

Nepal becomes first South Asian country to allow same-sex marriage

Monday 24 July 2023, by [CHAKRAVARTY Pratap](#) (Date first published: 9 July 2023).

Nepal's top court has ordered the legal registration of same-sex marriages, a first step towards marriage equality for LGBTQ+ people in conservative South Asia.

Supreme Court judge Til Prasad Shrestha ruled marriages of same-sex and non-traditional couples must be registered as “temporary” until lawmakers come up with a new legal framework to uphold such unions permanently.

In an interim ruling on 28 June, the judge ordered Nepal's government to set up a separate register of marriages for same-sex couples, who lawyers say will have the same rights as heterosexual partners.

□ [#THREAD](#): What great news to hear this [#PrideMonth](#) □ [#Nepal](#) has become the first South Asian country to register same-sex marriages. Let's have a look at the history of [#LGBTQIAplus](#) rights in Nepal. pic.twitter.com/JlwVDmLeOo

— Feminism in India (@FeminismInIndia) [June 29, 2023](#)

The court also asked opponents of its landmark order to file their objections within two weeks.

The ruling makes Nepal the first country to recognise same-sex marriages in [South Asia](#), where Bangladesh, Bhutan, India, Pakistan, Sri Lanka and the Maldives have all opposed same-sex civil unions.

In the rest of Asia, only Taiwan has legalised same-sex marriage.

Gradual acceptance

The ruling followed a petition submitted by LGBTQ+ activists last month to enforce existing rulings, [dating back to 2007](#), that instructed the government to amend Nepalese legislation to recognise same-sex marriage for the sake of equal rights. Successive governments have so far failed to change the law.

One of the petitioners, Pinky Gurung, a trans woman who heads Nepal's Blue Diamond Society gay rights group, called the latest verdict historic.

“I think it shows that there are people accepting us gradually,” she said.

A 2011 census estimated that 1,500 people identified as lesbian, gay, bisexual, transgender, intersex or other diverse sexual or gender identities in Nepal, but [activists have claimed](#) the queer community actually consists of 2.5 million Nepalese in the country of 30 million.

Maya Gurung, a trans woman who married her partner Surendra Pandey six years ago in a Hindu ceremony that was not officially certified by authorities, said the legal battle wasn't over.

"Now we can finally feel our marriage will be legally secure," the activist said, adding that she would now seek privileges granted to all married couples.

Resistance

Western diplomats also hailed the ruling, which came during the global Pride month that celebrates LGBTQ+ people and their battle to overcome prejudice.

"As we conclude Pride month, we are reminded that the freedom to marry means very little without the freedom to marry the person you love," said US ambassador Dean Thompson.

The U.S. Embassy in Kathmandu congratulates Nepal on the Supreme Court's landmark interim order allowing for the marriage registration of LGBTQIA+ couples.

pic.twitter.com/wjZjCwfSvu

— U.S. Embassy Nepal (@USEmbassyNepal) [June 29, 2023](#)

"Nepal continues to demonstrate regional leadership in promoting the rights of LBGTIQA+ communities," said Australian ambassador Felicity Volk in a separate tweet.

But the verdict also angered conservative Nepalese politicians.

"Same-sex marriage is against natural law, social norms and culture," tweeted Kamal Thapa, a former deputy prime minister and an influential politician in overwhelmingly Hindu Nepal.

"If same-sex marriage is legalised it will lead to family confusion and social distortion," he claimed.

Sujan Panta, a lawyer who advocates for LGBTQ+ rights, warned that many people "in positions of power" held similar beliefs.

"Majority of them still find same-sex marriage to be unnatural, but with this court order, Nepal took its first step toward legalising same-sex marriage," he said.

Winds of change

In May, the supreme court [ruled in favour](#) of a same-sex couple who married legally in Germany but struggled to get their union recognised in Nepal. Judges called it a constitutional breach and ordered the government to act.

[Nepal](#) has tried to stamp out social discrimination ever since a decade-long Maoist rebellion ended in 2006 and the 239-year-old Hindu monarchy was dismantled two years later.

Citizens who identify neither as male or female are permitted to [use a third gender](#) on their passports and other official documents, in line with guidelines against discrimination spelled out in Nepal's new constitution approved in 2015.

More and more public parades and unofficial weddings are being held in Nepal, though [LGBTQ+](#) people report that discrimination and harassment, including violence, remains commonplace.

Pratap Chakravarty

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