**A Brief Report on the Right of Intersex Child in Nepal**

**Submitted to:**

**The UN committee on the right of Intersex Child**

 **Year: 2015/2016**

**Submitted by:**

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**Introduction:**

The end of the monarchy in Nepal in 2007 came along with the introduction of several new laws including the legalization of homosexuality. Moreover 2008 was a year of significant achievements for lesbian, gay, bisexual, transgender and intersexual (LGBTI) people in Nepal because finally, the government indicated their intention to introduce full marriage equality. However there is still a fight going on for equal LGBTI rights and social justice in different areas for Intersex.

This kind of discrimination is a relative newcomer in human rights violations and establishing Intersex rights as human rights remains a struggle. Moreover because this kind of discrimination is deeply embedded in structures of religion and culture, the prevention is even more difficult considering it requires major changes in families and society.

As one of the most progressive countries in South Asia, Nepal should be acknowledged for taking positive steps towards the recognition of LGBTI rights. Nepal has just endorsed the constituent assembly with more than two third majorities. The phrase 'gender and sexual minority' are mentioned in article 18 (right to equality) and in article 42 (social justice). The phrase 'gender identity' is mentioned in article 12 (citizenship ID).

In response to Intersex issues, there is no legal provision in Nepal on any rights towards Intersex Child. Many of them are not been able to disclose their identity in Nepal as people presume that as biological born rather than sexual orientation. Further, due to fear of community and their social statues, the family hesitant to disclose their identity. Major problem is their identification, stigma, discrimination, and the changes in their orientation at their tender ages and certificates which are very important in Nepal for any kind of work. The disclosure creates additional stigma and discrimination in community and society as there is no understanding of intersex issues in Nepal among the public. The community people think that is the curse of past life and they are not aware of the existence of intersex people in normal life. The community is never aware and there is no such organization to advocate for the Intersex issues in Nepal.

As the issues has not been raised in Nepal, most of the principles of Child Act undermines the rights of Intersex child including Non- discrimination (Art.2), The Right to Life, Survival and Development (Art. 6), CIVIL RIGHTS AND FREEDOMS (ARTICLES 7, 8, 13, 14, 15, 16, 17, 19, 37(A), Name and Nationality (Art. 7), Health and Welfare (Art. 24), Sexual Exploitation (Article 34)  and so on. Hence we strongly encourage **UN committee** to recommend that Nepal for Intersex Child in different areas.

**Major Recommendations**:

* Freedom to choose their gender identity based on sexual orientation
* Change in the official documents as per the gender identity( Registration during the birth)
* Forced treatment in intersex should be banned
* Stop unnecessary surgical and medical treatment
* Proper counselling should be done prior pre and posttest as per the need to the children
* Give intersex people full access to their medical reports
* Raise public awareness and improve professional trainings about the problems encountered by intersex people

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| ESAN’S STORY AS PARBATII was born in 1988 AD, at a remote mountainous district of Bajura in Far Western Development Region of Nepal. At birth, I was brought up as female by my family but later at the age of 13 , my physical development changed as compared to other girls. This turned to be bit shocking to me and my family because I lived in the traditional society and they started looking at me in different ways. My community told to my family to take me to the treatment centres and counsel well.My family thought I will be cured and was taken to India for treatment, but upon reaching there the doctor said that the treatment would not be possible rather the Hijjaras community would take me as part of their Rights. Hearing the story, my family brought me back to Nepal. Slowly I was changing into male whereas my documents were all in Female. For that reason I could not go out and stayed alone in my home. I was forced to act like a girl as I had my documents were in girl’s name and though I wanted to have my freedom and be proud of my orientation, I was suppressed inside to hide and could not share to others. Whenever I used to be out, the people used to look at me and would some time say that**” I am man or woman** “and that used to stress me badly hindering my work and life. This resulted on my studies too as I often got broken done and became too weak, yet my family always reminded me and encouraged me at the work. The family encouragement led me to continue my studies and I took tuition and went ahead with my studies. But at the final exam , when I went to appear for the exam , I was told as a fake student as my look was different and had to overcome various stigma, discrimination and accusation while giving exam . Despite such issues and problems, I did not give up my studies and thought as positive direction. Later I completed my education and tried to look for the opportunity but to my dismay, I was rejected many times due to certificates and my physical outlook.  Realizing such humiliation and experiences, I made up my mind to address my issues to other people. Hence in 2011, I came to know about BDS and worked there as volunteer and at the same time; I studied some facts of Intersex. Gradually I staring talking to intersex community on weekly basis and resulted national and international connections. I was selected to represent community members too in national level. |