Kshetry 2009), but the decision from the Supreme Court about third gender categorisation has not been implemented fully in society, due in part to the deliberate obstruction by the Home Ministry (Himalayan News Service 2010). Neither has the committee looking into same sex marriage finished their report, and although a few gay couples have married, they are not yet officially recognised.

Still, BDS reports that the court decision has led to positive social changes for sexual and gender minorities (Kc 2008). There are fewer reports on attacks and discrimination, although there are still some. Today, LGBTI groups are spread across the country, of which most are in some way connected to BDS through the Federation of Sexual and Gender Minorities. The Supreme Court Decision received a lot of media coverage, and awareness is increasing both in the general public and among sexual and gender minorities themselves. It is evident that there has been positive development in some areas for the sexual and gender minorities the past few years, and this is one of the issues that I will explore further in this thesis. I will

present the specific research questions shortly, but first I want to contextualise the situation for sexual and gender minorities in Nepal compared to that of other countries.

Nepal, Asia's LGBTI Mecca?

To thoroughly understand this statement it is necessary to know more about sexual and gender minorities in the rest of Asia and the Global South. I do not seek to give a very detailed account of this as it would be too time- and space consuming, but instead I will draw on a few cases to hopefully expand the scope of the reader. Here I understand the metaphorical concept of "LGBTI Mecca", not as a place for pilgrimage, but rather as somewhere good and safe for LGBTI compared to other times and places.

Sexual and gender minorities in Asia

Asia is a very diverse continent with regards to culture, religions and history. Many of the countries in South Asia were colonised by Britain, and were influenced by the culture, language and laws of their coloniser. Before colonisation however, several of the Asian countries were well developed, with thousands of years of recorded histories (Stewart 2010). These texts include information about family structure as well as non-heterosexual behaviours (ibid.). Arguments that homosexuality is a Western construct and something un-Asian are therefore less common in Asia than similar arguments in Africa, for instance.

In fact it was the British who introduced its homophobic sodomy laws which spread across Asia and Oceania, thereby changing centuries of tolerance towards sexual and gender minorities (Stewart 2010). Nevertheless, some of the world's most gay friendly countries are to be found in Asia. Cambodia and Thailand can be used as examples of countries which do not necessarily have legal provisions for sexual and gender minorities, but which still have relatively tolerant cultures (ibid.). What these two countries have in common, is that they have large Buddhist majorities and they were not colonised by Britain (Cambodia was a French colony, however).

Compared to Western societies, what also stands out in many Asian countries is that sexuality is not really considered a marker of a person's identity (Hosseini 2010). Rather, alternative sexual practices exist as part of heterosexual social institutions, not outside of them. This is linked to homoaffectionalism where homosocial relationships are not usually associated with sexuality. Close social bonds between people of the same sex are very common in large parts of Asia (Khan 1998). For men especially this means that as long as family obligations towards ones parents, wife and children are met, one can have other (male) sexual partners with little interference from society (Balachandran 2004). However, due to gender norms the lives of lesbians are in all Asian countries much less visible than their male counterparts.

In Buddhism, the positive view on sexuality must be understood in relation to the guiding principles of the Middle Way; that is moderation, and the promotion of personal happiness (Stewart 2010). 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. It is necessary to mention however that in some parts of Asia, Buddhist tolerance towards homosexuality has decreased (ibid.).

With regards to gender minorities, South Asian societies have traditionally had a tolerant view, where transgenders often had traditional roles in societies. Within Hinduism both transgenderism and androgyny is 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 (Bouchard 2010). After the influence from Abrahamic religions such as Islam, however, the values regarding sexuality changed, and today the view on homosexuality is much more negative within Hinduism. The view on homosexuality within Islam has always been negative, although there does exist a few progressive fractions (Stewart 2010). It is no surprise then that the Asian countries which have the most restrictive laws regarding homosexuality are oftentimes former British colonies with a Muslim majority, such as Bangladesh and Pakistan.

In Nepal's neighbouring country India, there was a decision about LGBTI in the Delhi High Court in 2009, ruling in favour of the sexual and gender minorities. As opposed to Nepal, this decision sparked protests and appeals although the decision was not nearly as

progressive. It stated that the Section 377 was discriminatory, and that gay sex between consenting adults should not be seen as a crime (BBC 2009). Religious groups opposed the decision which is now to be tested in India's Supreme Court. As we will see later, one of the questions examined in this thesis, is why there was so little protest in Nepal.

South Africa, the LGBTI Mecca of Africa?

Before moving on to the research questions, I want to present a relevant case of sexual and gender minority rights struggle, similar in some aspects to that of Nepal's. Though very different from Nepal in terms of culture and history, South Africa is surprisingly similar when studying LGBTI rights. Its population of 47 million people is divided both socially, culturally and economically. Ending the more than four decade long suppressive regime of apartheid in 1994, South Africa was in much the same situation as Nepal is today, where minority groups were fighting for their inclusion in the new constitution.

For the sexual and gender minorities this resulted in South Africa becoming the first country in the world to include in its constitution provisions against discrimination based on sexual and gender orientation (Smuts 2010). Later the rights have been further improved through the Civil Union Act which puts gay civil union on an equal footing with heterosexual marriage, thus giving same sex couples the right to adopt. Rights have also improved in the work space through, for example, the Employment Equity Act, and from 2004 gender minorities have been given the right to change their gender on official documents, though still within a woman-man binary model (ibid.).

There is no doubt that compared to other African countries South Africa has emerged as the "LGBTI Mecca" of the continent. Since the mid 90's organisations fighting for sexual and gender minorities have sprung up all over the country. Still, the situation is not all rosy. Even though South Africa is on paper one of the best countries in the world with regards to sexual and gender minority rights, there are major challenges related to attitudes and hate crimes. Black lesbian women in particular are victims of so called corrective rapes and even murders (Gontek 2007), and there are issues of discrimination in many state sectors. Public figures, including the present President Jacob Zuma, have publicly made homophobic comments (ILGA 2010). Implementation has, in other words, been slow in coming for the LGBTI

community in South Africa. After this introduction to sexual and gender minorities in Nepal and relevant contexts, let us turn to the research questions explored in this thesis.

Research questions

In examination of this topic, some concrete research questions are raised. The first set of questions examine the recent changes for sexual and gender minorities and the challenges they are faced with today, while the last research questions deal with how the changes came about, and asks if there are any lessons to learn from the Nepali case. The first research question relates to the specific changes that have taken place, and can be formulated: *Which legal, political and social changes have sexual and gender minorities in Nepal experienced the past five years?* I have already outlined some of the changes that have taken place, but when answering this question it is of extra importance to understand how the legal and political changes have influenced the lives of sexual and gender minorities on a daily basis. An important aspect of this is how LGBTI are treated and perceived by the larger society.

The second question raised delves more deeply into the current situation for sexual and gender minorities as it asks: *Which challenges are sexual and gender minorities in Nepal faced with today?* This part of the thesis will outline what the sexual and gender minorities themselves see as the greatest challenges today. As was mentioned some of the laws are yet to be implemented, and political instability can pose as a challenge. Even though there have been some major changes legally and politically, it could be that the attitudes of the larger society remain unchanged. Here it is also of interest to consider how different power structures such as social status, age or gender influence the situation of sexual and gender minorities. Rural lesbians may for example face completely different challenges than urban gay men.

The third question raised is: *What made the recent changes for sexual and gender minorities in Nepal possible?* Even though sexual and gender minorities in Nepal may still be faced with certain challenges, there is no question that they have come a long way in short time compared to peers in many other countries. This third question examines which favourable preconditions existed for the changes to happen. It is relevant here to look at who the main

actors were, if any specifically successful strategies were used and if there were other circumstances which were favourable for change to happen.

The final research question is: *To which extent can the experiences from Nepal be useful in other cultural contexts?* Of course, this is a specific study undertaken in one country, and it is necessary to be cautious with generalisations from one single case. However, there is a chance that some of the experiences from Nepal can be useful also in other contexts, and this is very motivating. Having presented the research questions let me present the outline of the rest of the thesis.

Structure of the thesis

This chapter has introduced the issue of sexual and gender minorities in Nepal, with a focus on human rights issues and the political and social context of the country. Cases from other countries have also been presented to contextualise the issue in Nepal. We then explored the specific research questions which form the basis of the thesis. The *next chapter* will introduce the reader to some of the theories relevant to this thesis. Key concepts will be presented, before discussing theories regarding gender, power and identity. To conclude the second chapter I will address how sexuality relates to place. In *chapter three* I will present the methodology of the research, calling attention to the different methodological considerations I have made during the work on the thesis.

In chapters four through six I will discuss the specific research questions. *Chapter four* examines whether and to what extent the sexual and gender minorities themselves consider changes to have taken place for LGBTI in Nepal. It focuses on both legal, political and social change and the interrelationship between these. In *chapter five* the current situation for sexual and gender minorities is examined in more detail. We will see how issues of implementation influence citizenship rights and how the construction of sexual and gendered others impact on public behaviour and restrictions on the use of spaces. We then move on to discuss how factors such as rural/urban, social status, age, religion and sex/gender influence the lives of sexual and gender minorities in Nepal today.

Chapter six begins with a discussion of how the changes in Nepal were possible. It focuses both on strategies and external factors such as the democratisation of the country. The last part of the chapter discusses to which extent lessons from the Nepali case can be useful in other cultural contexts. *Chapter seven* concludes the thesis by reviewing the methodology and reflecting on the findings from the specific research questions. It also suggests some questions for further research.

2 THEORETICAL PERSPECTIVES

As we have seen, recent changes have made the situation of sexual and gender minorities in Nepal appear quite unique. This thesis will try to investigate the uniqueness of the situation for sexual and gender minorities in the geographical context of Nepal, and in doing so, it will draw on geographical theories related to sexual and gender identity and power relations. Most academic work concerning these topics is grounded on empirical data from Western contexts, but the discussions are still of interest to this thesis. In the first section of this chapter I introduce some key concepts used in the thesis. Thereafter I will discuss relevant theories regarding sex and gender, before turning to debates on power and identity. Finally, in the last section I will address sexuality and its relation to place.

Key concepts

Sex, gender and sexuality

When writing about sexual and gender minorities, it is necessary to distinguish between sex, gender and sexuality. Simply put the concept of sex is related to the physical reproductive organs of a person, and is usually categorised as female, male or intersex, while gender refers to a person's identity as woman, man or transgender. Some theorists argue that there is no distinction between sex and gender, and that the category of sex is itself a gendered category (Butler 1999). I will return to some of these discussions when introducing theories on gender in the next section of this chapter. Sexuality on the other hand, refers to a person's sexual, affectionate or romantic attractions and identity, and is usually divided between homosexuality, heterosexuality and bisexuality. Homosexuals are attracted to people of the same sex, heterosexuals are attracted to those of the opposite sex, while bisexuals are attracted to people of both the same and the opposite sex. However, these identities are not

as clear cut as they may at first appear to be (Johnston & Longhurst 2010), a discussion which I will return to later.

Gender minorities

In this thesis I have chosen to use the term “sexual and gender minorities” as a collective term for many different people. I chose to use this term mainly because it is the English term used by sexual and gender minorities in Nepal themselves. When speaking of “gender minorities” I have chosen to include both transgender persons and intersex persons in this thesis. Androgynous persons have not been included. An intersexual person is born with atypical reproductive organs, often both the male and female one. Hermaphrodite is another term applied to intersex persons. Intersex people first and foremost face a physical challenge, while the challenges of transgenders are more related to gender identity. However, in cases where intersex children are operated, a gender identity problem can also arise if the wrong decision has been made (Wormgoor 2009).

The category of “trans” is commonly divided up between transgender, transsexual and transvestite. The concept of “transgender” can broadly be used for people whose gender expressions defy social expectations, but it is more commonly understood in a narrower way for people who experience incongruence between their physical sex and gender identity (Badgett & Goldberg 2009). Some will feel they are somewhere between female and male, while others feel they are a completely different category. In the rest of this thesis I will use “transgender” as a general term including transsexuals, transvestites and others who identify as transgender.

Transvestites are cross-dressers who enjoy wearing the clothes of the opposite sex, while transsexuals identify so strongly with the opposite sex that they will, if possible, live full time in the role appropriate for that gender. Transsexuals will also often desire to alter their physical appearance (Johnston & Longhurst 2010). It is important to note that in spite of the name, being transsexual is not related to sexuality, but gender identity. Transgenders who were born as men but have female gender expressions are often referred to as mtf (male to female) transgender or simply transwomen. Similarly, transgenders who were born as

women but have male gender expressions are called ftm (female to male) transgenders or transmen.

Sexual minorities

An equally challenging concept is that of “sexual minorities”. Sexual identity is a contested and fluid category, which is understood in individual ways. Here I will explain how these terms are to be understood in this thesis. When speaking of “sexual minorities” I focus on homosexuals and bisexuals regardless of gender. This includes lesbian women, gay men and bisexual women and men. Gender minorities can also be considered sexual minorities, although in this thesis they are for the most part only categorised as gender minorities. Since sexuality is such a subjective category, people will oftentimes regard one practice in different ways. For example, women who have sex with women (WSW) or men who have sex with men (MSM) do not necessarily identify as homosexual. In this thesis I have decided to not include WSW and MSM who identify as heterosexual in the category of sexual minorities. Other sexual minorities such as people who are asexual, those who have sadomasochistic sex, sex with animals or children have not been included in this study.

LGBTI

The term “LGBTI” (or versions like LGB,GBT, LGBT etc.) is an increasingly common term for sexual and gender minorities. It is an abbreviation for Lesbians, Gays, Bisexuals, Transgender and Intersex persons, a concept strongly connected to gender identity and sexual orientation. Related terms such as “LGBTIQ” include the concept of queer which I will return to shortly. The term is far from uncontroversial as some people argue that it is not useful to put such different groups into one collective term (see e.g. Oswin 2008). On the other hand, if other aspects such as ethnicity, age and social status are included, then each of these categories, like for instance gay men, will also emerge as groups of very different people. It is therefore necessary to consider what is most practical and appropriate in each context. Keeping the weaknesses of this concept in mind, it is apparent that there are similar challenges related to other alternatives, and I will in the future use LGBTI interchangeably with sexual and gender minorities.

When deciding what to call heterosexual men and women, I in fact encountered the same problem. If the grouping together of sexual and gender minorities is considered problematic, then what about the rest of the population? Seeing that sexual and gender minorities are the focus of this study, I decided to emphasise this fact by turning the tables and call people who self identify as heterosexual, gender conforming women or men simply “non-LGBTI”. I want to underline though, that this has been done out of practical necessity, not because I believe in either-or dichotomies.

Queer

“Queer” appeared as a new term in social sciences in the 1990’s (Knopp 2007). In everyday life it is often used as a synonym for LGBT, including by LGBT themselves. Its antonym would be “straight”, referring to heterosexual, gender conforming people. Queer is much more than just an umbrella term for those who fall outside of the hetero norm however. More than being simply an identity category, it seeks to deconstruct sexual and gender categories, and by doing so blur the hetero-/homo- and woman/man binaries (Brown 2007). Queer as a term is, I would argue, highly Western, and it is not used much by sexual and gender minorities in Nepal. For these reasons I have not seen it appropriate to use queer as an identity category in this thesis. Instead let me now introduce some of the Nepali concepts used for sexual and gender minorities.

Nepali terms

In Asia it is not uncommon to speak of “third gender”, a term which in Nepali language is called “tesro lingi”. A person who identifies as third gender may be something between woman and man or none of them, with regards to physical appearance and social norms (Pokharel 2008). Because “third gender” can be defined as persons who consider themselves as neither woman nor man, it therefore challenges the gender binary. Another Nepali concept used for effeminate cross-dressing males is that of “meti”. Metis usually have male sexual partners, although many are also married to women. Effeminate cross-dressing males are in some parts of the country known as “fulumulu”, “singaru” or “kothi”, while gay and bisexual men who are not feminine are called “dohori” (Nepal Monitor 2007). The male

sexual partners of metis and dohoris are known as “tas”, who are considered by themselves and others as heterosexual (ibid.).

How to speak about sexual and gender minorities

I was unable to do male power work like ploughing fields, carrying loads. Sometimes my father would tell me to plough the field, but the oxen behaved indifferently to me. I felt very embarrassed, blaming myself. Even the oxen knew that I wasn't very masculine. [Woman, born male]

There are no easy answers to which terms to use when speaking of sexual and gender minorities. I have here tried to clarify my own choices with regards to this. As has been mentioned the people included under these umbrella terms are very heterogeneous, and it may not be natural to group them together. However, practical considerations have made it necessary. When writing about individuals in third person I have decided to use he/his for those self identifying as men, she/her for those self identifying as women and ze/hir for those self identifying as both or neither, independent of their congenital sex. For the informant quoted above then, I would choose to use she/her. It has been important for me to stay true to the identity that the informants themselves shared. Considering that many of the informants identified as third gender, I did not feel comfortable placing them within a binary gender model by using only she and he.

Two, three, more or no genders?

As mentioned previously, the concept of gender is inextricably linked to the individual identity of a person. Traditionally gender identity has been either female or male, but this binary gender model has been challenged both from non-western cultural concepts such as third gender categories and by feminists and queer theorists of whom the most radical opponents argue that gendered categories are in fact completely meaningless (Hatzfeldt 2009). The question therefore arises; how many genders are there? Two, three, more, or is it useless to talk of gender categories altogether? Here I want to present some of these debates, before turning to theories on power, identity and place.

The sexed body

Let us start with the body. Most people will have an opinion about what constitutes a body. It is a personal space, which is undeniably material. Additionally, bodies cannot be removed from the social, but must be seen as sociocultural entities (Johnston & Longhurst 2010). The naturalness and fixity of the sexed body is challenged both by nature and by theory. The most obvious example of the former is intersex, but the fluidity of sex is also apparent in other species. For instance, earthworms are known hermaphrodites where each individual can produce both eggs and sperm (Blakemore 2010). In addition, there are several fish species which change sex in the course of their lives, either once from one sex to another, or back and forth between the sexes (Rice 1999).

At the same time, theorists argue that bodies are in fact discursive (Rose 1999). Instead of being natural and fixed, these theorists see sexed bodies to adhere to expectations which have been established over time. *“There is no preconstituted sexed body; instead, a variety of sexed and gendered behaviours can be attached to numerous different bodies, in different times and spaces”* (Johnston & Longhurst 2010). According to this view, categorising people according to their supposedly inherent sex does not make sense. Instead of speaking of specifically bounded categories, all people are seen to be somewhere on a man-woman continuum.

The essentialist/social constructionist debate

The debate whether sex/gender is something one is or something one becomes is the basis of discussion between essentialists and social constructionists. This debate extends into the realm of sexuality, where there are discussions to whether hetero-/homo-/bisexuality is biological or if all people can under different circumstances be one or the other (Kollman & Waites 2009). Which stand one takes in this debate has political consequences (Phelan 1997). An essentialist view that women are by birth more suited for the private sphere has for instance been used to hinder equal rights for women. At the same time the essentialist view can for the cause of homosexuals mean increased support, as sexual orientation is seen as something natural which cannot be changed. Seeing that there are also many forms of sexuality in other species, they consider all sexualities equally natural. Hence homosexuality needs to be accepted. The idea of “strategic essentialism” recognises the disadvantages of

essentialist views, but utilise essentialist categories as a way to achieve political goals (Ray 2009).

Queering away the binaries

The woman/man and hetero/homo binaries are criticised for being too simplistic to fit the complexity of reality. One does not have to look at the sexual and gender minorities to find examples of individuals who fall outside of the categories. Even among the majority population it is not a matter of course that women are feminine and men are masculine. Queer theorists argue for a move away from normative understandings of what bodies should and should not do. This is achieved through highlighting the hybrid and flexible nature of sexual and gender subjectivities (Knopp 2007). Judith Butler's theory on performativity rests nicely within the framework of queer theory.

Performativity

According to Butler (1999) gender should be viewed in terms of gender expressions, where all genders act out their roles within a woman-man continuum. Such a point of departure clearly removes the gender binary, and shows us that what is usually taken as an internal feature is actually something which is produced through different bodily acts. It is this daily gender performance that constitutes the identity, according to Butler (ibid.). However, it is important to note that understanding gender as a performance does not imply that gender is or can be chosen. Performativity has to do with repetition, but very often with the repetition of oppressive and painful gender norms (Cream 1995). Keeping in line with this view, sexual and gender identities must be seen in relation to the norms and power structures that surround them. It is to this we will now turn.

Power and identity

Sexuality and gender is always somehow related to power and place, whether it is lesbians being kicked out of the Nepali military (Aryal 2008), the openly gay Member of Parliament teaching his fellow politicians about LGBTI during Parliament coffee breaks (Pokharel 2008),

police officers assaulting metis in the parks of Kathmandu (Aryal 2008), same-sex couples being forced to leave their villages (ibid.) or gays leading closeted lives in their homes and workplaces (Thottam 2009). It is evident that space matters also in relations to sexuality and gender. Here I will explore theories regarding power and identity, before examining more closely the influence of place and space in the context of sexual and gender minorities in the next section.

Power as dominance and hegemony

Power is a much theorised and debated concept. The traditional view conceives of power as a centralised attribute which some hold while others do not (Allen 1999). This binary view makes power relatively easy to map, but it has been extensively criticised for being too simplistic. A common misunderstanding is that power is equal to domination. However, domination implies imposed rather than conceded power, and can therefore be seen only as a single form of power.

A related concept to the centralised form of power is “hegemony”, which can be understood as the dominance of one group’s ideology over others. According to Gramsci (1971) dominant groups will exercise their power directly through the state as well as indirectly by making their own interests into common cultural values for everyone. Following Iris M. Young, “cultural imperialism” is a form of oppression closely related to the notion of hegemony (Waterstone 2010). She describes how dominant groups construct social hierarchies of difference, where their own perspectives are made universal, natural and normative (ibid.).

“Heteronormativity” is an expression describing the normalisation of man/woman as opposites who are meant to come together within heterosexual relationships based on specific class and race-based relations (Browne 2006). In most cultures heterosexuality is considered the norm in society, and this is made apparent in many ways. A heterosexual is for example, never expected to prove sexual activity in order to be considered heterosexual (Wolfe 1997). In addition, heteronormativity is often found within formal institutions, such as marriage and legal frameworks. It can therefore be understood within the framework of hegemony and cultural imperialism.

Power as empowerment

Lately, there has been a shift in theories regarding power to a view that it is something which is produced when resources are mobilised, rather than an already existing entity (Allen 1999). In light of this, power suddenly becomes much more difficult to locate, as it is not necessarily held by one elite group. Power also appears in a more positive light. In the traditional view power can only be obtained through resisting the centralised power. In this alternative view however, power is produced by people who come together, thereby empowering them. Furthermore, it should be noted that resistance can operate within the spaces authorised by authority, and as is very obvious in Nepal, the state changes alongside civil society. Resistance should thus not be seen only in light of (state) oppression, like theorists such as Harvey have previously done (Binnie & Valentine 1999). When analysing how sexual and gender minorities in Nepal managed to claim a political place in space, it is instead useful to understand the relationship between state and civil society as fluid rather than fixed.

The construction of identities

The identity of a person or a group can also be understood to be fluid rather than fixed. The work of constructing an identity is never complete, involving struggles and resistances as well as acceptance, pleasure and desire (McDowell 1996). Further, there is an insistence on *“the multiple nature of subjectivity and its construction in local or lived experiences”* (ibid.). In other words, rather than seeing identities as matters of choice, they should be understood as constant negotiations which change over time and from place to place. Moreover, it is useful to understand identities in relational terms, as they are formed also by how other people perceive us, and in relation to the specific stereotypes and norms of certain groups (Waterstone 2010). Individual and group identities can be constructed either with or against such stereotype identities.

Since norms and expectations are interpreted by each individual, it becomes necessary to take into consideration the possible divergence of how an act or practice is perceived by different people. This is also evident in view of sexual and gender minorities. For example someone born male, but living as a woman may self-identify as a woman, while others may

perceive her as belonging to a completely different category, such as transgender, on the basis of her biological sex and how she dresses. Identity is thus about how you see yourself in relation to groups (such as men/women) and the identification of others (for a more thorough introduction to theories on identities, consult Jenkins 2008). This is inextricably linked to the process of “othering”.

Me and the Others

“Othering” can be seen as a discursive process where individuals or groups of people are constructed as “different”. It is based on unequal power relations that exclude and marginalise the others (Johnston & Longhurst 2010). The process of othering clearly creates binary hierarchies of those who are considered to be one of “us” and those who are identified as “them” or “the others”. Some of the common hierarchical us/them-binaries that we know from history are those of man/woman, white/black, heterosexual/homosexual, adult/child, rich/poor, able/disabled. A significant contribution to theories on the construction of “others” is that of Edward Said. In his book “Orientalism” he demonstrated how the west tried to justify their imperial ambitions by constructing the orient as an “other” (Valentine 1999).

Political identities

Constructing shared identities based on mutual feelings and experiences can be seen as a way to gain political acceptance and power. The term “politics of identity” is usually understood in one of two ways, either related to separationist politics or to political movements who demand rights and recognition based on shared experiences (Kobayashi 2009). It is the latter of these that is interesting to examine when studying how LGBTI in Nepal have constructed a political group identity as a minority. It is no secret that joining forces to fight as one large group is more efficient than the demands of few or isolated people. Identity categories of “others” can therefore also function in a positive way, if they work to mobilise and thereby empower the marginalised.

A problem with such political identities however, is that intra group differences are easily ignored. With regards to sexual and gender minorities it may be necessary to join forces on some mutual issues such as discrimination and safety, while other specific themes are best

advocated by smaller groups such as transgenders, lesbians, intersex and so on (Dubel & Hielkema 2009). Communities can thus be understood both as sites of social action and produced by social action (Johnston & Longhurst 2010). It is made apparent that identities are multiple, fluid and complex, and categorising people involved in protest therefore becomes challenging. In the Nepali case, sexual and gender minorities participated in the people's movement of 2006 for example, but to which extent they were part of it as LGBTI is less clear. Since communities are often based on unity rather than diversity, people can often feel both inside and outside of a community, and it is important to remember that communities are founded on excluding people who are viewed as different (ibid.).

Intersectionality

The multitude of identities is also the topic for Kimberle Crenshaw (1994) in her article "Mapping the Margins". She focuses on the intersectionality between race and gender, and argues that it is necessary to *"account for multiple grounds of identity when considering how the social world is constructed"* (ibid.). In other words, one is not merely a woman or a lesbian, but other identity categories intersect with these identities. In this thesis it is important to keep in mind the intersectionality of identities, something which will be an explicit focus in chapter five when analysing how factors such as gender, age, ethnicity and place of origin influence the lives of sexual and gender minorities in Nepal. Following Crenshaw, it is not necessarily the existence of categories, but rather their values and the social hierarchies that they form which create the problem (ibid.). After this outline of how power and identities are interconnected, let us shift the focus to include the issue of place.

Sexual geography and geographical sexualities

One can argue both that sexualities are geographical, and that spaces and places are sexualised. For instance, the norms that regulate acceptable behaviour in public spaces constrain certain displays of sexual desire. No one is outside or beyond geography, nor completely free from the struggle over geography (Said 1994). *"That struggle is complex and interesting because it is not only about soldiers and cannons but also about ideas, about forms, about*

images and imaginings" (ibid.). Here I will discuss how power and concepts of us/them influence the production of gendered and sexualised places.

Gendered and sexualised places

Doreen Massey understands "space" as "*a complex web of relations of domination and subordination, of solidarity and cooperation*" (McDowell 1996). This web of relations, she calls power-geometry (ibid.). "Places" as opposed to space, are located and material as well as meaningful (Cresswell 2004). All places are gendered and sexualised in that some gendered and sexual norms are expected, while others are viewed as undesirable. Such expectations have both physical and mental implications, and are linked to us/them dichotomies where some groups are included while others are excluded.

In the Nepali case it is interesting to see how rural and urban spaces are constructed differently with regards to sexual and gendered norms. Previous studies have found that the urbanity of lesbian and gay existence only really becomes visible when contrasted with the rural (Binnie & Valentine 1999). The rural/urban dichotomy often inscribes naturalness and purity on rural landscapes, while cities are contrasted as unnatural and impure. The fact that there is more anonymity in cities makes them spaces of divergent gender and sexual practices, but at the same time they must also be seen as spaces which inscribe and enforce gendered and sexualised norms (Johnston & Longhurst 2010).

On a larger scale, even nations have been recognised to be inscribed with such norms. The concept of "sexual citizenship" stresses the political and cultural implications of different sexual identities in light of certain hegemonic national imaginaries (Hekma 2004). Citizenship is not only about legal inclusion and protection, but concerns the political and social participation in a political community (Phelan 2001). Sexual citizenship relates both to sexual and reproductive rights as well as other human rights regarding livelihood issues and the freedom of expression. In the Nepali case specifically sexual citizenship also becomes interesting in light of the third gender category.

Much research (in the West) has been written about queer spaces (e.g. Bell & Valentine 1995 and Ingram et al. 1997). Such spaces can function to mobilise for political demands as well as give emotional and social support (Myslik 1996). At the same time, constructing a queer

space can also make people more vulnerable to violence and facilitate the marginalisation and exclusion of them (ibid.). One example is pride parades where queer bodies are asserting themselves in a normatively heterosexual space - the street. The result can be both that queer identity and political demands become visible, and that the participants become more vulnerable to attacks and discrimination.



Figure 3: Gai Jatra March 2010 in Kathmandu's streets

Transgression

According to Castells (in Pile 1997), sexual and gender minorities must come out of the closet before they are able to mobilise collectively, be self-aware and make territorial claims. This is related to the concept of "transgression", where un-closeted LGBTI are seen to move beyond the norms of society, thus showing resistance and laying down the foundation for change. In short, transgression is about being out of place. The occurrence of out of place phenomena leads people to question behaviour and define what is and what is not appropriate for a setting. According to Cresswell (2004) it is difficult to get people to recognise normative geographies unless these are transgressed, and in time transgression may lead to the overturning of norms. In the case of sexual norms then, transgression is understood to be about exposing heteronormativity.

On the other hand, transgressional tactics make it more difficult to stay in the closet when people have become aware of the possibility of homosexuality. What is more, it draws

attention to a constructed homo/hetero binary (Brown 2007). It is not necessarily so that gay and lesbian places transgress the normative. Besides, sexual identity politics is frequently about recognising the “other”. Rather than transgressing or challenging the norm, it can be about extending it (Oswin 2008).

Public/Private

Sexuality is often considered private, something which is clearly demonstrated by common statements along the lines of “I don’t mind homosexuality as long as homosexuals don’t flaunt their sexuality in public”. Such a statement rests on an assumption that heterosexuality is not expressed outside the home (Myslik 1996). This assumption is linked to “the heterosexing of space”, where heterosexuality is considered natural and therefore becomes virtually invisible to the straight population (Duncan 1996). Nancy Duncan argues that failing to notice your own difference as heterosexual is an act with significance. Through the control, disciplining, exclusion and suppression of difference, the public/private dichotomy can thus contribute to preserve traditional power structures such as patriarchy and heterosexism (ibid.).

Sexual and gender minorities continuously negotiate the production of public spaces such as the street. Although spaces are usually produced as heterosexual, there will most often also be other diverging performances. However, such singular productions of different sexed and gendered spaces often pass unnoticed by the majority population. This may be because overwhelming repetitive performances of heterosexuality drown the few acts of difference or it could be because the signs of “otherness” are not fully understood by the heterosexual, gender conforming majority (Valentine 1996).

In cases where the out of place performance is recognised as such, fear of “otherness” may lead to “policing” (for an introduction to this, see Fyfe 2009). A good example of this is the way that societies relate to commercial sex work. The removal of such sexual others from city centres, is a way of maintaining the existing power structures by reconfirming the moral values of public space (Johnston & Longhurst 2010). On another scale the policing of sexual and gendered others can be understood not only in terms of disciplining public behaviour,

but also as a way of performing personal heterosexuality and morality through the action of removing the sexual “other”.

We see that power, identity and place are inextricably linked concepts which must be understood in connection to one another. Each of these issues has been studied extensively, and all theories are naturally not covered. Instead I have attempted to give an introduction to some of the current debates which are considered relevant in the analysis of sexual and gender minorities in Nepal. Before examining the specific findings of this research in particular, let me present the methodology of this study.

3 METHODOLOGY

Methodological discussions are fundamentally important in any research, as it shows the validity and reliability of the conclusions made. Reliability concerns the accuracy of the research while validity describes the authenticity of the research and questions to which extent the researcher is studying what she set out to study (Kumar 2005, Fangen 2004). While reliability relates to the approaches for producing data, validity is about how the interpretation of the data affects the scientific results (Thagaard 2003). In this chapter I will focus on methodological choices I have made with regards to research design. I will present the challenges I experienced during my work with the thesis, and discuss my own role in the production and analysis of data. I hope that a thorough investigation with regards to these topics will also make the rest of the thesis more accessible to the reader.

Advantages and limitations to qualitative research

I have chosen to make use of a qualitative methodological approach during my work with this thesis. Qualitative methods focus on producing knowledge about the content and significance of categories rather than the amount and extensiveness of a phenomenon (Aase & Fossåskaret 2007). Consequently they are not very suitable for generalisations. Instead of finding external explanations to the phenomenon, the aim is to reach an internal understanding of it. It is therefore important to bear in mind that this study of sexual and gender minorities in Nepal does not provide any essentialist view on the truth, but rather shares the opinions and experiences of some relevant individuals.

Although qualitative research will usually have a focus on depth rather than breadth, this thesis may not go as deeply into the phenomenon as some may expect. This is partly due to limitations related to time and financial resources when conducting the field work. Other

contributing factors were the fact that I did not know Nepal prior to the field work, the fact that there was little previous research on the topic and the complexity of the field. However, I also made a conscious decision to have quite a wide focus for my thesis. Considering there is so little research done before, my hope is that a balance between depth and breadth may contribute positively to shed light on the topic.

Preparations

A central method for producing data in the discipline of geography is that of field work. I visited Nepal for nine weeks in the end of the monsoon season of 2010. There I conducted semi-structured interviews with 71 informants, in addition to having informal conversations with many others. Since it was my first visit to the South Asian region, it was especially important for me to prepare properly. It should be noted though that although I had not previously been to Nepal, I have travelled extensively in Europe, the Americas and Ghana, and this experience with other cultures was an advantage when once again travelling to a new place.

To prepare for the field, I read a lot of articles and books about Nepal in general and on sexual and gender minorities there specifically. Unfortunately there is little academic work on sexual and gender minorities in Nepal so far, so most of my information on that topic came from English speaking newspapers. I also met with representatives from the Norwegian LGBT association (LLH) who knew the Nepali case well and thus could give me a solid introduction to what I could expect.

Before leaving I prepared an interview guide and got in touch with an interpreter. In addition, I contacted and made appointments with a few possible informants. From internet searches I made a list with names of interesting informants, who belonged to different groups, and where some had expressed opinions opposing each other. I will return to why this was important when addressing my sampling methods later on, but first I would like to address my degree of participation during the field work.

Participant or observer

When it comes to the level of participation in the field, the researcher can occupy different roles. According to Junker (1960 in Steen 2009) four different observer-participant combinations can be discerned; the complete participant, the participant as observer, the observer as participant and finally, the complete observer. I spent most of my time in Nepal as an observer more so than participant, thus placing myself mainly within the observer as participant category. The research questions that I examine are quite wide, and I considered interviews and primarily an observer role as the best way to study them.

Although I did not participate extensively during my field work, I did do some participatory observation by attending some of the events organised by the Blue Diamond Society. I was allowed to sit in on and record an informational programme about LGBTI aimed at different actors in society, and I attended a dance/theatre performance and a beauty pageant as an audience member. I also walked and danced in the pride march, and visited a red-light district where metis sell sex. These few instances of participatory observation were important, both as meeting places with potential informants and as spaces where I could observe LGBTI together and in interaction with others. Especially when trying to understand the unspoken, observation is an important supplement to interviews. This is related to the fact that informants will often have an idea about what s/he thinks the researcher wants to hear during interviews, thus jeopardising the reliability of their answers (Aase & Fossåskaret 2007).

There could have been possibilities for more participation by for example volunteering for the Blue Diamond Society, but although this might have helped me build more trust from some informants, it would not necessarily have been the best for answering my research questions. Furthermore, high levels of participation may lead to challenges related to high expectations from informants (Steen 2009). Being associated with the LGBTI movement could also have made it more difficult to access informants who were important with regards to how sexual and gender minorities are perceived of by the rest of society.

Purposeful sampling

When informants are chosen on the basis of their experience related to the research topic, it is called purposeful sampling (Swenson et al. 1992 in Clifford & Valentine 2003). In qualitative research the main aim of enquiries will often be to describe the diversity in a situation (Kumar 2005). In order to study the research questions I had chosen for this thesis, it was important to speak with a wide range of informants. My sampling was therefore purposive, but I also used the snowball effect. I focused on the fact that no informants would be neutral, and therefore it was necessary to have a conscious attitude to the sampling process. As mentioned earlier, before going to Nepal I made a list consisting of the names of people who might be interesting informants.

In total I interviewed 71 people for my thesis, of which two were key informants. In addition I had informal conversations with many different individuals who I met during my stay in Nepal. 32 of the informants identified as LGBTI, while 39 informants did not. Of the latter group, three were religious leaders, four were journalists, four were women's activists, two worked with Human Rights, five were politicians, three were academics and eleven were from the police force. Seven informants fall into the category of "other". They are people who have a connection to the topic in different ways, including previous and current employees in LGBTI organisations who are not LGBTI themselves.

LGBTI informants

In order to fully understand the issue, it was necessary to speak with sexual and gender minorities both from within and outside the LGBTI movement. I knew from my background in a student NGO, that there is often a large degree of consensus (at least towards external people) among people working in the same organisation. However, I was aware that it would be difficult to reach the sexual and gender minorities who were not affiliated to any organisations, as there was a large chance they would not be open about their sexuality or gender identity. Still, it was a clear aim to get in touch with at least some of them, and in total I managed to interview five informants who were not personally involved with LGBTI organisations.

Another important aspect was to focus on interviewing people from all the sub-groups of LGBTI, since they are such a diverse group of people. With such an aim, I knew there would be challenges in finding especially intersex informants who are statistically relatively few. This proved to be right. Of a total of 32 Nepali LGBTI, I interviewed one person who was the parent of an intersex child, but I was not successful in finding intersex informants. Finally, I was determined to speak with informants with different backgrounds. Religion, ethnicity, home town, age and gender were all factors that I considered when finding informants.

Non-LGBTI informants

More than half of the informants did not identify as LGBTI. In order to fully understand the changes that have happened and which challenges LGBTI are faced with today, it was necessary to also speak with other actors in society. It would have been interesting to conduct a larger survey on the views of the general public regarding sexual and gender minorities. However, since there was no such data available and I did not have the resources or capacity to carry out a survey myself, I instead selected some specific groups who would be interesting with regards to shedding light on these questions. I specifically targeted religious leaders, journalists, women's activists, human rights workers, politicians, lawyers, academics and people from the police force. Let me explain why I chose these groups in particular.

Women's activists and human rights workers were chosen because human rights and discrimination based on (female) gender is closely connected to that of discrimination against and fight for the rights of sexual and gender minorities. It was therefore interesting to see whether this influenced the opinion of people working in such sectors, and if they were familiar with LGBTI issues. Lawyers were not originally a priority, but during my stay in Nepal, I realised there was a need for increased understanding of the legal rights aspects also. Academics, politicians and religious leaders were chosen for the fact that they are important gate keepers in Nepali society. They are often people of high status, who influence public opinion (and policy in the case of politicians).

Journalists are an interesting group in this case in particular. While preparing for field studies it became apparent that Nepali journalists have been surprisingly positive in

response to the increase in rights for sexual and gender minorities in Nepal. The impact of this positive publicity is difficult to measure, but I found it intriguing and wanted to find out more about why there is such a positive focus in the media. Lastly, police were important because they had until recently been actively involved in the discrimination of sexual and gender minorities. It was therefore especially interesting to see whether it was their attitudes that had changed, and if so why, or whether it was only the practice. With this group in particular I made sure to interview both senior inspectors and lower ranked police officers from different police stations, the head quarter and the police academy.

Getting in touch with informants

After reflecting on which informants I considered appropriate for the study, I had to ask them to contribute. I used different channels for getting in touch with informants, but one challenge was to find their contact information. Even when I had the name of a person, there was no phone book. Consequently I had to go through other people or informants to get their number, something which could at times be difficult. In a specific case, I wanted to contact a person who had previously been very negative towards sexual and gender minorities. When asking other informants about the phone number of this person, they would refuse, on one occasion the informant even commented that *“you don’t need to talk to that person”*.

As mentioned, most of the LGBTI informants were in some way or another affiliated to an organisation. Many of these informants were selected through snowball sampling. For example, I would ask one informant if s/he knew other LGBTI who were Muslim that I could talk to. I also met informants at the events where I participated, and some informants were friends of friends. In order to reach LGBTI who were not active in the organisations, I tried using chat forums for LGBTI and I visited one of the red-light districts in Kathmandu. Two people contacted me as a result of the chat messages, but only one was serious. I will get back to my visit to the red-light district later.

For more informal conversations, I would talk to taxi drivers, café personnel and other random people I met about my thesis. I knew that many of the informants I interviewed were highly skilled professionals, and that this would make them less suitable for

representation of the general public. This form of random sampling was therefore an interesting addition to the interviews, as it gave me a clue to whether the groups I had selected could be considered representative. I consider the fact that many of the non-LGBTI informants had higher education, high status professions or were considered high caste to probably have impacted on the answers they provided.

Field areas

My main study area was Kathmandu. The reasons for this are manifold. Kathmandu was a practical place to start as the main office of the Blue Diamond Society was located there. Furthermore, I expected to find many interesting informants there. This was of course especially true for non-LGBTI informants such as politicians, academics and journalists, but I also expected to find many LGBTI there. The reasons for this were that sexual and gender minorities often experience problems in their local communities, forcing many to move as well as the fact that there are more job opportunities and an organisation representing them in the capital. However, since people in Kathmandu generally are more educated than rural Nepalis, a focus on Kathmandu only could easily have lead to a unilateral understanding of the situation. It was therefore imperative to find a second field area.

I was more uncertain when considering where to go next. Having three or more study areas would have been preferable. Since Nepal is such a diverse country, it is necessary to study many different places in order to get a thorough understanding of the situation. Unfortunately, I had limited time and financial resources, so I had to prioritise. To go to a small rural village and look up LGBTI would not only be practically but also ethically challenging, so I chose a city in the Terai area which was interesting for several reasons. First of all, the culture of the Terai is different from that of Kathmandu, and it was therefore important to see how this impacted the lives of sexual and gender minorities. There were also other reasons for choosing this place in particular, but as this city is smaller than Kathmandu and so has fewer LGBTI I have chosen to keep the name of the place anonymous in order to conform to the confidentiality I have promised the informants.

The interview situation

Before the start of every interview I made sure to introduce myself and the research topic. If necessary, I would explain unfamiliar concepts to the informant, and make it clear that it was ok not to answer questions, if they felt uncomfortable. It was also important to explain that I was interested in the personal opinion of the informant, and that there were no right or wrong answers. I promised all informants full anonymity, something I will get back to later. Before starting the interview I would usually ask for an approval to use a digital recorder, which I did in 48 of the interviews. With some of the informants I chose not to ask about recording, either because it did not feel appropriate or because there was too much noise. Only two or three of the informants declined the use of recorder. Finally, I made sure to ask the informants if they had any questions before beginning the interview.

The interviews were semi-structured and opened up for further conversation and follow-up questions. They varied in length from 20 minutes to 1.5 hours, and I did follow-up conversations with the key informants. Informants were asked both about their opinions/attitudes as well as practices. This was a conscious choice because in cases where informants answered in a “politically correct” manner, questions about practices and specific events would often add a second dimension to their answers.

Reliability of informants’ answers

There are many factors which may influence the answers of informants. One important aspect is that of the status of the researcher, which I will return to shortly, but here I want to outline some other challenges I faced during interviews. In some instances informants would be hesitant to talk to me, as they did not feel they had enough knowledge on the topic. This was especially clear with non-LGBTI informants, who due to their profession or educational level apologised for not knowing more. To make the interview situation as comfortable for them as possible I would emphasise that I was not there to test their knowledge, but to hear

their opinion, and in such instances I would focus more on specific rather than general questions.

In some of the interview situations there was a direct chance of informants being influenced by others. Two of my interviews were conducted with two people at the same time. Group interviews are known to have positive effects as it may improve the confidence and memory of participants and lead to interesting turns where new areas are highlighted (Thagaard 2003). Still, I did not find this a very fruitful way of conducting interviews, as in both cases one of the informants would take a leading role in answering the questions, leaving the other informant to agree or disagree. This is a well known challenge in group interviews (ibid.). In both cases I tried asking questions directly to the informants, using their names, to break the routine a bit, but it only worked in one of the cases.

Another interview where the reliability of the answers may have been jeopardised was one where the informant being interviewed had already been present in the room when another informant was interviewed. In that case, I emphasised that the informant should give me her/his own opinion, independently of what s/he had just heard, but still it is not possible to ignore the fact that the answers may very well have been influenced. Yet another informant had been handpicked by her/his supervisor, and was clearly uncomfortable during the interview. Since I was not sure if s/he had been instructed to give certain answers I decided not to keep her/him long, and I was extra clear about her/his answers being treated anonymously.

During four interviews the informant knew the interpreter I was using. There are many challenges related to such a situation, and I will return to a broader discussion on the use of interpreters later, but there are also clear possibilities for direct influence on the answers when the interpreter is someone the informant knows. One possible outcome might be that the informant does not want to disclose information they find embarrassed about or think the interpreter may disagree with.

In two cases I did not use my usual interpreter. In one case the reason was that she was unavailable, and in the other that she did not speak the local language of the informant. In this last case I actually had to ask one of the previous informants to translate from the local

language to Nepali, and my interpreter then translated to/from English. This is not at all an ideal situation, as there are many opportunities for misunderstandings and interpretation bias to arise. Double hermeneutics is a term used by Giddens (1976) to indicate that the phenomenon which the researcher is trying to understand has already been interpreted by the informant. When using a translator, this becomes even more problematic as that person will also add her/his interpretation.

Even when informants are interviewed one by one there are many possibilities for an indirect influence on their answers. Most of the interviews were carried out either in offices or cafés. In some cases there were other people present in the room where we had the interview, and there is a chance that some informants have modified their answers accordingly. Another way of being influenced in a more indirect manner is if the researcher is perceived of as belonging to a certain group. I used LLH as a gate keeper, and asked them to introduce me to some central people in the Blue Diamond Society before my arrival in Nepal. When meeting these informants for the first time, it was therefore important for me to emphasise that I was only affiliated with my University. I explained that although I know people in LLH, which is a partner and donor of BDS, I am not otherwise associated with the organisation. Similar situations occurred later in the field work, when BDS introduced me to some non-LGBTI informants. In those cases I also emphasised that I was working independently of BDS, and was after the personal opinion of the informant.

Positionality

Researchers establish relations to those they wish to study through status sets. Attached to these statuses are role expectations. Linton (1936) understands a status as *“simply a collection of rights and duties”*. A role can in this context be understood as the actual behaviour that a person chooses according to her/his status (Aase & Fossåskaret 2007). The role expectations of a certain status are culturally specific, and acting against the role expectations will bring doubt to whether the given status is correct (ibid.). During my stay in Nepal I was first and foremost a student. The expectations to such a status were in accordance to my behaviour in

that I had background knowledge on the topic but still asked questions and tried to understand the situation more thoroughly. At times though, I would have statuses such as friend, guest, customer or researcher. These statuses implied different role expectations, and may have given access to other information than what the status of student did.

Whilst one can argue that the informants have the power during the interview encounters, it is the researcher who is in control when interpreting and writing up the research (Mullings 1999). This imposes a challenge as it is difficult to see whether and to what extent the subjectivity of the researcher influence the findings in the research. No researcher is neutral, and I have been conscious about how my own opinions may have impacted the decisions along the way. In the last few decades there has been increasing concern about development discourses where the opinions of locals are silenced compared to that of the Western experts (Escobar 1995). I have therefore attempted to let the voices of the informants form this thesis.

Mullings (1999) claims that in order for information in qualitative research to be reliable, the researcher needs to find positional spaces where trust can be established between the informants and the researcher. She also emphasises the need for identifying aspects of difference that could affect dialogue negatively (*ibid.*). Such considerations made me take care in my dress and appearance. I dressed casually, but did not adopt the local clothes. In Kathmandu pants and blouses were so common for women my age that I did not see this as necessary. In my case in particular the fact that I was a young, female European was evidently challenging in some cases, while being an advantage in others. Let me give some examples.

The young woman

To some informants I may have seemed less threatening than were I a middle aged man. At the same time other informants would perhaps have taken me more seriously if I was not a young woman, but in most instances I was received in a positive way. On a few occasions I did experience that informants behaved differently because of my sex. Working with a young female interpreter may have contributed to this. For instance, several male informants asked for our phone numbers, and one of them kept calling my interpreter for a while after the interview.

We were also regularly asked about our marital status. Of course it could be they asked this to find out about our sexual orientation, and not whether we were single or not. Often I got the impression that being married earned me respect, but it is difficult to say if this was because being married made me seem older or because they then thought I was heterosexual (of course being married in Norway does not imply heterosexuality). To those who asked directly about my sexuality and gender identity, I would disclose it differently depending on the informant so as not to affect dialogue negatively by appearing too different from the informant. To non-LGBTI informants, and especially those who I knew had been negative in the past, I would just explain that I am married to a man. What I did not emphasise in those instances is that I do not necessarily agree with a binary view on sexuality and gender.

The foreigner

Nepali women are often expected to be shy and quiet, a behaviour I considered to contradict my role as an interested and active student. I therefore chose not to act according to such gendered role expectations, something which may have underlined my foreignness. Some people did question my “right” to write about this topic in a Nepali context, as I did not know the place and the culture and therefore was less likely to understand it well. I understand the concern, and it is my hope that Nepali researchers too will increasingly pay attention to the situation of sexual and gender minorities in Nepal. There are of course natural limitations when doing research in a foreign context, the most obvious ones possibly being language barriers and cultural misunderstandings. To counter such challenges I read about the culture, learned short Nepali phrases and words and in most cases did my best to behave in a way as to not promote my foreignness.

On the other hand, I personally believe that being foreign can certainly also work to the advantage of the researcher. Compared to a Nepali researcher I did not necessarily consider Nepali cultural practices and opinions as a matter of course. Even though researchers always have their own views on the world, there is a chance of a more distanced perspective when one is not part of the culture studied (Thagaard 2003). This does put pressure on the researcher to prepare well however. Besides, there is no doubt that being foreign actually helped me get in touch with some informants, such as high ranked politicians in the Parliament and police officers who approached me hoping they could practice some English.

On the other hand, being a foreigner may very well have limited my access to other possible informants.

Language / भाषा

As mentioned, one of the strongest disadvantages of doing research in a foreign context is language challenges. Although I learnt some Nepali phrases and words during my stay in Nepal, I still felt illiterate most of the time. One big disadvantage in that respect was my inability to read newspaper articles, legal documents and other interesting texts which had not been translated. I consider this a weakness, as it would have been interesting to see for example whether Nepali speaking newspapers cover sexual and gender minorities similarly to English speaking newspapers.

Thirty-one of the interviews were conducted in English (including one via email) while thirty-three interviews were carried out in Nepali with translation to/from English. In four of the interviews English and Nepali were used interchangeably, while local languages were used in two of the interviews. One interview was in Norwegian. Of the informants who spoke English, a few were so difficult to understand that I had to ask them to rather use the interpreter. The two informants who did not speak English or Nepali were in one instance interviewed by using an additional interpreter from the local language to Nepali. In the other case, the informant was important as ze was not associated to BDS or any other organisation, so I chose to let my Nepali interpreter attempt to translate using a modified Nepali with words from the local language that she knew. This worked surprisingly well, although there was some uncertainty at times.

Interpreter or translator?

Finding a suitable interpreter is an important aspect when preparing for data production in a foreign field. I made a deliberate decision to hire an interpreter who was external to the

LGBTI movement. This was primarily because I wanted someone who did not have political or personal intentions, who could guide the answers in a certain direction. When asking about people's attitudes to LGBTI, it was especially important to have an interpreter which was perceived as neutral. This concern was equally important when interviewing LGBTI and non-LGBTI informants. On the other hand, an interpreter from the LGBTI community would most likely have been less shy than an external one, and some LGBTI informants would possibly have felt more comfortable with an internal interpreter. Still, the first factors weighed heavier than these arguments.

I got in touch with a young woman who had not worked as interpreter before, but was herself doing an M.A. in social science and who spoke fluent English and Nepali in addition to some Hindi. The fact that my interpreter was a young woman like me made our cooperation easy, but it may have influenced the access to and openness of some informants. The fact that she had not previously worked as an interpreter, meant that I had an extra responsibility in training her. We started the first day by going through the interview guide and discussing how to translate some different words and concepts. I also emphasised the importance of not interpreting the meaning, but only to communicate questions and answers as they had been spoken.

There were still challenges though. In some interviews the interpreter translated my questions wrongly. After having translated tens of interviews there were also some instances where she was on auto pilot and translated the questions as I had asked them to previous informants, rather than how I was explaining it to the current informant. To a certain extent this ruined the possibility to have a good conversation with some informants, and decreased the chances for follow-up questions. I constantly reminded her of her role as a translator, but at times she would get carried away and ask follow-up questions herself. Due to the interesting topic, this was understandable but not acceptable.

Some of the challenges I experienced were related to the Nepali culture and role expectations. For example it took a week or two before I realised that when she translated Nepali words to the English word relationship, she really meant sex. This was not because she did not know the term sex, but because she was embarrassed. It was also a challenge for my interpreter to treat all informants the same. In one instance she told the informant ze was

lying when she did not receive the answer she had expected. I came to know this after the interview had ended, and therefore did not get to follow up the answer. This case in particular was especially difficult as I always took care in explaining to informants that there are no wrong answers, and her accusation during the interview plainly contradicted this. On the other hand, when talking with high status informants such as politicians, the interpreter would often be hesitant to interrupt for translation if they did not pause themselves.

In spite of the challenges outlined above, I was very satisfied with my interpreter. The challenges I did have were weighed by the fact that we communicated very well, which made these challenges visible to me. She was also very open to suggestions and raised issues and translation challenges along the way. For instance in the case of high status informants we agreed that I would emphasise to them in the beginning of the interview that they should pause for translation, and she started taking more notes while they were speaking. In other cases we would revise the way we asked the questions.

Different identity categories

Through ascribing meaning to phenomena, people make sense of them. This form of categorisation is a function of the material object, the biological senses, mental capacities and culture. The first three aspects are universal, while culture varies (Aase & Fossåskaret 2007). Since I have studied a foreign field it has been especially important to consider the implications of varying categories, but as was mentioned above it could have been equally challenging if a Nepali student was researching the topic. This is because categories vary from person to person, and a Nepali researcher could easily take categories for granted, assuming she had the same interpretation as her informants.

A lack of a common understanding of central categories can easily influence the reliability of research. During interviews one category that would often come up was that of third gender. Both LGBTI and non-LGBTI informants would interpret this category in various ways. For example some would understand third gender as a collective term for all sexual and gender minorities, while others only considered the gender minorities. Others again only interpreted

it as either transgender or intersex. The term “gender minorities” was also given different meanings by different informants. While this category is usually defined to include both transgender and intersex, some of the informants meant only intersex when speaking of gender minorities. It was therefore necessary to discuss these concepts with the informants during interviews.

When dealing with gender identity, the different ways of categorising becomes apparent. The normal woman-man binary, fell ridiculously short when I asked informants about their sexual and gender identities. For instance, of the 17 LGBTI informants in Kathmandu, one identified as a lesbian woman, one as a gay man, one as MSM, three identified as bisexual men and three identified as transgender (mtf). Seven of the informants identified as third gender. Out of these seven, four had been born with female reproductive organs and three had been born with male reproductive organs. One of the third genders also identified as homosexual. One informant who had been born with male reproductive organs identified as a heterosexual woman. In other words the informants had many categories that they used for similar phenomena. We see for example, that a person who has been born with male reproductive organs but who lives as a woman can be categorised both as woman, transgender and third gender.

All informants were also asked which ethnicity they belonged to. Some of them gave answers about caste affiliation which is a much related concept in the Nepali context. I have chosen to let this be, and pass on the information as it was shared with me. Neither have I tried to group together the answers I got into categories, such as high-caste/low-caste. I consider this to have been equally questionable as trying to put the gender identity categories of the informants into the binary model.

Ethical dilemmas

When researching a sensitive subject, it becomes even more pertinent than usual not to cause harm with ones research. For me it was essential not to place informants in an uncomfortable position or in any way compromise their safety. Friends of LGBTI who were not open were

generally very hesitant to introduce me to their friends. After staying in Kathmandu for some weeks I started realising why, as rumours spread easily and being seen with a foreign young woman will surely raise questions. I even had acquaintances of my interpreter contacting me asking me about my thesis and our work relationship. Therefore in instances where informants were protecting their LGBTI friends, I gradually understood that this had to be respected.

When interviewing sex workers, it was especially important not to compromise their safety. The red-light district in night time is in the tourist area, so a western looking person does not immediately attract attention, but there is often a lot of police present in the streets. I visited the red-light district with a male friend of mine (so as not to jeopardise my own safety either), and we decided to go through the young boys acting as agents, rather than approach the sex workers directly. There were two reasons for this; I considered it less likely to attract attention to my presence, and thought it would increase my chances of an interview.

Meti sex workers usually keep together, and are often part of larger networks of agents and sex workers. After having convinced one of the agents, he led us to the group of sex workers and introduced me to one of them. Some of the other metis were curious and came over. One was even a little aggressive trying to pull the informant away, obviously afraid there would be trouble. This was a well grounded concern, as police regularly chase away and occasionally arrest meti sex workers. This was actually what happened a few hours later on that evening, when after the first interview I returned to speak with another sex worker who had shown interest in an interview.

Important to mention here is also that in this one instance I chose to compensate both the agent and the informant with an equivalent amount to their normal salary for the time spent with me. Considering they took time from work to help me (they did not earn a steady salary), I considered it the right thing to do to offer this. On another occasion, however, an informant asked me before the interview for a financial contribution. Although it was not much, and I could have afforded it, I explained that I was interested in her opinion, only if she gave it freely, and that all I could do was to cover her travel expenses and treat her to lunch. This dilemma had maybe not arisen were I not a foreigner. Although she was an interesting informant, as she was not open about her sexuality or connected to any LGBTI

organisation, I could not justify paying her to meet with me. Had I done so, I would have felt uncertain about the reliability of her answers.

Considerations during the analysis of data

Confidentiality was an important aspect of all interviews. Sexual and gender minorities is considered a sensitive issue by many people, and anonymity has been important both to ensure the safety of informants and the reliability of the answers. Both the interpreter and I used coded names or initials in our notes, and I never asked personal background questions while recording. All files were deleted from the recorder the same day, and all recordings and transcribed interviews have been kept in a secured password protected part of my computer. In writing the thesis I have been careful not to disclose any information about informants that can expose their identity. A list of informants is found in the appendix, but this has been modified and does not contain any names. I have also made sure not to disclose other identifying factors such as home town or age, but have rather stated the home region and clustered age into age groups.

Within a short time after the interviews took place I transcribed them, with the assistance of my interpreter if the interview had been conducted in Nepali. The interviews were then analysed by dividing up the answers into topics reflecting the research questions. I triangulated the data by looking at newspaper articles and reports, and analysed the data in light of theory. I have intended for the views of the informants to guide the direction of the thesis, but it is necessary to keep the asymmetrical power relationship between researcher and researched in mind. As Bourdieu (1999) argues, it is the investigator who starts the game and sets up the rules. Of course this is also true for this thesis.

I have therefore had to reflect on whether I could have asked different questions or possibly asked them differently. The validity of research depends on the extent that the researcher manages to stay critical to her own analysis (Thagaard 2003). In order to increase the power of the informants, it was important that they understood their right to refuse to answer or not contribute to the research. Equally important was a reflexivity on how I selected what is

relevant and not. During interviews many topics came up which I chose to omit in the final thesis. I have tried to stay true to the main concerns of the informants, but in the end I have certainly influenced the outcome. However, I believe that a constant critical reflexivity around methods for data production and analysis has contributed to securing the reliability and validity of the results.

4 REAL CHANGE OR ONLY ON PAPER?

They are getting more rights than in Europe and America, you know. They've got more rights on a legal basis, but in practice it's different.

[Journalist in his 30's]

As was demonstrated in the introductory chapter, sexual and gender minorities in Nepal have experienced a significant improvement in rights the past years. As we see from the quote above though, there is an emphasis on the difference between legal rights and social practice, and this was a concern shared by many of the informants. In this chapter I will present how informants viewed the recent changes. LGBTI-informants were asked both how their personal situation is today compared to five years ago, and whether they perceived the general situation for sexual and gender minorities to have changed. All informants were also asked if changes in legal rights had led to more positive attitudes towards LGBTI in society in general.

The primary data from my fieldwork in Nepal forms the basis of this and the two subsequent chapters. While this chapter focuses on the first research question, the next chapter will address the second one regarding the situation of sexual and gender minorities today. The third and fourth research questions concerning how the changes came about and if there are any lessons to learn from the Nepali case, will be discussed in chapter six.

Personal experiences, then and now

Five years ago there was lots of trouble. There were arguments in our neighbourhood, and police cases against us. We used to be scolded, arrested and tortured. The reason was that we were two women living together.

[Lesbian in her 30's]

In order to understand the changes which sexual and gender minorities in Nepal have experienced, it is necessary to know more about how the situation was like previously. LGBTI informants were therefore asked to describe what their personal and the general situation for sexual and gender minorities was like five years ago. All the informants described the situation before as serious and difficult. Many saw the lack of visibility as the main challenge. Informants reported that previously they had not known about sexual and gender minorities, and several had felt forced to hide their feelings from family and society. A transgender (mtf) in hir 20's explained *"I used to feel I was the only one like me"*. Many informants also mentioned HIV/AIDS as a challenge which was closely related to invisibility and lack of information.

The sexual and gender minorities who I interviewed shared powerful stories of personal experiences. Several informants had experienced pressure from family and society to marry or change their behaviour. Many had even been thrown out of their families, and had lived in poverty. Loss of parental property was a direct consequence for those who had been excluded by their families. Some had migrated to other towns or to India to do manual labour, and several of the gender minorities I interviewed had at some point resorted to sex work in order to make a living. Police brutality, violence and harassment by the public as well as discrimination in the housing and employment markets were experiences shared by many. A few informants had attempted suicide or experienced gang rape. I was also told stories of young third genders who had been killed by their families.

Arbitrary arrests and police brutality was a past experience shared by many informants. Especially those involved in organisations and outreach projects had been targeted. An informant who had been active in the Blue Diamond Society explained: *"There was also the major problem with police and blackmail at that time. If someone found out that we were sexual and gender minorities, they would blackmail us to tell our families and the police"* (Transgender (mtf) in hir 30's). Another group which was targeted by the police were meti sex workers: *"Five years ago there was much police brutality when we went out. They used to take us into custody, where we would be harassed. Before, police would threaten to put chilli in our butts"* (Meti sex worker in hir 20's).

“From the past, the difference is like the difference between the sky and the earth”

Though informants had different experiences, they all agreed that the general situation for sexual and gender minorities five years ago had been critical. However, when asked to compare the previous situation to that of today, the answers differed to a larger extent. While some informants, like the one quoted above, reported many positive changes, others responded that the situation was the same as before. A young transgender (mtf) in hir 20’s had experienced positive changes: *“There have been lot’s of changes, my friends accept me now and they say that ok, you can be what you are and you can get your right and we are sorry for our bad behaviour in high school. Today they are understanding.”* Another young informant was more reserved: *“There are not many changes. Some people take us positively while others are negative. My personal situation has changed. Before I used to live as a man, but now I live like a woman. Society hates us. It was difficult before, but also today”* (Third gender in hir 20’s).

A positive change which was confirmed by several informants was the establishment of and involvement in offices working for sexual and gender minorities. Many mentioned an increased feeling of safety and community now that there are organisations working for them. These offices were perceived to support LGBTI both emotionally, legally and for those employed there, financially. The impact of community and visibility is something which I will discuss more broadly later. The majority of LGBTI informants had at some point been involved with organisations or offices working for the sexual health and rights of sexual and gender minorities. Most of them were therefore informed about the political and legal changes that had occurred, but as we will now see there were differing opinions with regards to how the positive changes in rights had influenced the LGBTI community and society in general.

The impact of legal and political change

International attention has been given to the great achievements in legal rights for sexual and gender minorities in Nepal (BBC News 2007). In addition to the landmark decision by the Supreme Court in 2007, there have been great improvements in the political sphere. As was

mentioned in the introductory chapter Nepal has, as the only Asian country to this date, an openly gay Member of Parliament. Sexual and gender minorities are also being included in the national budgets and integrated into the political manifestos and reports of different parties and committees.

Since many of the LGBTI informants were involved with offices working for their rights, most of them were aware of these positive changes. I was therefore interested to find out to which extent they felt these changes had improved their lives. Being the overall most important single event, the Supreme Court Decision was employed as a specific centre for discussion. I also interviewed heterosexual gender conforming informants about the legal and political changes, to see whether they had heard about them and what their opinions were.

The Supreme Court Decision - More famous abroad than in Nepal?

Most of the informants were aware of the Supreme Court Decision from 2007, though it was more known among LGBTI informants than among the other informants. Among the police and politician informants many emphasised that although they personally had heard of the decision, their fellow colleagues did not. It is important to note then, that on this issue in particular, the informants I interviewed can in no way be considered representative for the general population. As mentioned, the majority of the sexual and gender minorities I interviewed were active in LGBTI interest organisations, and the other informants were to a large extent urban, highly educated people. This was indicated by informants who for example stated that: *"I think the sexual minorities have heard about it, and lawyers have heard about it, but the general public probably hasn't"* (Male human rights advocate).

I therefore took every opportunity to also talk to random people about this. When speaking informally with people I came across, such as taxi drivers, bus passengers, guests and waiters in cafés, I as expected, got different answers than from the formal informants. Many were unaware of the Supreme Court Decision, and several did not know what sexual and gender minorities were either (although I used the Nepali terms when asking). A male professor whom I interviewed confirmed this: *"Most people haven't heard about it [the Supreme Court Decision], it's not a public issue. Many third genders don't know about it either"*. Many

informants explained that education level was an important factor which influenced people's knowledge on sexual and gender minorities. *"Educated people in the Terai area have heard about it, but in the villages they are not educated"* (Transgender in hir 20's).

When the Supreme Court Decision was passed in 2007, it attracted a lot of media attention both nationally and internationally. One informant who had been active in the process of promoting rights for sexual and gender minorities reported: *"It was in all the headlines the next day"*. The disparity in people's knowledge of the issue could possibly then be seen in relation to their consumption of media. Some informants also mentioned that the media coverage was not necessarily effective, because many people do not know what third gender and LGBTI is. However, organisations such as the Blue Diamond Society are still promoting the decision, and especially for policy makers and other key actors, the decision was said to have had a great impact.

"Now we have the Supreme Court decision, but the situation is not so different"

Many informants were worried about the road ahead. Although they were proud about the verdict, many were frustrated with the lack of implementation. Apparently there are still 280 discriminatory legal provisions which affect sexual and gender minorities (Human Rights Watch 2011). One informant linked the lack of implementation of the Supreme Court Decision to the fact that Nepal is a poor country going through major political changes, and the issues of LGBTI have therefore become marginal compared to other major tasks such as infrastructure, maternal health and access to safe drinking water.

There was a tendency among informants who were less involved with LGBTI interest organisations to be more pessimistic. For example, a meti sex worker who was experiencing problems with blackmail, rape and harassment from individual police officers told me that the Supreme Court Decision had not impacted on hir life at all. Although ze knew about hir rights, ze explained *"they are of no use to me when I am harassed by a police officer"* (Third gender in hir 20's). Another informant simply stated that *"the Supreme Court decision is not working"* (Third gender in hir 20's).

The milestone decision

The decision has interested us, and we feel proud about it. And although we still don't have all the rights we hope that maybe the next generation can have them. [Bisexual man in his 20's]

While some informants focused on the problems with implementation and lack of effect on people's social lives, others were optimistic and emphasised the positive changes which had occurred after the verdict was given: *"It has made it easier for us to expose ourselves. Different organisations are involved with us, and are positive to us. Three of us have gotten a citizenship, more families are understanding towards us. There has been a drastic change. We are now included in politics"* (Transgender in hir 20's).

Other informants agreed that the verdict had impacted positively on the political changes which had occurred. One LGBTI advocate explained that it had become much easier for them to speak with political leaders after the Supreme Court had decided that sexual and gender minorities are natural persons. As a platform from which rights can be claimed and political space occupied, the Supreme Court Decision therefore seems to have been important. The increased political acceptance that the decision brought about was also considered by some informants to have positive consequences for gay tourism. Being a



Figure 4: Gay Tourism in Nepal (Gawker 2010)

developing country with stunning natural sceneries, tourism is, after the end of the Maoist insurgency, expected to contribute to the development of Nepal. With the shift in LGBTI rights, Nepal is now trying to attract gay tourists during the tourism year of 2011 (Sharma 2011). This was regarded as positive by most LGBTI informants, but some of the other informants were sceptical to what this will imply for Nepali culture.

Other positive changes which informants brought up during interviews were increased awareness about LGBTI issues and a decrease in police harassment. Some also mentioned that media is more positive now than before. I would suggest that the decrease in police brutality should be seen in relation to general changes in society, and is not necessarily linked to the Supreme Court Decision alone. While all of the police inspectors I interviewed were aware of the Supreme Court Decision, less than half of the officers I spoke with had heard of it.

With regards to awareness in the general public, there are social, cultural and regional differences. This was confirmed by many informants who drew distinctions between educated, urban people and their non-educated, rural counterparts. A bisexual man in his 20's explained: *"Before, both educated and non-educated people used to discriminate us, but now educated people understand."* One of the informants in the Terai told me that even though there was an increase in the awareness of some people *"still this is Terai, so many don't understand."* Both educational level and culture was thus seen to influence the extent of improvement in the lives of sexual and gender minorities (for a thorough discussion on the concept of culture, confer with Geertz 1973). This is something to which I will return in the next chapter, but first let me introduce how non-LGBTI informants welcomed the Supreme Court Decision.

Straight reactions to the Supreme Court Decision

An overwhelming majority of my non-LGBTI informants welcomed the decision by the Supreme Court, with only two of them being opposed to the decision altogether. However, it is necessary to keep in mind that they cannot be considered representative. For example a women's activist in her 40's admitted that among her colleagues *"even the most advanced, most educated, the most vocal women are also not comfortable with this [LGBTI issues]"*. What more, my background from a Western country, may have influenced informants' answers. The positive attitudes among informants were often explained through linking it to human rights, and statements such as *"they should get their rights because they are also human beings/Nepali citizens"* were common.

Real change or only on paper?

A few of the informants who supported the Supreme Court Decision, distinguished between citizenship cards and same sex marriage. These informants viewed same sex marriage as something unnatural that did not fit Nepali culture. One informant even expressed fear that it could encourage homosexuality in society. Another informant was sympathetic to the challenges same sex marriage could introduce for the sexual and gender minorities: *"I am positive to it, but for same sex marriage I don't know. How will they reproduce? If the state allows same sex marriage then it must also provide for them when they get old, because they won't have any children who can take care of them"* (Police officer in his 20's). The informants who were supportive of same sex marriage explained their support by pointing to the fact that sexual and gender minorities were natural, and thus would not want to marry people of the opposite sex anyways. *"If a man is not attracted to women, how can we offer a lady to him and compel him to marry?"* (Politician in his 60's). Others pointed to equal rights and anti-discrimination as their reasons for supporting same sex marriage.

Changes in attitudes?

The recent changes are that political parties are addressing us, and we are involved in some parties. We are even involved in the constitution making process, and we are in parliament. So we have laws, but we cannot change society, so that's a major challenge for us. [Transgender in hir 30's]

In order to get an understanding of how legal and political changes have impacted on the lives of sexual and gender minorities, it is necessary to examine the attitudes of the majority population. Seeing as I did not have the resources to do a full survey, I have to construct this understanding based on the information provided by the informants. Several of the LGBTI informants had actually come out to their families during the last few years. Many of them reported increased acceptance by family members over time, and some had received help from LGBTI offices to sensitise their families. However, the rest of society was often perceived to oppose their way of living and this also put pressure on the families of sexual and gender minorities. A third gender in hir 20's explained that the attitudes in society were the same as before: *"Only my relatives have changed their opinions, the rest of society, even neighbours are still negative. When I go to the house of neighbours, they don't allow me to enter saying that their next generation can be like me"*.

Many non-LGBTI informants who were accepting of sexual and gender minorities explained that their attitudes had gradually changed as they learned more about the issue. Before getting knowledge of it, they had either been completely unaware, or in some cases where they had met LGBTI, they had reacted negatively. When discussing the attitudes in the general society, most informants were in the opinion that Nepali society is still negative toward and unaccepting of sexual and gender minorities. When asked if the general society was as supportive as she was, a police officer who I talked to answered without hesitation *“I think you know the answer to that one. People are not so positive.”*

According to the informants, sexual and gender minorities are still viewed as low cast and bad fortune by many, and people often try to avoid them. This was in line with experiences shared with me by the sexual and gender minorities themselves. Some non-LGBTI informants who had LGBTI friends admitted that they kept such friendships hidden in order to avoid stigma and accusations of being LGBTI themselves. There was also a tendency among some of the non-LGBTI informants to separate between the subgroups in the LGBTI concept. For example, many informants felt that sexual minorities were more unnatural and foreign than gender minorities. Others only considered the intersex to be natural, while considering LGBT to have mental disorders. A consequence of such perceptions was that informants were more sympathetic to intersex, often pitying them. I will get back to the discussion of what such categories as natural/unnatural may mean for sexual and gender minorities in the next chapter.

All in all, it seems that although there have been significant changes in the legal and political arena there is still a way to go before the Nepali society can be declared LGBTI friendly. As a police officer in his 20's stated *“I heard that there is a person from the third gender community in parliament but one man cannot change people's minds.”* A focus on the lack of implementation and changes in attitudes is also illustrated in the conversation that I had with a Pandit (Hindu scholar) in his 60's, which is recounted on the next page.

Real change or only on paper?

Pandit: They must take their demands and their rights, same sex rights in the constitution.

Eirin: Do you think that they will be successful?

Pandit: I think not so.

Eirin: They were successful in the Supreme Court, maybe they will be in the constitution also?

Pandit: They won the case, but not the people you know.

I generally found young informants to be more positive than the older ones, although there were many exceptions. Another factor which obviously mattered was whether the informant knew LGBTI personally. All those who had friends or acquaintances from the sexual and gender minority were more positive towards LGBTI. There did not seem to be a significant difference in the attitudes of informants based on their gender, religion or social status, but as was pointed out earlier, educational level might have influenced their answers (almost all of the non-LGBTI informants were educated). Closely linked to educational level is the rurality/urbanity of places. Many LGBTI informants reported that attitudes in the village were more negative, and this is also something to which we will return in the next chapter. First though, I would like to complete this chapter with a review of changes in visibility and empowerment for the sexual and gender minorities.

Visibility and empowerment

It's better now than before. Before, there was no food, and no one we asked would give us jobs. It was difficult to walk in the street. People used to bother us. They used to discriminate us, and use bad words. I have developed courage to face any problems now. These days, if someone tells me anything, I will talk back at them. If I'm not doing anything wrong, I shouldn't have to be afraid.

[Lesbian in her 30's]

This quote shows the experience of one of the informants I interviewed. According to her, the situation with regards to both external factors such as employment and, equally important, her internal strength had improved over the last few years. Many sexual and gender minority informants confirmed that they felt more empowered now than before. This was linked to the establishment of LGBTI communities and increased visibility.

Informants reported that while they had previously felt alone, they now had a sense of unity. The unity has given them the courage to be visible, outspoken and proactive, because they now have someone to back them up if they experience trouble. Coming together as a group then has empowered them, and this may have positive consequences both on a personal and community level as seen from this quote: *“The attitudes in the general society haven’t changed, but in my local community I have changed the attitudes of people”* (Transgender ftm in hir 20’s). This quote suggests that with increased empowerment, the sexual and gender minorities have become their own agents of change.

When the first office for sexual and gender minorities was established in Kathmandu ten years ago on the other hand, there was scepticism and fear of retributions. Many informants reported that they had been afraid what such an increased visibility would entail for them, and they did not immediately welcome the initiative. Fears of retributions are justified when viewing increased visibility in light of transgression. The construction of queer spaces not only leads to the mobilisation of political demands or increased support for sexual and gender minorities. It may also have negative effects with regards to safety and marginalisation.

Previously, the offices working for sexual and gender minorities in Nepal experienced police raids and arbitrary arrests, and outreach personnel were harassed while working in the streets. Although direct attacks are rarer these days, informants still reported problems related to othering. For example, an informant working in one of the LGBTI offices explained that a negative consequence of increased visibility was that today people connect the LGBTI offices to sex work. While previously *“things did not come out, but today it comes out, and people connect it to us”* (Transgender in hir 30’s). One informant who identifies as MSM explained that the visibility of metis selling sex in certain areas of Kathmandu has created an idea among many people that being third gender is equal to being a sex worker.

This indicates that visibility is not in itself enough to change people’s attitudes. Rather, it may underline the difference and thus increase the marginalisation and stigma. Visibility then has both positive and negative consequences. On the one hand, it may be necessary in order to create a community and platform for advocacy work. On the other hand, the transgression of heteronormativity may lead to increased othering and stigma. Figure 5 is a

Real change or only on paper?

simple depiction of how increased visibility has internal and external consequences which in turn influence the level of visibility.

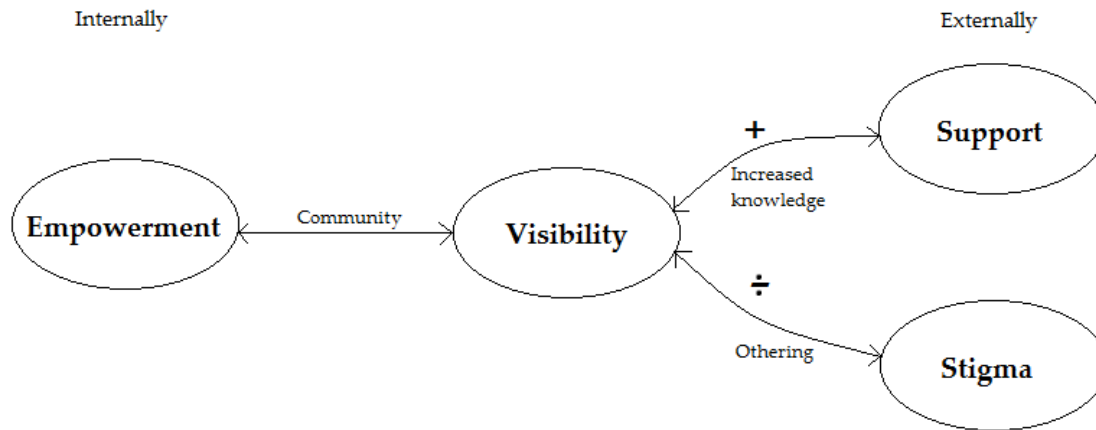


Figure 5: Visibility

Summary

This chapter has demonstrated that sexual and gender minorities in Nepal have come a long way in very short time, especially legally and politically. In line with Castells' argument (Pile 1997), increased visibility and the establishment of a community have no doubt been crucial in order to achieve many of these legal and political changes. However, many of the legal provisions are yet to be implemented. Furthermore, there are still challenges such as negative attitudes and discrimination and many LGBTI informants were worried about their personal future. We shall now turn to a more thorough discussion of the current challenges that sexual and gender minorities in Nepal are facing today.

5 EXAMINING THE CURRENT SITUATION

Having examined the recent changes in the legal, political and social situation of sexual and gender minorities, it is apparent that although there have been positive developments on some arenas, LGBTI are still facing many different challenges. This chapter will outline which challenges the sexual and gender minorities themselves viewed as the most pressing. I will also discuss how the lives of LGBTI are influenced by geographical and cultural factors related to rural/urban places as well as by certain intersectionalities such as social status, age and sex/gender.

As a sex worker, I am chased away by the police. Also the public tease us, pinch us and pull our hair. There is also a lot of verbal abuse [...] If the police catch us they harass us. Sometimes they give us the choice of having sex with them or we have to give them a percentage of what we earned that night. This happened to me last night. [Third gender in hir 20's]

When asked about current challenges, informants provided many different answers. What they considered most pressing often depended on their own life situation. For example, same sex couples would emphasise the need for a same sex marriage law to be implemented so that they could inherit from each other, while those involved in sex work, like the informant quoted above, were more likely to emphasise such challenges as the access to employment plus public and police harassment. I have chosen to organise their answers into two main categories; the first relates to challenges regarding citizenship rights, while the second analyses challenges connected to attitudes and othering.

Sexual and gendered citizenship

In the introduction sexual citizenship was defined as the political, legal and cultural implications of different sexual identities in various societies (Hekma 2004). In light of the Supreme Court Decision on third gender citizenship it also becomes interesting to discuss a

gendered citizenship in the Nepali case. There are many gendered citizenship issues in Nepal, closely related to gender roles. These often impact negatively on women's rights, but for the past few years there have been some positive steps in the right direction, though much is yet to be done. I will not focus on the citizenship issues regarding women here however, but rather examine some different sexual and gendered citizenship issues related to LGBTI in Nepal. Many of the informants complained that laws are yet to be implemented, and saw this as the main challenge. So far few people have received citizenship cards, same sex marriage has not been introduced and discrimination is still a challenge.

Third gender category

The lack of implementation has consequences on a range of different areas. For example, if a person is unable to access citizenship cards s/he may lose out on basic rights to education, employment and health services. Furthermore, it was clear that for some informants obtaining an identity card stating third gender was also symbolically important as a marker of recognition. Informants who were LGBTI advocates especially emphasised this point, and explained that they are currently advocating the third gender category to public and private actors, of which some have already included the category in their forms. During my last two weeks in Nepal, I travelled the country as a tourist. When registering for hiking with the Nepali Trekking Agencies' Association, I noticed that the form included the third gender category, as seen in Figure 6 on the next page.

Some theorists have questioned the need for gender categories in public papers altogether. Leslie Feinberg (1998) for instance asks *"why do we have an M-or-F-box on an application for a document that has a photo? [...] Passport agents don't need a description of anyone's genitalia or gender identity"*. Feinberg links this to the race category which up until a few decades ago was a common category on identity papers in the US, but which after pressure from civil society has been removed. The LGBTI in Nepal did not seem to mind gender categorisation per se, rather they wanted the gender model to include a third category. This should probably be understood in relation to Nepali cultural traditions.

Livelihood

Economic empowerment is a challenge for many poor LGBTI. I have seen that LGBTI who have good jobs, and can support their families, it gives them pride. They take care of themselves and their families. This is especially important as there is no social welfare from the state

[Gay man in his 30's]

The quote above shows how one informant sees employment and economic empowerment as connected to self-respect. Other informants also underlined the connection between financial independence and acceptance by family members, reasoning that if a person is able to contribute financially to the family household, there are increased chances of being accepted. Many informants viewed the need for securing jobs for the increasing amount of open sexual and gender minorities as a main challenge. Informants working in the LGBTI offices reported that helping people to find jobs was a major problem. In many cases they were contacted by people, who half expected to be hired by them, viewing them as an employment office. For meti sex workers in particular, employment was seen as challenging. They are stigmatised both because of their different gender expressions and their experiences from sex work, thus constructing them as gendered *and* sexual others. Such stigma decreases their chances of finding other work, but it must also be mentioned that some metis chose sex work because it is more profitable than other jobs.

Seeing that many LGBTI have been forced to leave school due to harassment, poverty or exclusion from their families, the problem of employment appears even more challenging. One way of handling this has been through different skills training programmes. Unemployed sexual and gender minorities who contact LGBTI organisations are encouraged to pursue an education, according to a key informant. Some informants argued that sexual and gender minorities should be provided quotas in the different work sectors. Non-LGBTI informants who knew about this proposal were sceptical though, on the grounds that others who were not LGBTI were seen to be able to misuse it through claiming minority status. Keeping in mind the continued stigma related to LGBTI however, it is not very likely that this should become a big problem.

Health

HIV/AIDS prevention is another challenge for sexual and gender minorities, which is closely related to both education and citizenship. As has been mentioned, many gender minorities result to sex work in order to make a living. This puts them at high risk of attracting sexually transmitted diseases, such as HIV/AIDS. At the same time a low level of education and invisibility in government health plans increases their vulnerability to such infections. This was a concern shared by many informants, especially by outreach workers, sex workers and those visiting border areas.

Citizenship rights are also interesting in light of intersex. The lack of implementation with regards to third gender IDs as well as gender norms based on a binary system, influence the lives of intersex. According to an informant, health personnel still decide the sex of intersex babies to be male or female based on their genitals or the hormone levels in their bodies, and then suggest operations. However, it must be mentioned that at times there are medical reasons, like for example malformed urinary tracts, for such operations to be recommended. Still, the state does not take on any financial responsibility for such operations. The Nepali approach to its intersex population can therefore be perceived as rather paradoxical, on the one hand promoting a binary gender model through its health personnel (although the Supreme Court has on paper introduced a three gendered model), and at the same time not taking on the financial responsibility for such an approach.

Same sex marriage

The absence of validity for same sex marriage was considered a challenge for informants who were in relationships with same sex partners especially. A lesbian transgender (ftm) who lived with a woman explained *“same sex marriage must be legalised so that we will have a normal life”*. A member of the committee which is currently looking into the possibility of introducing same sex marriage in Nepal told me that he had been asked by various actors in society to make a distinction between heterosexual and homosexual marriage. To understand this request it is necessary to recognise the interconnection between marriage, reproduction and kinship in Nepali society. As a police inspector in his 30's reported: *“The purpose of marriage is the extension of kinship”*. For many then, same sex marriage is difficult to

comprehend and accept as it is assumed that the couple will not have children. However, reality is not so simple. For instance, many same sex couples may already have children when entering into same sex relationships.

In the Terai informants reported that their cultural marital traditions are problematic for the sexual and gender minorities because they marry at such an early age. Many of the informants had been married to their wives/husbands while still children or adolescents, before themselves being aware of their sexual and gender identities. This then poses problems both for themselves and their families as they become older and realise their identities. In some cases the LGBTI break out of their marriages, bringing their children with them. I would thus argue that preventing same sex couples from marrying each other, through for example introducing a partnership law instead, affects not only the rights of the LGBTI, but also the rights (to for example inheritance and property) of their children.

Othering

Many claim that homosexuality is against our culture, and that promoting LGBTI will be like promoting promiscuity. They address the sex work and gay tourism, and are afraid of how it will impact on our culture. Third genders are more exposed, bold, dress scantily and I don't feel comfortable promoting that.

[Women's activist in her 40's]

A challenge mentioned by many informants, is that of negative attitudes in society. As we saw in the previous chapter, according to most of the informants Nepali society is still perceived to be quite negative towards LGBTI. Some of them emphasised the need for sexual education in schools as one way to gradually make people more aware of LGBTI issues. The LGBTI organisations also focus on awareness work towards specific groups in society, such as police and religious leaders. Visibility then, is a concern and focus of attention. On the other hand, visibility is not enough to change people's attitudes. This is linked to "othering", where the minority group is constructed as the different "other" in the social hierarchy.

They [third gender] are biologically natural, but their way of expressing themselves is artificial, and doesn't fit Nepali society.

[Police inspector in his 20's]

This quote clearly demonstrates how sexual and gender minorities are considered to be deviant from the norm. According to this informant it is the way that third genders behave which is immoral, not who they are essentially. In other words, the way they perform their gender is considered artificial because it transgresses the norm. The distinction between social constructionist and essentialist views has relevance when examining how the “other” is perceived by the majority. The informants who were sceptical of LGBTI often used social constructionist arguments, such as “their behaviour is not normal”. Similar arguments were also used by LGBTI themselves who tried distancing themselves from behaviour typically associated with LGBTI stereotypes. *“They show different kinds of attitudes, and are seen as unnatural. They are more exposed and vulgar”* (Police officer in his 20’s). Stereotyped behaviours like being vulgar or promiscuous felt very stigmatising to many LGBTI, who emphasised their own difference from this behaviour.

Pressure from society

My mum understands and she keeps quiet, but the problem is with the neighbours and the community. In our Muslim community it is very difficult, we have a strict society. They use abusing words and exclude us [...] We are treated as untouchable. I am so happy about my mother because she is always behind me, but the rest of society always perceives us in a negative manner. It’s the society and not the family that initiate bad behaviour. [Transgender in hir 20’s]

The othering of sexual and gender minorities leads to pressure to conform to the norm. Informants reported that such pressure is not only exerted on them personally, but often indirectly through their families. Although family members had initially been supportive, pressure from society could lead to problems eventually. Many families risk losing reputation and status in society if the LGBTI child does not change hir way or leave. A father of an intersex baby explained that *“People in society have conservative thoughts. They think that it is a result of being bad in a previous life”*. Such views are no doubt experienced as very stigmatising for the parents of LGBTI children. Whether they succumb to the pressure, or manage to influence their local community will depend on a range of factors.

The gendered and sexual other

Though we are men, we like to live like women, so they feel strange. This is against the social morals, and they that say it's not allowed, and that we shouldn't do it. It disturbs the social order. This is their understanding of the system of society, but they don't think about that how we are is also god gifted. We are not pretending at all. The creator created us like this, but they don't accept it.

[Meti in hir 20's]

In the Nepali context gender minorities are perceived as “gendered others” by the society. The informant quoted above touches on many interesting issues. Hir focus on social order clearly relates to the dominant gender norms of society, based on a woman/man binary. Ze further links the transgression of these norms up to a feeling of alienation. The men who want to live like women are considered strange, and are asked to comply with the social norms. They have been constructed as the “other”. Particularly the gender minorities face challenges related to othering, seeing as their difference is so easily spotted. Lastly, the informant above underlines that ze is natural, and has not chosen to be third gender. This essentialist argument is common among LGBTI advocates, and is something to which I will return to shortly.

Although gender minorities face challenges because of their visible otherness, society was perceived to be more sympathetic towards them than towards sexual minorities. The sexual minorities were often constructed as immoral, unnatural and foreign. Sexuality is quite taboo in most Nepali communities, something which may increase the stigma of this group. However, it is important to note that since their difference is easier to conceal the sexual minorities do not necessarily face the same direct challenges as the gender minorities. Increased visibility, such as participation in Pride marches, may involve risk for the sexual minorities. On the other hand, *invisibility* also poses as a problem as it reinforces the power structures of the status quo which marginalised them in the first place.

Heteronormativity/homoaffectionalism

According to a lesbian gender conforming informant in her 20's “*The main challenge is that it is very difficult to change the mind of society. In their mind, all people are heterosexual*”. This is related to heteronormativity. In Nepal physical affection between same sex friends is actually quite

common, and homoaffectionate acts, such as holding hands and flirting, are not usually interpreted as homosexual by the majority.

A police officer who I interviewed stated that *“I think it’s ok if they have relationships with other men, but I don’t understand why they want to change their bodies”*. While this informant has a personal understanding of male-male relationships, he finds gender non-conformity more difficult to comprehend. The transgenders then are perceived to be strange, while he can relate to same sex relationships. This could be understood in relation to homoaffectionalism, as he acknowledged that he had male friends who he was intimate with. As aforementioned there are MSM relationships in Nepali culture which are not understood as homosexual. Several of the male non-LGBTI informants emphasised the fact that having homosexual sex does not make you a homosexual. Instead they explained such acts through pointing to sexual experimentation and little access to women (especially for unmarried young boys).

This was also confirmed by an informant who had experienced gang rape by a group of men. Being constructed as an “other” may have made hir vulnerable to their attention, but ze did not see the rape as a punishment for being different. In many cases of rapes against LGBTI, the act of raping can be understood as a punishment for being different as well as the rapist’s way of performing her/his own heterosexuality by punishing the sexual deviant. Yet, this informant explained that the rape happened simply because the rapists wanted to have sex, but could not find anyone to volunteer their body. In another case however, a lesbian informant reported that a friend of hers had been raped by family members when they realised she was lesbian. In this case the rape was understood as a punishment, and as an attempt to “correct” her sexuality. Gender roles, then, are inextricably linked to sexual practices, and I will return to a more thorough discussion of gender influence a bit later.

They are natural

We [heterosexuals] are attracted to opposite sex, but how it comes is very funny and wonderful sometimes right? (laughing) So it’s the nature. By now I have come to realise that oh, this is the natural thing, and whatever is there, this is not any artificial thing. This is natural. And I think that nobody will pretend that they are third gender, right?

[Male politician in his 60’s]

For the supporters of sexual and gender minorities, arguments along the lines of “they are natural” were common. The informant above had realised that falling in love is natural, and



cannot be faked. This had in turn changed his perception on sexual and gender minorities. Many informants also stated that “they are just like us”, thus removing the stamp of “other”. Hence, the ability to recognise feelings and identify with the sexual and gender minorities as a marginalised group seemed to influence the perception of people in a positive direction. In order for people to start identifying with them, visibility is essential however. It was evident that informants who knew LGBTI were generally much more supportive than those who did not.

Figure 7: Poster - LGBT are ...

“We can’t go against nature”. This sentence was stated in two interviews that I made. The first informant, a Pandit in his 60’s expressed a view that all sexual and gender minorities except for intersex were unnatural, and that according to Hindu philosophy one should not go against nature. In his view then, it was the LGBTI who should change their behaviour and not the society which should change its norms. The other informant, on the other hand, a Buddhist woman in her 60’s, used the same statement to explain why sexual and gender minorities should get rights. According to her, homosexuality still felt unnatural in a cultural sense, but as she stated “unnatural things happen”, meaning that biologically they could not help being homosexual.

Informant: *We can’t go against nature you know. If nature is like that, what to say. There are so many living together like that. If you both like each other, I don’t want to be barrier. Let them! [...]*

Eirin: *Some people say the same as you, we can’t go against nature, but they mean the opposite, they mean that this is unnatural...*

Informant: *Unnatural! This is very unnatural, but unnatural things happen. Women and women can live together, but they want to act like husband and wife. What to do? [...] So this is what we call lesbians or homosexuality. That happens. They are born here in this earth, we are also born here in this earth, so what?*

Policing public space

Having examined the construction of sexual and gendered others in Nepal, I would like to look more closely at how such perceptions influence how sexual and gender minorities use and move in space. I have chosen to first focus my attention on some issues related to public space, before moving on to a comparison of challenges for sexual and gender minorities in rural and urban places respectively.

Heteronormativity makes sexual and gendered others seem out of place. In Kathmandu, meti sex workers especially were considered by many to not fit in. They were perceived as different and more loud and aggressive than woman sex workers. Meti sex workers were also said to be involved in other criminal activities, such as robbery and drugs. One of the areas for sex work is in the tourist area, Thamel. A police officer in his 20's explained that third genders were unwanted in this area, as tourists would be bothered. This was confirmed by other informants, who explained that the sex work in the area made it difficult for gender minorities to go there, as they would be regarded as sex workers even if they were there for other reasons entirely. It should be mentioned that Thamel is also the bar and club area of Kathmandu.

According to lawyers and police who I interviewed, the removal of such unwanted subjects from public space was legally justified by the public offences act. However, although this act is used to crack down on sex work it does not specifically mention sex work, thus opening it up for interpretation. Other public activities which this act purportedly applied to were unwanted behaviour such as shouting, exposing oneself nakedly, harassing others and so on. Police officers who I interviewed explained that since meti sex workers express bad behaviours like being loud and aggressive, it is necessary to arrest them.

When sex work is done openly, we must catch them. We don't have a red light area here [where it is legal]. When we arrest them, they use foul words and resist, so we have to be brutal. I have also been involved in the arrest of a third gender once. [Police officer in his 20's]

Some informants underlined the difference in behaviour between women and the metis selling sex. I personally observed that women sex workers were left free to do business in the street after a group of metis had been chased away by the police. It is not uncommon for sex workers in general to be regarded as sexual others, and thus considered unwanted in the public street, but in this case a distinction was clearly made between the women and the metis selling sex. Although both groups can be considered sexual others, the perceived difference of the meti sex workers with regards to gender expression probably contributes to increase the impression of them as deviant others. The metis were furthermore said to draw attention to themselves by operating in larger groups and being aggressive towards people passing by. Meti sex workers themselves reported that it was due to security concerns that they had to work in groups, as this minimised their risk of harassment and violence.

It is important to remember that public space is not only policed by the police. Several police informants explained that it was when other people complained that they had to arrest meti sex workers. *"Good people who are passing with their wife and children complain to us, and then we have to take them into custody"* (Police inspector in his 30's). On my last night in Nepal I also witnessed a gay couple being thrown out of a bar in the tourist district. When confronted, the bar manager confirmed that they had been asked to leave because they were gay. This was a reminder that Nepali public space is heterosexed and that exceptions from the norm are not accepted. Thus it seems appropriate to question the assertion that Nepal is an "LGBTI Mecca".

If we move back to the street, many informants emphasised the recent years' decrease in police brutality towards LGBTI, although one mentioned that recently there had been a slight increase again. Violence in custody was reported to have decreased, but meti sex workers still experienced harassment and violence from police officers. It seems that while previously, police brutality happened in more organised forms, the majority of cases today were incidents where single police officers misused their power. As one police inspector in his 30's explained: *"It [harassment] is not only by the police, but from every corner of society,*

because inside every police there is a person, so sometimes personal attitudes can come up". In light of performativity theory, the attempts of individual police officers and the public to constrain and police sexual and gendered others can be understood as their way of performing their own heterosexuality.



Figure 8: Police watching the LGBTI march in Kathmandu 2010 (© J.Ekker)

The sexual and gender minority informants in Terai seemed to experience quite a large degree of harassment by the police and the public, compared to those interviewed in Kathmandu. Unfortunately I did not have the chance to interview police in the Terai in order to hear their views on this issue. Otherwise, informants from the LGBTI community reported that today they are not held in custody for more than a few days when arrested, whilst beforehand they could stay there for weeks. The treatment while in custody has also improved. However, when taken into custody police may face some unexpected challenges of their own: *"In the police we have challenges because we don't know where to keep them[meti sex workers] in custody. Usually we put those dressed like women in the women's cell and those dressed as men in the men's cell. Since they are confused, we also get confused"* (Police inspector in his 30's).

We see from this discussion that being constructed as the other by the majority has major implications for the sexual and gender minorities. They experience pressure from their families, local communities, police officers and the public to conform to the norms and their use of space is restricted. Now let us move on to consider how some different factors such as rurality/urbanity, social status, age, religion and sex/gender influence the lives of sexual and gender minorities in Nepal today.

The rural/urban divide

In the Nepali case it is interesting to see how the construction of different sexual and gendered norms in rural and urban spaces affects the situation of sexual and gendered minorities. I did all of my fieldwork in urban settings, but many informants were originally from rural places. The two field areas were very different in size, although both were cities. When discussing rural and urban spaces in Nepal, it is necessary to keep in mind that all rural places are not similar, and the same is true for urban places. For example villages in the Himalayas will have different cultures than villages in the Terai. Although some general characteristics are to be found in most rural places, it is important to be aware of such cultural differences.

The rural/urban dichotomy often inscribes naturalness and purity on rural landscapes, while cities are contrasted as unnatural and impure. In Nepal many informants considered rural places to be backward and poor, while especially Kathmandu was seen to be modern, having a more educated population. None of the informants were of the opinion that rural areas were preferable for sexual and gender minorities, but one informant responded that there was no difference where one lived. Some emphasised that urban areas would be considered better not only for LGBTI, but for everyone, as there is less poverty and more work opportunities in the cities.

Sexual and gender minorities in cities

Both cities and rural areas were considered to involve certain challenges for sexual and gender minorities. In cities discrimination and harassment were seen as the main challenges.

Still, most informants were of the opinion that being LGBTI in a city involved less challenges than living in a small village. Many reasons were given for this. One explanation which arose quite often was that people in cities are more anonymous than in rural communities. This was often related to the fact that since urban people are often working and busy, they have less time to backbite and intervene in each other's lives. *"It's much easier in the city because here there are people from all the 75 districts and people are not interested in what others are doing so we are freer here"* (Transgender (mtf) in hir 30's). Informants also emphasised that the fact that in the cities there are LGBTI organisations and communities, while rural sexual and gender minorities have no support.

In addition, many informants suggested that the high education level in Kathmandu in particular was a factor that influenced sexual and gender minorities positively. Kathmandu was considered to be more modern, both with regards to attitudes and infrastructure. As a women's activist explained *"In the urban centre, you may not have internalised it, you may not want it, but in order to show that you are progressive enough, and that you are conversant with the global changes and policies, you will at least publicly be a part of it. But in the rural community they don't care"*. Internet facilities and attention in the media were also regarded as positive factors in exposing LGBTI issues and increasing acceptance in cities.

Sexual and gender minorities in rural areas

In rural villages, challenges for sexual and gender minorities were often perceived to be connected to invisibility. Informants reported that rural sexual and gender minorities, as well as their families, experience a lot of stigma. The result is often that LGBTI children are hidden from society, pressured to conform to the norms or even subject to violence. However, it must be said that there are big local differences in Nepali culture. The informants were from villages with very different views on for example sexuality, and whilst some communities have a generally high level of violence, others are peaceful.

The low level of education in rural areas may influence both the attitudes of the society and the knowledge that LGBTI themselves have about their rights. Informants reported that people in villages had more spare time, which gave them more time to backbite sexual and gender minorities. Lack of knowledge was furthermore perceived to be challenging in light

of sexual health concerns. Invisibility makes it more difficult both to find partners, but also to practice safe sex with them. In addition, economic marginalisation was common for many rural LGBTI as there are few work opportunities. They will therefore often be faced with the option of leaving the village, or obeying their families who make the decisions over resources.

Informants emphasised anonymity as a positive factor for urban sexual and gender minorities. This anonymity is important as it makes room for different sexual and gender practices. Still, anonymity also makes such practices invisible in society, thus enforcing the existing gendered and sexual norms. Hence, anonymity appears paradoxical; urban anonymity is perceived as liberating, whilst rural anonymity limits its subjects. In rural areas, LGBTI who were open to their communities risked serious consequences, but a few of the informants explained that they had managed to change the perception of people in their villages. After this presentation of how sexual and gendered norms in rural and urban Nepal affect LGBTI, I would like to briefly introduce some other factors which no doubt influence the lives of sexual and gender minorities, before moving on to discuss the preconditions for change in the next chapter.

Intersectionalities

As we remember from the theory chapter, identities should be viewed as fluid and complex, taking into account multiple grounds of identity. It is necessary to keep in mind that the sexual and gender minorities in Nepal are a heterogeneous group of people, and that the status of other identity categories may have an equally big impact on their lives as that of their sexual orientation and gender expression. The following section will examine more closely how other identity markers such as age, social status, religion and sex were perceived to influence the sexual and gender minorities in Nepal.

Age

The sexual and gender minorities that I interviewed in Kathmandu were all in their 20's or 30's, with the average age being 28 years old. In the Terai I interviewed two informants who

were below the age of 20 and one who was in his 40's in addition to informants in their 20's and 30's. The average age among informants in the Terai was 26 years old. Although I specifically tried to get in touch with LGBTI in different age groups, the selection of informants was still relatively young. I therefore asked the question of how age plays a role in the lives of sexual and gender minorities. Do younger and older LGBTI face the same challenges?

Three informants assumed that older LGBTI have easier lives than the younger ones. They explained their opinion by pointing to the fact that a person's financial situation becomes safer and more comfortable as one grows older. Besides, older LGBTI were believed by these informants to have more knowledge and experience. However, one of the informants stated that the attitude of family and friends was more important than age itself. *"It's easier for old people because they have the security of wife and children, but they can have a partner on the side. It's easier for a young person to find a partner however"* (Transgender (mtf) less than 20 years old).

Most of the informants agreed that young sexual and gender minorities experience less challenges than older ones do. They gave several reasons for this. With regards to family, many informants pointed to the lack of social security as a specific challenge for older LGBTI. As there is no state provision for taking care of senior citizens in Nepal, people depend on their families when they get old. This was perceived to create problems for many LGBTI who have strained relationships with their children. While young sexual and gender minorities can work and take care of themselves, older LGBTI have often been married for many years already. Many informants expressed concern that older, married LGBTI could not be open, as it would jeopardise their security. Building an old age home for senior sexual and gender minorities was therefore a priority of LGBTI organisations.

The younger generation of LGBTI was seen by the same informants to have many possibilities. They are more technically advanced, and know how to obtain information. While older LGBTI have faced many challenges and are not open, young LGBTI have networks to support them if they choose to be open. The increased awareness has also empowered them. However, there are other factors than age that influence how sexual and gender minorities live their lives, and one very important aspect is that of social status.

Social status

Social status in Nepal is complex and fluid. In 1854 the Nepali government assigned caste rankings to the different ethnic groups, and although these were abolished again in 1962, they continued to influence the perception of people's relative status (McHugh 1998). Albeit originally related to ethnic and caste hierarchy, today the social status of Nepalis is also understood to be affected by income (Skinner et al. 1998). Hence, a Newar who has managed to get a high status occupation and good income may be perceived by some to have a relative higher social status than an unemployed Brahmin for example. The informants I interviewed were from a range of different ethnicities and castes, although especially in Kathmandu, the LGBTI informants did not belong to any of the lowest castes.

Being a foreigner was a disadvantage with regards to the different castes and ethnicities, as my home country is quite homogeneous and egalitarian compared to Nepal. I did not know much about the ca 90 individual ethnic groups beforehand, so I will not go into details about them, but rather I shall discuss in broader terms how the informants considered social status in general to play a role for sexual and gender minorities. My hypothesis upon arrival in Nepal was that LGBTI from low status families would experience more trouble as they would be doubly marginalised, but as we will see this was too simplistic an assumption.

A few informants did argue that low caste LGBTI experience double stigma *"In BDS [The Blue Diamond Society] we have third genders from all ethnicities. The lower castes feel double stigma"* (Transgender (mtf) in hir 30's). The overwhelming majority however, explained that high status LGBTI experienced more challenges. This was related to loss of status in society. While low status individuals were free to do many things, high status families were portrayed to be concerned about not losing their social status. *"It's more difficult to be open for high caste than low caste. People from higher castes have more respect and status in the society, so whenever someone from their caste is third gender, they have to face lots of complaints. For lower castes however, because they are poor and have no status in the society, they can do anything they want without receiving complaints"* (Third gender in hir 20's). One informant even argued that high status families are more likely to kill their LGBTI relatives.

Being open in society was also related to financial security *“Some people are wealthy and they cannot come out. Poor transgender come out because they don’t have enough money and their society is not so tight”* (Transgender (mtf) in hir 20’s). Another informant explained that having money to take care of herself and the family had been important in order for her family to accept her new gender identity. The generosity which wealth facilitates is considered important for a person’s honour and status (McHugh 1998). Being wealthy then, seemed to be just as decisive as caste or ethnic affiliation. According to Binnie (2007), LGBTI with low income will have less financial independence to be out, while those who earn more feel they have more to lose. In the Nepali case, it seems like low income LGBTI come out exactly because they feel they have nothing to lose. *“What I have noticed, is that those from advanced families are not open. Many are uneducated and poor. Those who are open have low economic income”* (Lawyer in his 30’s).

After the incident of the two gay men being thrown out from the bar in Thamel, I asked one informant who works in an office working for LGBTI rights if such discrimination is common. Ze explained that it was difficult to know the exact scale, as such bars are visited only by high status people and that if they are discriminated against, they do not complain about it. This explanation makes sense, in light of the view that high status LGBTI are afraid to lose their status. High status LGBTI informants explained that they experienced trouble as the expectations for high status people are different. *“It’s most difficult for high castes, as they are supposed to be pure and not do such activities”* (Women’s activist in her 30’s).

We understand that sexual and gender minorities with high status backgrounds were perceived to experience more problems if they are open about their identity. However, as Binnie mentions low income LGBTI may have less financial independence to be out. Furthermore, there were some ethnic groups which were said to be more open for sexual and gender minorities. Especially Mongolian ethnic groups and some Tharu communities in the Terai were said to be more flexible and accepting of LGBTI. Several of the informants were from these ethnic groups, but a large proportion of the sexual and gender minorities I interviewed in Kathmandu were in fact from high status castes. It is evident then, that the situation is in no terms clear cut, and that other factors also influence it.

Religion

Nepal has a Hindu majority while other influential religions are Buddhism, Islam and Christianity. As we remember from the introduction, Nepal became a secular republic in 2008, and up to this time it had been a Hindu monarchy. It became clear to me during my stay in Nepal, that many Nepalis have quite a flexible relationship with religion. When asked about their religious beliefs, many responded that they believed in all religions, that they were both Hindu and Buddhist, or that their family belonged to one religion while they personally preferred another.

I only had the chance to interview a few religious leaders (Hindu, Buddhist and Muslim). Some of them were religious scholars, and some headed religious organisations. The two Buddhist informants were generally positive to LGBTI issues. The Hindu scholar was very negative towards homosexuals, but more accepting of third gender. Other Hindus I interviewed were more nuanced however. The Muslim informants were very supportive of intersex, but critical to sexual minorities who they saw as mentally ill. It is important to note though, that since I had so few informants, it is not possible to generalise from their answers. Other factors such as the age of the informants may have played a role, more so than their religious beliefs.

Neither will I spend time here going through views on sexual and gender minorities in the texts of the different religions. Many LGBTI informants emphasised Hinduism as a religion with many references to third gender. For example transgendered deities and same sex relationships are both mentioned in Hindu scriptures (for a further reading see e.g. Vanita 2005). Instead of investigating this further however, I will leave text interpretation to others and rather focus on how the informants perceived religion to influence LGBTI lives.

Some of the informants did not regard religion as having any effect on the situation of sexual and gender minorities. They emphasised other factors such as education or family status as more influential than religions. *"It is about personal attitudes rather than religion itself. What I have found is that in Christianity LGBTs are seen as impure and even within Hinduism we haven't found a good place. I think it's the same for all religions, with regards to how easy it is to be third gender"* (Transgender (mtf) in hir 30's).

Many informants suggested that Islam and Christianity are stricter about and more negative towards sexual and gender minorities than Hinduism and Buddhism. *“Islam is very difficult. We cannot survive in the Muslim community, because Muslims must not have third gender children. Third genders are not allowed to go to the mosque. It is more difficult in Islam than in Hinduism”* (Muslim third gender in hir 20’s). Hinduism and Buddhism were considered by many to be more flexible and open to third gender, and the long tradition of third genders in Hindu writing was especially underlined by several informants. Still, there were also those who indicated that although Nepal is now secular, conservative Hindu thoughts still influence society in an inhibiting manner. From this, we understand that although there might be some differences with regards to how the specific religions view LGBTI, the real impact of religion is rather connected to how conservative the surroundings are.

Gender and sex

Gender and sex influence all people’s lives. Expectations of what is correct behaviour for a person are strongly connected to that person’s sex. This is also true when it comes to sexual and gender minorities. As we may recall, informants generally perceived gender minorities to have more problems than sexual minorities, because the latter could easily conceal their sexuality, while gender expression has an outer component which cannot be hidden. The invisibility of sexual minorities also posed as a challenge for me when finding informants, with the result that visible transgenders are much more represented among the informants than sexual minorities.

It is more difficult for transgenders. I have my female partner. She doesn’t look different from others, so there are no questions. You can’t recognise her sexuality at a glance. But I am transgender and when people look at me, they ask: a girl in a man’s dress. Why? [Third gender in hir 20’s]

Gender minorities who behave contrary to the role expectations of their perceived sex face policing, harassment and discrimination. However, as was mentioned in the previous chapter, general attitudes were perceived to be more positive towards gender minorities than sexual minorities. This may be linked to the fact that gender is a common marker of identity in the Asian context, while sexuality is not necessarily so. Theorists have argued that although there exist traditional patterns of same-sex sexualities in Asian societies, categorical

notions such as gay and lesbian are new (Balachandran 2004). Since sexuality in general is quite taboo in the Nepali context, a focus on sexual orientation is easily recognised as something foreign. Among informants there was a tendency to view the challenges of sexual minorities as less imminent than those of gender minorities. This was because sexual minorities were perceived to be able to fulfil the expectations of their families by marrying someone of the opposite sex while having same sex partners on the side. Such ideas are clearly male biased though, as the gender expectations in Nepal are quite different for women and men.

It's more difficult for lesbians, because they are also discriminated against on the basis of their gender. Even for transmen who are seen as men and transwomen who are biologically male it may be easier to leave the home. [Transgender (mtf) in hir 30's]

In Nepali society women are strongly linked to domestic family duties (Skinner & Holland 1998), something which I would argue contributes to making female sexuality invisible. As we see from the quote above some informants considered lesbians to be doubly marginalised. While gay men and transgenders are free to go out of the home, lesbians are to a large extent limited by role expectations linking women to the private sphere. It was also apparent that lesbians were a minority in the LGBTI offices. According to Richardson et al. (2009), acceptable female sexuality is regulated through the marriage institution. Hence, gender roles may reinforce the invisibility of female sexuality and the perception that women are asexual. The view that sexual minorities can be married and still express their sexuality with same sex partners outside of the home then, must be understood to first and foremost apply to gay men and gender minorities.

Gay men have easier lives than lesbians, because they are men [...] Due to patriarchy, men have more mobility. They can go out of the home and socialise, but women do not have that possibility. That is the reason why the areas in Thamel are more for transwomen and gay men. But there are places, such as the army and the police, where there are less gay but more lesbians. [Gay man in his 30's]

This informant touches on an interesting subject. If lesbians are more restricted to private space, how do they find each other? *"I met a few in the police force, I recognised them from their attitude, and then I met more through friends"* (Third gender in hir 20's). Other lesbians who I

interviewed confirmed that they usually find each other by interpreting the behaviour of women they meet. *"We find each other easily. Through conversation we find out"* (Lesbian in her 30's). While gay men and male to female transgenders have specific public places where they can meet, lesbians seem to have no specific meeting places, though the police and army are popular working environments especially for female to male transgenders.

Gender expectations also influence the gender minorities. Many informants considered male to female transgenders to experience more trouble than female to male transgenders. This was related to the higher status of having sons compared to daughters in Nepal. *"If you have a boy baby, the whole family is happy. They go and celebrate the son. If it's a girl, it's very bad. They have to give some dowry and other things. Then of course it's a very bad thing for family if son wants to be girl"* (Journalist in his 30's).

Some female to male transgenders supported this view and explained that their families were proud of them for being like a son, but others reported that they were considered arrogant by some people in society. Others had experienced many problems such as pressure to marry. One informant suggested that the marginalisation of male to female transgenders was worse than that of female to male transgenders, because the gender expression expected of women was more diverse than what was expected of men. *"In today's context it is easier for women, because they can dress like a man and have male haircuts in any situation. [...] If a man dresses like a woman, people will start saying that he has gone mad"* (Bisexual man in his 20's).

Summary

This chapter has examined the current challenges of sexual and gender minorities with a special focus on citizenship rights and attitudes. Depending on their life situations informants emphasised different challenges as the most pressing. The lack of implementation of the Supreme Court Decision was a concern shared by many informants. I discussed how citizenship rights influence the access of sexual and gender minorities to marriage, inheritance, employment, education, health services and third gender identification. Furthermore, the process of othering was analysed with a special focus on

Examining the current situation

how society constructs sexual and gender minorities as others, and how this influence their access to public space. We also saw how LGBTI in rural and urban areas face different challenges, and discussed how identity categories such as age, religion, social status and sex intersect with sexual orientation and gender expression, thus influencing the lives of sexual and gender minorities in Nepal. After the review of the changes and the current situation in chapters four and five, the next chapter takes one step back as it analyses how the changes may have come about.

6 PRECONDITIONS FOR CHANGE

This chapter will examine the last two research questions. The first part of the chapter focuses on potential explanations for the relative success of sexual and gender minorities in Nepal in the last few years. I will discuss if there are certain successful strategies which have been employed by the sexual and gender minorities, how the major political changes have impacted and if there are possibly any cultural explanations to why the situation for many LGBTI has changed in such short time. The chapter will conclude with a discussion of whether lessons from the Nepali case can be transferred to other contexts.

Political cleverness/strategies

Persistent work, not being aggressive, being polite and non-violent, that's the principles we follow. I usually say that we should not be impatient. Look at other countries who started 30 years back. It's continuous hard work. We have goals and results, sometimes failures, but we never stop trying. We have not had one specific strategy, but have rather acted on developing environments, making the most of it on a daily basis.

[Sunil Pant, founder of the Blue Diamond Society]

When asked about what they saw as the preconditions for the recent development for sexual and gender minorities in Nepal, many of the informants recognised the work of the LGBTI movement, primarily the Blue Diamond Society, as important. As aforementioned, when BDS was established in 2001 it was the first organisation in Nepal to focus their work on sexual and gender minorities. They have adopted a multifaceted approach where livelihood programmes, HIV/AIDS prevention and support as well as rights work is included. Since its foundation, new regional offices and a national network (the Federation of Sexual and Gender Minorities in Nepal) have been established. There are also a few independent organisations working for sexual minorities, but BDS is by far the most influential actor to

date. In the following we will examine more closely the impact of the LGBTI movement on the recent changes for sexual and gender minorities in Nepal.

Creating a community

Before BDS was established, this community was not exposed, but the establishment slowly empowered us. Nobody will come to us to give us rights, but we asked for them by going to different organisations, ministries and even the streets. Credit goes to all the community for being more visible and filing the case. Maybe this is the reason why we have more success than LGBTI in other countries.

[Transgender (mtf) in hir 30's]

The fact that LGBTI themselves are involved in the organisations working for them was emphasised by several informants. *"The LGBTI movement is led by the LGBTI themselves who are very committed, strong and empowered"* (Female human rights activist). Furthermore, a strong leadership was mentioned by both LGBTI and non-LGBTI informants to have contributed to the success of BDS. The sexual and gender minorities have also been very conscious about which language they employ. Instead of using western concepts such as gay or homosexual, which may contribute to a view that this is a foreign practice, they make use of traditional Nepali concepts to describe themselves.

The unity of the sexual and gender minorities as one interest group was another precondition for change which was underlined by many informants. *"I think that [we have had success] because we are all visible in society as LGBTI. If we were alone as LBT or only lesbians then it might be different. In that situation we wouldn't have been equally successful. I see our unity as our best strength"* (Lesbian in her 20's). The formation of a community built on sexual and gender minority status was considered positive by most informants. In line with strategic essentialist thinking, being one large group was generally perceived as more effective than having several smaller communities fighting for their rights separately. Furthermore, gender expectations in society was suggested by some informants to limit the chances for lesbians to mobilise on their own, thus making them more dependent on the larger LGBTI community to also promote their rights.

However, the essentialist strategy of creating a group identity as LGBTI, rather than just lesbian, MSM, third gender and so on may easily obscure the diversity in the group. It is

important to keep in mind the different challenges individuals face depending on intersecting identity categories. One informant expressed frustrations that Nepali society sees all sexual and gender minorities as third gender, and ze therefore desired separate interest organisations for the different groups. This informant hoped that having separate organisations for the different groups would make people aware of the diversity among LGBTI.

Advocacy and cooperation

We shouldn't expect that everyone should be interested in our issues; instead we go into dialogue with them. We also work to influence government to change government policy. The current political situation is in favor of minority rights, and we cooperate with women's activists, indigenous groups and religious minorities. [LGBTI advocate in his 30's]

Not only have LGBTI in Nepal united under a common identity as sexual and gender minorities, they have also managed to form alliances with other minority groups, human rights agencies and politicians. Many of the non-LGBTI informants I interviewed reported that the support for LGBTI was grounded on principles of human rights and non-discrimination. The Blue Diamond Society was recognised by the non-LGBTI informants as a serious actor in society. Although some informants were personally sceptical to what they saw as unnatural and foreign lifestyles, they still supported the cause of LGBTI publicly. This apparent contradiction becomes more intelligible if viewed in light of the desire to be perceived as progressive as well as in the light of the focus on minority rights in the new Nepali identity. I will return to both of these points a bit later.

When LGBTI advocates were asked how they had managed to convince others to support them, a range of different answers were given. The participation of sexual and gender minorities in the democratisation movement was said to be important with regards to visibility. Moreover, it had worked as a platform from which they could cooperate with other minority groups about mutual concerns. The sexual and gender minorities were of the opinion that listening to the needs of others, and supporting their causes had been important in order to form alliances.

In addition to cooperating with other groups working on human rights and minority issues, the ability of the sexual and gender minorities to infiltrate politics was also seen as an effective strategy. The position of Sunil Pant in the Parliament was considered very important, and recently more LGBTI have been joining the political parties. *“One of our strategies has been that gay and trans friends in different districts join political parties in order to influence the politicians”* (Transgender (mtf) in his 30's). Thus, through the establishment of an LGBTI community, cooperation with strategic partners and infiltration into politics the sexual and gender minorities have become significant agents of change.

Human rights focus

Nepal is very fertile land for human right defenders [...] To protect ones right, you need an environment where you can protect the rights of the people, let's say the right to education, the right to food, the right to health. There are many sectors where Nepal is not able to taking care of its citizens, but they have signed all the international treaties. [Police inspector in his 30's]

Several informants suggested that the attention which human rights are given both internationally and in Nepal has been favourable for the sexual and gender minorities. The documentation of human rights violations against LGBTI was perceived to have increased the sympathy from the media and the public. On the other hand, I believe that the focus on human rights violations represents the sexual and gender minorities as victims rather than agents of change, something which may influence their sense of empowerment. Another disadvantage of focusing on human rights is that individuals, who do not identify as within the categories (such as LGBT) employed by the human rights agencies, fall outside of their reach.

Additionally, informants saw the support from international human rights partners as morally and financially important. *“As LGBTI is a global issue and movement it gets a large international attention and support compared to the issues that exist only in a particular community”* (Female human rights activist). The support from the international community was explained by pointing to the emphasis on rights and health within international development agencies.

One informant was negative about the support from international partners however. He viewed sexual and gender minorities to be a foreign concept, and suggested that the LGBTI organisations in Nepal were merely trying to attract capital and import homosexuality with the help of foreigners “Sunil [Pant, founder of BDS] felt that there were no third genders in Nepal at that time, so he started an organisation. It was his cleverness to start this organisation, to attract dollars”. Although his statement that there were no third genders in Nepal before is quite unreasonable, it is still necessary to remember that such attitudes exist. It is therefore also important that it is Nepali sexual and gender minorities themselves who are in charge of the process.

Litigation strategy

In Nepal going through the legal system has been very effective. Our country has ratified many international agreements, and this helped us in court. [LGBTI advocate in her 30's]

The single most important event for the sexual and gender minorities in Nepal was considered by informants to be the Supreme Court Decision. In this regard, human rights were also at the centre. As the informant above mentioned, Nepal has ratified most international treaties and conventions regarding human rights. The fact that the courts appeared to be responsive to human rights issues was a contributing factor for why the sexual and gender minorities chose to go through the legal system. According to a central LGBTI advocate the litigation was a result of seizing opportunities, rather than a well planned strategy.

However, the lack of implementation shows that litigation strategies have their limitations, although they may still have some importance. Besides, it is necessary to keep in mind that the Supreme Court Decision did not happen in a vacuum. Maybe it was actually a case of being in the right place at the right time. Let us now turn to a review of how the informants saw the recent political and cultural changes in Nepali society to have influenced the situation for sexual and gender minorities.

Changes in the state

Look at what has happened here the last decade. The changes in the rights of LGBTI would not have happened if we were still a monarchy. Also, because we are now a secular society, if someone says that homosexuality is against Hindu customs, we don't have to care. Today there is such a big focus on inclusion of all groups in society. [Female journalist in her 20's]

Some informants considered Nepal's past as a country free of colonisation to be an important precondition for change. As was mentioned in the introduction, many Asian and African countries that criminalise homosexuality are former British colonies, while "gay friendly" Asian countries, such as Cambodia and Thailand are not. Even though Nepal was never formally colonised, there was a lot of British influence, and the Bestiality act has similar wording to the British sodomy laws. It is therefore unclear to which extent the past de jure independence of Nepal may have affected attitudes towards sexual and gender minorities. In particular, this view fails to explain why the changes happened when they did. I therefore find it more likely that the recent political changes in the country have impacted on the changes for LGBTI.

The Democratic Republic of Nepal

South Africa was mentioned as a relevant case of comparison when investigating the changes that have happened for sexual and gender minorities in Nepal. There are several similar characteristics in the two cases. For instance, in both South Africa and Nepal the improvement in LGBTI rights happened in a fairly short period of time as part of a larger democratisation process. Furthermore, the improvement of legal rights has not necessarily transferred to the rest of society, and negative attitudes are still widespread in both countries.

As we may remember from the introduction, Nepal became a democratic republic in 2008, thus ending centuries of monarchic traditions. Several of my informants were convinced that the recent improvement for sexual and gender minorities in Nepal would not have been possible had it not been for the changes in the state. Other informants however, maintained that they would still have achieved some of the same results, although it would perhaps

have taken more time, or they would have had to use different tactics. The democratisation movement was led by political parties and joined by many different minority groups. Sexual and gender minorities also participated in the democratisation movement, and some informants reported to have formed important alliances through this participation. On the other hand, it was mentioned that LGBTI did not partake in the demonstrations as a group, so it is natural to assume that such alliances were formed on an individual rather than community level.

“The consequences of armed conflict have forced the leaders, lawmakers and the political parties to realise that the country cannot achieve sustainable peace and development without addressing the issues of marginalised communities” (Female Human Rights Activist). The formation of a national identity based on inclusion has been a central part of the restructuring of Nepal. The sexual and gender minorities must be seen as only one group out of many whose rights are changing these days. Alongside them, ethnic and religious minorities, women’s groups and other previously marginalised communities are fighting for their rights to be recognised and included in the new constitution.

The fact that LGBTI was only one out of many groups fighting for their rights was also suggested by informants to may have influenced the low level of protest against the Supreme Court Decision. Since there have been so many changes going on simultaneously, the improved rights for LGBTI may not have been noticed by everyone as they have been too busy with their own rights. In addition, much due to the chequered political past of Nepal, many Nepalis have little faith in political processes (Ghai & Cottrell 2008). This may also have influenced the level of protest, as the population does not give political and legal changes much weight anyways. As one informant formulated it *“We share and accept things, but don’t implement”* (Journalist in his 30’s).

The impact of secularism

Another major part of the national change was the turn from Nepal being a Hindu state to being declared secular. While most informants considered the democratisation of the country to have been an important precondition for the changes for LGBTI to happen, there was less agreement on the impact of secularism. Some argued that Nepal is still very influenced by

Hindu culture and traditions, and that the impact of secularism will only be seen many years from now. *“Nepal was a Hindu state, and our thoughts and values have grown from Hindu practises. Because of this all of society is negative and discriminating to third gender because we are influenced by our religion. It is not about secularism. Hinduism will continue influencing society for hundreds of years still. Only after a couple of hundred years may we see the effect of secularism”* (Police inspector in his 30’s).

Other informants regarded secularism to may have impacted on the attitudes against sexual and gender minorities in a positive way. This was related to the overturning of Hindu hegemony. *“Because Nepal is now a secular country so people can now go against the orthodox and the stereotyped culture, which was that no people could go against that cultural norms and values. People can raise voice against anything that was tradition”* (Academic in his 30’s). Many informants were eager to explain how Nepali culture was changing as a result of the political changes.

The modern state - “Everything which is new is also good”

Coming out of a political and social crisis, it seems many Nepalis are happy to see changes to their society. Informants underlined the changes in modernisation that have happened in Nepal the past years. Especially the development of media, such as internet facilities, newspapers and FM radio, and an increase in education were seen as important for the positive changes in the situation for LGBTI. In addition, informants suggested that this new focus on modernity had guided the development of politics and attitudes in a progressive direction. *“The post-conflict situation helped us in a sense, because at that time there were different political parties on the scene and they needed to compete with each other to show how progressive they can be. So they wanted to take in everything, LGBTI, gender equality, minorities, everything”* (Women’s activist in her 40’s).

Several informants reported that among educated people in the cities it is viewed as politically correct to have progressive attitudes, so much so that people with more traditional views will often choose to not express them publicly. *“Such major events [the democratisation of the country] have made people think about what is right and what is wrong. Today people think in a more progressive manner, they think everything which is new is also good [...] Media is also to some*

extent guiding politics, because politicians know that if they say their opinion, media will be bothering them if it's not good (Journalist in his 30's). Such progressive public utterances should not be confused with real support and acceptance however, since it has not been internalised in people's minds.

Media was seen to have been important in this shift to more progressive public attitudes. At the same time as media has developed, there has been an increasing number of LGBTI who have come out. This has led to increased visibility, but I was curious as to why the journalists were so positive and progressive. In many other countries media are involved in the harassment of sexual and gender minorities, rather than the promotion of their rights (Rice 2010). One explanation is probably related to the focus on inclusion of marginalised groups in the new national identity. Journalists are, after all, influenced by changes in the society, just as much as they influence society to change. Another informant pointed to the age of the journalists as one explanation: *"after the people's movement in the 90's, there has been a revolution in Nepali media, and there are so many young journalists now. They are much more positive [to LGBTI] than the older ones"* (Journalist in her 30's).

Cultural explanations

The Nepali society is very diverse, both with regards to ethnicity, language, religion etc. This leads to a very quick acceptance power. I think it is the beauty of diversity that we see in Nepal.

[Politician in her 40's]

Culture is always changing, and is preferably viewed as a process rather than static. As the informant above suggests, Nepal is a very diverse country, and it is therefore not necessarily meaningful to speak of "a Nepali culture". When discussing the development of LGBTI rights however, the diversity in itself was considered significant by some informants. They argued that groups who can demonstrate that they have been marginalised receive a great deal of sympathy because there are so many people in Nepal who themselves have been marginalised. *"People have faced a lot of difficulties because of being different, whether culturally,*

ethnically, geographically or linguistically, so it's easy for people to understand the difficulty that LGBTI face" (Gay man in his 30's).

Flexible or conservative?

Closely related to diversity is the perception that Nepali culture is flexible and tolerant. Many informants emphasised the tolerance which was needed in such a diverse society. They characterised Nepalis as nice, gentle and relaxed people who do not like conflict. This was not only considered positive however. *"Also, the character of Nepali society is not a rigid one, and we don't want to argue. Instead we complain behind each other's back. I don't think it's good that we don't counter arguments"* (Politician in her 40's). Seeing that there have been so many political conflicts in Nepal's past, it becomes difficult to unquestionably accept arguments that Nepalis avoid conflict, though.

When asked why there had not been much public protest against the Supreme Court Decision the explanations given were often related to the tolerant nature of Nepalis and low level of conservatism in society. However, when discussing negative attitudes towards LGBTI, some informants pointed to precisely conservative thinking as a contributing factor. These seemingly conflicting views on the level on conservatism in Nepal may have to do with regional differences though. *"There is a different mindset in Nepal than in other countries, and the context is different. There are big differences within the country though, in the Terai for example there is a stronger conservative influence from India"* (Journalist in her 20's). In other words, Nepal should not be considered completely free of conservative thinking, but relative to other countries in the region, the general level of conservatism may be low.

Some informants underlined that although they see Hindu tradition to be quite conservative, in Nepal it is practiced in a flexible manner. As part of the political changes, the social hierarchies are being questioned. As aforementioned, the concept of cultural imperialism relates to such hierarchies, where it is the views of the dominant groups which are made normative. The democratisation process has opened up these norms to discussion, and minority groups are today participating in the overturning of some of the hegemonic traditions.

Sexual and gender minorities as a foreign concept

Flexibility was also an issue for informants who considered sexual and gender minorities to be a new issue in Nepal. Several informants suggested that the recent progressive turn in Nepali society involved an embrace of all things new and foreign. *“Nepal is an interesting country with old traditions, but also free and frank people. There’s a mix of people, and people take the culture of others very fast and drastically [...] Nepali people are different from each other, more so than people in India and Bangladesh for example. In other countries they don’t imitate and adapt to other cultures so quick. The society here is becoming westernised”* (Women’s activist).

According to this informant as well as others, Nepali culture is rapidly changing in a Western direction. While some were positive to the changes, others like the informant above were concerned about how it would influence their culture. Many saw the increased visibility of sexual and gender minorities in relation to this perceived westernisation of the culture, but the view that sexual and gender minorities are part of Nepali culture was also common among a large part of informants.

Sexual and gender minorities in Nepali tradition

There is traditional acceptance in Nepali culture for this issue, it’s not foreign. It’s mentioned in our scriptures and religious practice. [Professor in his 50’s]

The informants who were of the opinion that sexual and gender minorities were part of Nepali tradition were generally more positive than those who viewed them as something foreign. Although sexual and gender minorities are considered by many to be a part of Nepali culture, society is as discussed in chapter five, highly heteronormative though. *“In our culture we have the story of third gender, but in society people still think about gender as male or female. Even people who have sex with third gender think like this. Because they have family, they don’t want to identify as MSM”* (MSM in his 20’s).

We recall from the discussions on homoaffectionalism that MSM are not necessarily considered gay and that same sex relations are usually not “read” by the majority society to be homosexual. This can be linked to the heterosexing of space. *“Our culture and practices support man and man or woman and woman relations. Two men or two women can live together without being questioned, but a woman and a man cannot”* (Third gender in hir 20’s). The

question then arises whether homoaffectionalism in Nepali culture has influenced the struggle of the sexual minorities positively.



Figure 9: Homoaffectionate embrace on the streets of Kathmandu

If we live as a couple it is not very easy. But a man and woman who hold hands, will be perceived of as girlfriend and boyfriend or husband and wife. But when two men are holding hands, only those who know about this homosexual relationship, and those who are homosexual themselves will understand that the men are gay. Others who don't know will not think about it. The knowledge that some others can know about it, makes me uncomfortable to walk like that. If general people from the society understand about it, they will start pointing to us calling us gay. [Bisexual man in his 20's]

We see from this quote that heteronormativity in Nepali society affects the interpretation of homoaffectionate acts. The informant reports that such behaviour is not considered gay by the majority of people. Rather than transgressing the norm then, it is interpreted within the norm. Homoaffectionalism should thus be understood in relation to discussions on (in)visibility. As long as the acts are not interpreted outside the norm, people may avoid negative reactions, but they are also made invisible. It is therefore necessary to recognize both the positive and negative impact homoaffectionalism has on sexual minorities. Moreover, a result of the development in information technologies, media and increased mobility is that some younger Nepalis have become aware of Western interpretations of

homoaffectionalism. *“Young people are becoming increasingly aware of this, because they think about homosexuality, something they weren’t aware of before. It could be seen as a negative thing, but it is also positive because it means they know about homosexuality”* (Heterosexual male in his 30’s).

A lesson to learn?

Having examined some of the circumstances which may have impacted on the recent changes for sexual and gender minorities in Nepal, I would like to conclude this chapter with a discussion of whether the experiences made in Nepal can be useful for sexual and gender minorities in other countries. First, it is necessary to keep in mind that sexual and gender minorities in Nepal are still facing many challenges. Yet, the progress they have made the last years with regards to legal rights, empowerment and visibility is nevertheless impressive.

There have been questions with regards to whether the development in Nepal will have any impact on its neighbouring countries. In South Africa this has not been the case. One and a half decades after South Africa obtained its inclusive constitution other countries in southern Africa still criminalise same sex relationships between males (ILGA 2009). As has been mentioned, the Dehli High Court Decision is to be tried in India’s Supreme Court. However, it is too early to say whether the changes for Nepali LGBTI will have any effect in the South Asian region.

Every place in the world is unique with its own composition of people and cultures. As we have seen, Nepal was considered to be culturally flexible, with a low level of conservatism. This may have impacted the situation for LGBTI positively, and cannot be replicated in other cultures. The fact that Nepal has a historical tradition where sexual and gender minorities are included within the culture may obviously have influenced the situation. Such traditions are equally visible in other Asian countries, and work is also done to document same sex historical traditions in other parts of the world (see e.g. GALA). This is an important strategy to avoid attitudes that LGBTI is something strange and foreign. The fact remains that the

sexual and gender minorities themselves lead the process and that they make use of local language further works to increase the credibility of their requests.

From the discussion on preconditions we remember that sexual and gender minorities in Nepal have managed to build a common identity, and through doing so have made themselves into a more visible group to be reckoned with. Additionally, they have managed to build alliances with several strategic partners, thus securing some public support. Still, the history of marginalised communities in Nepal, and the democratisation movement helped facilitate this alliance building. Had the political environment not changed into one of inclusion, building partnerships could have been more challenging.

I would nevertheless argue that there are lessons to learn from this. In all countries there will be groups working for marginalised communities. It is my view that many organisations around the world could benefit from cooperating on mutual issues, as well as supporting each others' issues. One natural partner for sexual and gender minorities is the women's movement, which in many countries is fighting against the same oppressive gender regimes as those affecting LGBTI. However, initiatives to cooperate may be complicated both by the LGBTI and the women's activists.

There is a need for open dialogue. We are interested, but no one talks about it. Many third genders also don't like women's activists. They shouldn't consider us as different from them, as neither should we consider them different. For women's activists there is a notion that if I start talking about this issue, then people will start talking about me. We are interested, but we are afraid to speak about it. [...] But I'm interested. I want to talk about it. I want to open a dialogue. I'm concerned.

[Women's activist in her 40's]

In addition to building alliances, the LGBTI community has employed a multifaceted approach in order to change their situation. They operate community support centres, and the focus on rights and health has lent them sympathy from the public and important international support. Moreover, through filing a case in the legal system, they held the political leaders accountable for their human rights obligations. Although there are problems with the implementation of the court decision, it has nonetheless been important for many LGBTI as a tool for empowerment. I would suggest then, that there are lessons sexual and

gender minorities in other countries can learn from the Nepali case. Even if the cultural and political context varies from country to country, single strategies such as cooperation or litigation could prove successful.

Summary

This chapter has discussed the factors which have contributed to the legal, political and social changes outlined before. Although the sexual and gender minorities themselves have been important agents of change, the changes may not have happened when it did had it not been for larger political and social changes in society. What we see from these discussions is that there is no simple recipe for how to be successful in promoting rights and improving the lives of sexual and gender minorities. But although different countries have their own cultural and political contexts, one can still draw knowledge from some of the strategies used.

7 CONCLUSION

Sexual and gender minorities in Nepal have for the past number of years received a lot of attention due to an improvement in their legal rights. The purpose of this thesis has been to investigate the legal, political and social situation of the sexual and gender minorities, with a particular focus on the recent changes, current challenges and the preconditions for change. I have also discussed whether there are any lessons from the Nepali case which can be useful to LGBTI advocates in other countries. In this conclusion I intend to summarise and reflect on the findings of the study as well as present some new questions that have arisen from this thesis which I hope will be the focus for future research.

The data which form the basis of this research is based on interviews with 71 informants conducted in Nepal in 2010. About half of the informants were sexual and gender minorities themselves, while the other half were from specific groups of interest such as police, lawyers, human rights advocates, politicians and more. In chapter three I clarified the methodological considerations that I have made during the work on the thesis.

The first research question asked which legal, political and social changes the sexual and gender minorities in Nepal have experienced the past five years. To find out if changes have occurred, I first addressed how the situation five years ago was perceived to have been. This investigation showed that sexual and gender minorities previously experienced various difficulties. The legal framework at that time criminalised sex between same sex partners. Although this was never used in court, I suggested that it may still have increased the stigma for sexual minorities. The social challenges were mainly related to invisibility and stigma. Many LGBTI felt alone and lacked knowledge about their rights, thus making them vulnerable to sexually transmitted diseases and harassment. Family pressure and exclusion as well as discrimination in work life and the housing sector were also common challenges which previously led to poverty and marginalisation for many sexual and gender minorities.

Conclusion

Although many of the past challenges prevail, this thesis has demonstrated that there have also been a great deal of positive changes in the legal, political and social situation of sexual and gender minorities in Nepal since then. The Supreme Court Decision ruling in favour of the sexual and gender minorities in 2007 significantly changed the legal situation of LGBTI. In addition, there have been many improvements in the political arena. Sexual and gender minorities today participate in different political parties, and Nepal has elected its first openly gay Member of Parliament. Sexual and gender minorities are now included in different committees and the national budget, and they have managed to build a community where they can receive support and plan political strategies. Today sexual and gender minorities are more visible in society, there is an increased awareness about LGBTI issues both among the sexual and gender minorities themselves and in the general society, and many informants explained that they felt empowered. The positive changes are summed up in figure 10.

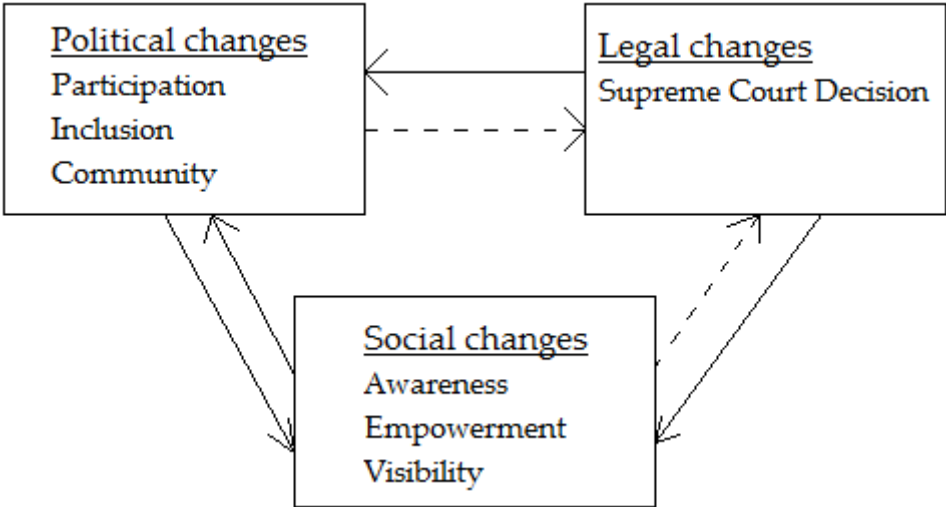


Figure 10: Legal, political and social changes

The positive legal, political and social changes should be viewed as interconnected with one another. The Supreme Court Decision was reported to have increased the recognition of LGBTI by policy makers and other important actors. It was clear that many sexual and gender minorities were proud of the decision, and felt empowered as a consequence. The verdict received a lot of media attention, thus contributing to increased awareness. However, the Supreme Court Decision would not have happened had it not been for the activism of the LGBTI community.

The social and political changes are also deeply intertwined. The increased participation and inclusion in political processes, as well as the formation of an LGBTI community are best understood when viewed in relation to the increased visibility and awareness about LGBTI issues and empowerment among sexual and gender minorities the past ten years. I argued that visibility has both positive and negative consequences. On the one hand, it may contribute to raised awareness and increased support as well as having positive implications for the LGBTI community and their sense of empowerment. On the other hand, increased visibility may lead to othering and thus increase the stigma.

The Supreme Court Decision from 2007 was employed as a specific centre for discussion during interviews. This decision was considered to be important as a platform from which sexual and gender minorities can claim rights and occupy political space, but it was not deemed useful as a practical tool by informants who experience breaches to their rights. Neither is it clear to which extent the decision has influenced the attitudes towards sexual and gender minorities in Nepali society. Police brutality against LGBTI was for instance said to have decreased after the Supreme Court Decision. However, police brutality in general has decreased and there are still individual police officers who harass LGBTI, so this trend should be seen in relation to larger changes in society.

The Supreme Court Decision was viewed in light of human rights and welcomed by most informants, even though a minority was sceptical about same sex marriage. It is important to note though, that even if the majority of informants in this study were familiar with the decision and the issue of LGBTI, there are indications that this is not necessarily representative of the rest of the population. Despite the positive changes recounted above, there were diverging opinions among informants as to how significant the changes had been on a personal level. While some explained that their personal situation had changed dramatically the past years, others still faced the same challenges.

The second research question examined in this thesis concerns the current challenges that sexual and gender minorities in Nepal face today. It was evident that which challenge is considered most difficult varies from person to person. I chose to approach this by dividing the challenges into two rough categories, where one is linked to legal provisions and the other to attitudes, although some of the challenges mentioned are clearly related to both.

Conclusion

The Supreme Court Decision is yet to be implemented. Many sexual and gender minorities still face discrimination and harassment, the introduction of a third gender citizenship has been delayed (although there are a few cases where third genders have accessed identity cards) and the same sex committee is yet to publish its recommendations. The lack of implementation has consequences for the sexual and gender minorities' access to health facilities, education, employment, housing, inheritance and even their right to expression. Thus, there are prevailing challenges for the sexual and gender minorities in Nepal, such as poverty, HIV and unemployment, which are linked to citizenship rights.

Negative attitudes also affect the lives of sexual and gender minorities. It seems like attitudes towards LGBTI have improved somewhat in Nepal the past few years, something which may be linked to increased awareness about LGBTI issues in general. However, I argued that it is necessary to keep in mind that public support is not necessarily the same as internalised acceptance. Educational level and media consumption are both considered to influence people's knowledge about sexual and gender minorities. Younger people who access internet and use media were generally perceived to be more positive to LGBTI issues than the older generation, though there are many exceptions.

Although more people are accepting of LGBTI today than before, I suggested that many Nepalis are still unfamiliar with the issue of sexual and gender minorities altogether, and that of those who have heard about it, many are negative. Negative attitudes were furthermore seen to put pressure on the families of LGBTI. Another challenge related to attitudes is that of othering, where the sexual and gender minorities are constructed as different. I argued that being constructed as sexual and gendered others may influence the access to public space. In the Nepali case for instance, sexual and gender minorities are denied access to public places such as the street and bars because they are interpreted as different and outside the norm. The policing of public space was suggested to be performed both by police and the general public.

Since gender expression is an outer component of a person's identity the gender minorities in particular, were perceived to be different from the norm. They were often linked to sex workers, and considered to be vulgar and promiscuous. However, the sexual minorities were considered more immoral and foreign than gender minorities. It was suggested that this is

because sex is quite taboo in many Nepali societies, and that although same sex sexual relations are not foreign in Nepali culture, sexuality is normally not considered to be a marker of identity. What this indicates then, is that the challenges that LGBTI experience may be quite diverse depending on whether their perceived “otherness” is visible or not.

I have also argued that essentialist views on sexuality and gender identity may influence people’s attitudes towards sexual and gender minorities positively. Informants who believed sexual and gender minorities were natural were all supportive to their cause. Furthermore, informants who viewed LGBT as something unnatural and immoral were oftentimes positive to intersex who they perceived to be natural. Seeing that sexual and gender minorities are a heterogeneous group, where members experience different challenges and attitudes from society, I consider it desirable if future research was to focus on the smaller sub-groups in the LGBTI community. In light of the Nepali gender model with three genders, the gender minorities are specifically interesting. More research is required on the challenges of intersex people in particular. Being such a small minority, they have unfortunately been quite marginal in this thesis.

Geographical variations regarding the situation of sexual and gender minorities in Nepal were also discussed. These differences would be an interesting topic for further research, as this thesis builds its understanding from interviews conducted only in cities. The informants interviewed generally perceived urban areas to be better for LGBTI due to anonymity and better employment opportunities. In addition cities have offices for sexual and gender minorities, though there are now such offices in 40 districts all over Nepal, so this gap is slowly decreasing. Discrimination and harassment were seen as the main challenges for LGBTI in cities, but due to a higher education level and people being too busy to backbite each other, urban dwellers were generally considered to have a more positive attitude than people in villages.

In rural areas challenges for sexual and gender minorities were often perceived to be connected to invisibility. It was indicated that rural sexual and gender minorities, as well as their families, experience a lot of stigma. The lack of education in rural areas was seen to influence both the attitudes of the society and the knowledge that LGBTI themselves have about their rights. I further underlined the paradox that anonymity was viewed as

Conclusion

something positive and liberating in cities while it was considered as limiting for LGBTI in villages. It is my hope that future studies may reveal more about the challenges facing rural sexual and gender minorities.

When discussing how different identity categories intersect with sexuality and gender expression, I argued that identities are best understood as fluid and complex, taking into account multiple grounds of identity. Such intersectionalities clearly influence the lives of sexual and gender minorities. For instance, young sexual and gender minorities were generally perceived to experience less challenges than older ones. Old LGBTI depend on their families because there is no state provision for the care of seniors in Nepal. Since young LGBTI can work and are more technically advanced, they are perceived to have more possibilities. Older LGBTI have often faced many challenges already and are therefore not open, but young LGBTI are aware of the networks that support them if they choose to be open.

Another influential identity factor is related to social status based on ethnicity, caste and income. High income was considered to have a positive impact on the attitudes of family and friends and thus on the possibility of LGBTI to be open. It was furthermore suggested that some ethnic groups are more liberal and open to sexual and gender minorities than others. High status LGBTI were perceived to experience problems because they will lose some of their status if they are open about their sexual and gender identities. Lower status LGBTI were believed by most informants to have more freedom to be open, but their low status may at the same time make them vulnerable to poverty. Few of the sexual and gender minorities who I found working in LGBTI organisations were from the lower castes however, so this freedom to be open did not seem to influence their participation in such offices. The impact of religion was also discussed in chapter five. Not all informants believed that sexual and gender minorities were affected by their religious background, though some suggested that Christian and Muslim LGBTI experience more challenges. I proposed that the degree of conservatism rather than the religion itself may be most important.

The challenges of gender minorities were indicated to be more serious than those of sexual minorities. This was linked to the fact that sexual minorities are perceived to be able to fulfil the expectations of their families by marrying someone of the opposite sex while having a

same sex partner on the side. I argued that this was not so much true for lesbian women however. While gay men and transgenders are freer to go out of the home, lesbians are spatially limited by role expectations. Thus, gender roles reinforce the invisibility of female sexuality and the perception that women are asexual. Gender minorities were also suggested to be influenced by gender expectations. The impact of gender norms on the lives of sexual and gender minorities is a topic it is worth investigating further. Gender conforming lesbians for instance are not very visible in the LGBTI community, and it would be interesting if the reasons for this were made the focus of attention. Moreover, I consider it a necessary focus of attention for the Nepali LGBTI community to include people with the various intersecting identities mentioned in this thesis.

After the review of the past and current situation of sexual and gender minorities, the third research question asked if certain favourable preconditions have been present which in turn have made the changes possible. I first discussed the strategies employed by the sexual and gender minorities, which were seen to be both multifaceted and culture sensitive. They have managed to create a community for all LGBTI, thus strengthening their voice. On the other hand, I argued that a consequence of this may be that the diversity within the group is obscured. Not only have the sexual and gender minorities formed an inclusive LGBTI community, they have also formed alliances with other groups. Individual informants reported that their participation in the 2006 protests had been important to find potential political partners. Furthermore, the current political climate is one of inclusion, and there is a mentality of mutual support for each other's causes between many minority groups. The head of BDS was seen to be a strong leader with good connections, and LGBTI are increasingly participating in political parties.

A focus on human rights was perceived to have been important in improving particularly the social and legal situation of sexual and gender minorities. The Supreme Court decision happened because the LGBTI took the opportunity when the court seemed favourable to human rights. Focusing on human rights violations may have helped in gaining sympathy from the public and the media, but I would argue that the focus on human rights violations victimises the sexual and gender minorities, something which is in contrast to the empowerment and agency emphasised by many informants. Focusing on human rights was

Conclusion

also suggested to attract international support, something which was considered both positive and negative. On the one hand, international support is important morally as well as financially, on the other hand, it fuels arguments that homosexuality is foreign to Nepal.

Historically, Nepal is different from many other South Asian countries in that it was not colonised. Although this was seen to may have influenced Nepali LGBTI in some respects, it does not explain why the changes for sexual and gender minorities are happening now. I therefore argued that it would be more useful to examine the more recent political changes in the country. After becoming a Democratic Republic in 2008, inclusion has been at the centre of the new national identity in Nepal. This was the case when South Africa passed its gay friendly constitution after the end of Apartheid too. Next to the sexual and gender minorities, other minorities are fighting for their own rights. It seems likely that the low level of protest against improvements in LGBTI rights is related to this; firstly, inclusion of marginalised groups is seen as important in the new constitution and secondly, other members of society are more concerned with the inclusion of their own rights than protestation against the rights of others.

Modernisation was also suggested to have had a positive impact on the changes for LGBTI. Being perceived as progressive is important for policy makers, journalist and other actors in Nepali society, something which may drive them to support minority issues publicly even if they personally are sceptical. It also seems like many Nepalis have little faith in political processes, of which one result may be that little attention is given to new rights as they are not expected to be implemented anyway. It was less clear whether secularism had impacted on the positive development for sexual and gender minorities. Nepal is no doubt still influenced by Hindu culture and traditions, but after the overturning of the Hindu hegemony people are more free to disagree. As part of the political changes then, the social hierarchies and norms of the dominant groups are being questioned.

Other cultural factors were also analysed. Some suggested that the Nepali diversity, flexibility and tolerance have increased the support of LGBTI issues. It is important to note that there are wide regional differences when discussing Nepali culture however. For instance, the level of conservatism probably varies regionally, but compared to other countries Nepal in general was still considered to have a low level of conservatism.

Individual attitudes towards sexual and gender minorities were perceived to depend on whether the person considered LGBTI to be foreign or part of Nepali culture. Although sexual and gender minorities are clearly included in the written tradition and history of Nepal, the society is still largely heteronormative. Furthermore, I suggested that homoaffectionate acts are interpreted within the heteronorm, thus increasing the invisibility of sexual minorities. However, it was noted that ideas from other countries have made especially younger Nepalis aware of foreign interpretations of such behaviour.

Lastly, I discussed the fourth research question regarding lessons learnt from the Nepali LGBTI struggle. I underlined that cultural and political factors will vary from country to country. Nepali culture was for instance perceived to be flexible and tolerant with relatively low levels of conservatism. This is obviously not possible to replicate in other places. Moreover, I suggested that the historical traditions of sexual and gender minorities in Nepal may have influenced the fight for LGBTI rights positively. Although sexual and gender minorities are not as widely documented in the written history of all other countries, this makes for an interesting approach, and LGBTI in other countries may gain from documenting and rendering such local traditions visible. I argued that a focus on local LGBTI practices and traditions, in conjunction with local LGBTI being in charge of the process, may contribute to silencing the voices claiming that sexual and gender minorities are foreign.

I believe the Nepali LGBTI community should receive recognition for uniting the different sexual and gender minorities under one umbrella, thus increasing their visibility, and for building strategic partnerships with other minority groups. Such alliance building may be challenging in some countries, but is nevertheless a strategy one should strive to employ. In all societies there will be marginalised groups, and reaching out to them may eventually increase important moral support for the sexual and gender minorities. Furthermore, the discussion in chapter six indicated that the multifaceted approach employed by the Nepali LGBTI, including the use of litigation, has helped to increase awareness and keep politicians accountable for their human rights obligations. Further research is needed on the different strategies and their impact, and comparative studies are also of interest.

With this conclusion I have attempted to reflect on the findings and suggest topics for new research. The main findings can be summarised as follows; there have no doubt been

positive changes for sexual and gender minorities in Nepal the past few years, although the social situation has not changed as much as the legal and political situation. For instance, the Supreme Court Decision from 2007 has been an important platform from which the sexual and gender minorities can claim their rights and occupy political space, but it has not had a great impact on attitudes and many LGBTI still face serious social challenges. A large part of the Nepali population is unaware of or negative toward sexual and gender minorities and I suggested that attitudes can be viewed in relation to debates on essentialism versus social constructionism. The visibility of LGBTI has increased considerably, and I underlined that this has both positive and negative consequences. I also argued that it is necessary to investigate more thoroughly how intersecting identity factors influence the lives of sexual and gender minorities.

When analysing the preconditions for change, I emphasised that there are country-specific political and cultural contexts which may have been beneficial. On the other hand, it is my opinion that LGBTI in other countries can learn from the ability of the Nepali sexual and gender minorities to unite, cooperate, be versatile, visible and to seize opportunities when they arise. However, I would argue that despite the relative success of the Nepali sexual and gender minorities, there is still a way to go before Nepal really is an “LGBTI Mecca” as it was defined in the introduction. Just like in other so-called “gay friendly” countries, the sexual and gender minorities in Nepal will for the years to come have to continue their struggle in order to improve and uphold their rights. None the less, keeping in mind the positive changes that have been achieved, I look forward to hearing stories of success regarding sexual and gender minorities in Nepal also in the future.

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APPENDICES

Appendix 1 - List of informants

LGBTI in Kathmandu

- Bisexual man, in his 20's, from Kathmandu, Hindu, Chhetri, works in LGBTI-related office, only open to some friends
- Third gender (female sex), in hir 30's, from Western region, not religious, Gurung, works in LGBTI-related office, open to everyone
- Third gender (female sex), in hir 20's, from Far-Western region, Hindu, Chhetri, works in LGBTI-related office, open to everyone
- Lesbian woman, in her 20's, from Kathmandu, Hindu, Chhetri, works in LGBTI-related office, only open to friends
- Transgender (mtf), in hir 20's, from Kathmandu, Hindu, Newar, works in LGBTI-related office, open to everyone
- Third gender (female sex), in hir 20's, from Far-Western region, Hindu, Chhetri, works in LGBTI-related office, open to everyone
- Bisexual man, father of intersex, in his 20's, from Eastern region, Hindu, Chhetri, works in LGBTI-related office, only open to some friends
- Transgender (mtf), in hir 30's, from Kathmandu, Hindu, works in LGBTI-related office, partially open
- Third gender (male sex), in hir 20's, from Kathmandu, Hindu, Newar, sex worker, not open to non-LGBTI
- Third gender (male sex) and homosexual, in hir 20's, from Central region, Hindu, Chhetri, works in LGBTI-related office, open to everyone
- Transgender (mtf), in hir 30's, from Western region, Hindu and Buddhist, Gurung, works for LGBTI-related office, open to everyone
- Third gender (female sex), in hir 20's, from Central region, Muslim, works in LGBTI-related office, has not explicitly disclosed hir identity, but claims "they know"

- Gay man, in his 30's, from Western region, Buddhist, Brahmin, works for LGBTI-related office, open to everyone
- Bisexual man, in his 20's, from Kathmandu, Hindu, Chhetri, sex worker, not open to non-LGBTI
- Third gender (male sex), in hir 20's, from Eastern region, Christian, Mongolian, sex worker and occasionally does some work for LGBTI-related office, not open to non-LGBTI
- Heterosexual woman (born male), in her 30's, from Central region, Hindu, Tamang, sex worker, open to everyone
- MSM, in his 20's, from Kathmandu, Christian, Newar, works in LGBTI-related office

LGBTI in Terai study area

- Transgender (ftm) and lesbian, in hir 20's, all religions, Gurung, works in LGBTI-related office, open to everyone
- Lesbian woman, in her 30's, Hindu, Gupta, housewife, unemployed, open to everyone
- Third gender (male sex), in hir 20's, Hindu, Kohare, works in LGBTI-related office, open to everyone
- Third gender (male sex) and homosexual, in hir 40's, Hindu, Dalit, works in LGBTI-related office, open to everyone
- Transgender (mtf), less than 20 years old, Muslim, works in LGBTI-related office, open to everyone
- Transgender (mtf), in hir 20's, Hindu, Tharu, works in dance club, open to everyone
- Third gender (male sex), in hir 30's, Hindu, Tharu, works in LGBTI-related office, open to everyone
- Third gender (male sex), in hir 20's, Hindu, Barber-caste, works in LGBTI-related office, open to everyone
- Transgender (mtf), in hir 20's, Tharu religion, Tharu, works in LGBTI-related office, open to everyone
- Meti (male sex), in hir 20's, Hindu, Raut, works in LGBTI-related office, open to everyone
- Third gender (male sex), in hir 20's, Hindu, Patel, works in LGBTI-related office, open to everyone
- Transgender (mtf), in hir 20's, Christian, Tamang, works in LGBTI-related office, open to everyone

- Transgender (mtf), less than 20 years old, Hindu, Kamkar, works in LGBTI-related office, open to everyone
- Third gender (male sex), in his 20's, Muslim, works in LGBTI-related office, open to everyone
- Gay man, in his 20's, Hindu, Brahmin, works in LGBTI-related office, open to everyone

Non-LGBTI informants

- Man, in his 60's, from Kathmandu, Hindu, Brahmin, Pandit (Hindu scholar), no LGBTI friends or relatives
- Man, in his 40's, from Kathmandu, Buddhist, Tamang, Buddhist Lama, no LGBTI friends or relatives
- Man, in his 30's, from Eastern region, Muslim, leader of Muslim organisation
- Man, in his 30's, from Mid-Western region, Hindu, Brahmin, journalist, no LGBTI friends or relatives
- Woman, in her 20's, from Kathmandu, not religious, Brahmin, journalist, knows LGBTI personally
- Man, in his 30's, from Eastern region, Buddhist, Brahmin, journalist, knows LGBTI personally
- Man, in his 30's, from Eastern region, Buddhist, journalist, no LGBTI friends or relatives
- Woman, in her 40's, from Kathmandu, Chhetri, women's activist, knows some LGBTI personally
- Woman, in her 30's, from Eastern region, Hindu, Chhetri, women's activist, no LGBTI friends or relatives
- Woman, women's activist, no LGBTI friends or relatives
- Woman, in her 30's, from Kathmandu, Muslim, women's activist, no LGBTI friends or relatives
- Man, in his 30's, from Western region, Hindu, Brahmin, works in human rights agency, knows LGBTI personally
- Woman, human rights activist
- Woman, in her 40's, from Central region, Humanist, Chhetri, politician, knows LGBTI personally
- Man, in his 50's, from Eastern region, Hindu, Kumba, politician, knows LGBTI personally

- Man, in his 60's, from Eastern region, not religious, Dalit, politician, knows LGBTI personally
- Man, Chhetri, politician
- Man, in his 50's, from Central region, Hindu, Brahmin, politician, knows LGBTI personally
- Man, in his 20's, from Central region, Hindu, Chhetri, police officer, no LGBTI friends or relatives
- Man, in his 20's, from Eastern region, Hindu, Chhetri, police officer, knew LGBTI previously
- Man, in his 20's, from Mid-Western region, police officer, no LGBTI friends or relatives
- Woman, in her 20's, from Kathmandu, Hindu, Chhetri, police officer, no LGBTI friends or relatives
- Man, in his 30's, from Western region, Hindu, Chhetri, police officer, no LGBTI friends or relatives
- Woman, in her 20's, from Kathmandu, Christian parents/Hindu husband, Chhetri, police officer, knows LGBTI personally
- Man, in his 20's, from Central region, Hindu, Chhetri, police officer
- Man, in his 20's, from Far-Western region, Hindu, Chhetri, police inspector, no LGBTI friends or relatives
- Woman, in her 20's, from Kathmandu, Hindu, Chhetri, police inspector, no LGBTI friends or relatives
- Man, in his 30's, from Far-Western region, Hindu, Chhetri, police inspector, only brief acquaintance with LGBTI in dance bar
- Man, in his 30's, from Far Western region, Hindu, Brahmin, police inspector, knows some LGBTI personally
- Man, in his 50's, from Kathmandu, Hindu family, Brahmin, professor, a friend of a friend is LGBTI
- Man, in his 40's, from Mid-Western region, Hindu, Brahmin, academic/administrative position, no LGBTI friends or relatives
- Man, in his 30's, from Eastern region, Hindu, Brahmin, researcher, no LGBTI friends or relatives

- Man, in his 40's, from Central region, Hindu, Brahmin, lawyer, no LGBTI friends or relatives
- Man, in his 30's, from Eastern region, Hindu, Brahmin, lawyer, knows LGBTI personally
- Woman, in her 50's, from Kathmandu, Hindu, Newar, teacher, knows LGBTI personally
- Woman, in her 60's, from Kathmandu, Buddhist, Newar, works in media, no LGBTI friends or relatives
- Man, in his 30's, from Western region, Hindu, Chhetri, works in LGBTI-related office, knows LGBTI personally
- Woman, in her 30's, from Kathmandu, Hindu, Brahmin, works in LGBTI-related office, knows LGBTI personally
- Woman, foreigner, works for the Norwegian embassy in Kathmandu

Appendix 2 - Interview guide

Before all interviews

Introduce myself and the research topic

If necessary, explain unfamiliar words and concepts to the informant

Promise full anonymity

Ask about using a recorder

Explain that it's ok to not answer questions, and that I'm interested in the personal opinion of the informant (there are no right or wrong answers)

Ask if the informant has any questions before beginning the interview

Questions for LGBTI informants

Background information: Sexual and/or gender identity, age, home town, religion, ethnicity, profession, is the informant open about hir sexual/gender identity to family/ friends?

When and under which circumstances did you realise about your sexual/ gender identity?

Has your personal situation changed the last years, and if so, how?

How would you describe the situation for sexual and gender minorities in Nepal five years ago?

Which changes have sexual and gender minorities in Nepal experienced since then?

Which challenges do sexual and gender minorities in Nepal face today?

Have the general attitudes towards LGBTI changed in society, and how?

How do you think factors such as gender, geography, age, ethnicity and religion influence the lives of sexual and gender minorities?

What do you see as the preconditions for the positive changes for sexual and gender minorities in Nepal the past years?

Have you heard about the Supreme Court decision ruling in favour of sexual and gender minorities from 2007? If so, what role do you think it has played in changing the lives of sexual and gender minorities?

Specific questions for key informants

Which strategies have been used, and how successful would you say they have been?

Who were the main actors involved in the changes?

Specific questions for sex workers

Are meti sex workers treated similarly to women sex workers?

What are your reasons for doing sex work?

Specific question for lesbians

Where do lesbians meet each other?

Questions for non-LGBTI informants

Background information: Gender, age, home town, religion, ethnicity, profession, does the informant know any LGBTI personally?

When and how did you first realise about the existence of sexual and gender minorities?

What is your current knowledge and personal opinion about sexual and gender minorities?

Has your opinion about sexual and gender minorities changed over the years?

Would you say your opinion is characteristic for other police/ politicians/ members of the religious community/ journalists etc.?

Do you think the general attitudes in society have changed?

Have you heard about the Supreme Court decision ruling in favour of sexual and gender minorities from 2007?

If so, what is your opinion on the different aspects (anti-discrimination, citizenship and same sex marriage) of the verdict?

Do you think most people have heard about the decision?

What do you see as the preconditions for the positive changes for sexual and gender minorities in Nepal the past years?

Challenges (asked to the informants who were familiar with the topic):

Which challenges do sexual and gender minorities in Nepal face today?

How do you think factors such as gender, geography, age, ethnicity and religion influence the lives of sexual and gender minorities?

Specific questions for police

Do you think people working in the police know about the existence of sexual and gender minorities?

What are your thoughts on police brutality towards sexual and gender minorities?

Do police treat meti sex workers in the same way as women sex workers?

Are you aware of the police force being an attractive place for lesbians?

Specific questions for religious leaders

What is the view on sexual and gender minorities according to your religion?

Are there any explicit references to them in the texts?

Specific question to journalists

Why is media in Nepal so positive to sexual and gender minorities?

Specific questions to lawyers

What was the legal situation of sexual and gender minorities in Nepal before the Supreme Court decision compared to that of today?

What is the legal framework with regards to sex work in Nepal?