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“So What *Are* You?:” Nepali Third Gender Women’s Identities and Experiences
Through the Lens of Human Rights Development Discourse

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Abstract

Nepal is the site of many national and international human rights development measures focused on the country's gender and sexual minorities (SGM). Given the significant impact those development efforts have on SGM and Nepali society, national and international development actors need to understand the identities and experiences of the populations they attempt to help. Performed in Kathmandu and Bharatpur, this study attempts to understand the identities used by third gender women and if those identities are reflected in development discourse. Furthermore, this research seeks to understand the life experiences of these women and the discriminations they face, a reflection on national measures to eliminate discrimination against sexual and gender minorities. Over the course of this research, self-identified third gender women and members of organizations that work with SGM were interviewed. Observations were also conducted in a Bharatpur SGM-advocacy organization.

This research questions the homogeneity of SGM described by some development organizations and their critics. Identity should be understood as context-specific, and SGM identities as intertwined and mutually-informing. Understanding the framework for gender and sexuality that underlies Nepali sexual and gender identity terms is important in order to supplement and contextualize the identities that, otherwise, may be misrepresented and misunderstood. Furthermore, development organizations should be cognizant of the impacts donor sources may have on development projects and on sexual and gender minorities. The national government should focus on successful implementation of measures already executed, and interested parties should hold the government accountable for following through with these SGM-focused human rights measures.

Keywords: third gender; transgender; development

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Introduction

Over the past fifteen years, Nepali legislation and judicial decisions earned Nepal the informal distinction of being one of the most progressive South Asian countries for gender and sexual rights. In a landmark 2007 Supreme Court decision, discrimination against gender/sexual minorities was forbidden, and a “third gender” category was established for citizenship papers and other official documents (Knight, 2014: 143). This among other national human rights measures are supplemented by international development efforts that fund Nepali non-governmental organizations (NGOs) that support sexual and gender minorities (SGM) and generate reports and other forms of discourse on the topic. One significant organization, the Blue Diamond Society (BDS), is the largest Nepali organization supporting Nepal’s gender and sexual minorities, providing services that range from sexual health to human rights advocacy.

Human rights development measures must understand the identities and experiences of the populations they aim to help in order to be effective. Regarding identity, projects that aim to help a certain population must be able to identify those within it. Furthermore, identities in development discourse have tangible effects. If third gender, for instance, was defined as transgender men and women exclusively rather than all sexual and gender minorities, only a small population is represented with the use of this term and has access to allocated development resources. Identity also makes certain populations visible and able to participate in society. Many social functions require identity documentation (IDs), and those whose identities are not reflected by such documentation may be excluded from those spaces (Boyce & Coyle, 2013: 26). Regarding life experiences, development measures should understand the realities of sexual and gender minorities to evaluate the effectiveness of enacted measures.

Through interviews with SGM organizations, third gender women in Kathmandu and Bharatpur, and observations, this study aims to understand how third gender women identify themselves and if those identities are reflected in development discourse. Furthermore, this research seeks to understand the experiences of these women, the discriminations they face, and if national measures address these issues. Since all participants identified as third gender, they will be identified as such rather than with other identity terms. When contextually appropriate, terms like transgender and *meti* will be used as well. These terms should not be understood as reflective of participants' only or primary sexual/gender identities, but rather useful categories for discussion.

Literature Review

Gender and Sexuality in Nepal

Many locate Nepali gender and sexual minorities within a long history of gender and sexual variance in South Asia. Some gender/sexual non-normative personalities in the Mahabharata epic, for instance, demonstrate a historical understanding of such people among ancient Hindus. Activists and organizations like the Blue Diamond Society point to characters like the feared intersex prince Shikhandi and Arjun, an exiled Pandava brother who disguised himself as a eunuch, in claiming precedent for Hindu acceptance of sexual and gender minorities. The Ardhanarisha, Lord Shiva's half man half woman manifestation is also used to make tolerance of gender and sexual diversity palatable to contemporary Nepali people (Chhetri, 2017: 102; Knight, 2014: 160; Bakshi, 2004: 214). Furthermore, India and Pakistan's *hijras*¹ have historically participated in Hindu birth and wedding ceremonies. The legal protection of certain

¹ *Hijras* are a marginalized third gender SGM with a prominent presence in India. They are born male, view themselves as neither man nor woman, and most undergo castration or penectomy to align with their sexual and gender identities. *Hijras* perform at Hindu births and weddings dressed like women (Bakshi, 2004: 212-213).

hijra rights under colonial powers in the nineteenth century demonstrates that cultural sanction and historical recognition of the legitimacy of certain alternate gender/sexual constructions existed (Bakshi, 2004: 213). However, the influence of *hijras* on the Nepali cultural landscape is questionable given the tendency of Nepali people to view them as an Indian phenomenon, peripheral to Nepali cultural consciousness (Boyce & Coyle, 2013: 20). Overall, while there are hints to SGM history in Nepal and South Asia, there is little accurate history of non-normative sexuality in Nepal nor literature connecting ancient examples to contemporary SGM identities (Tamang, 2003: 227; Chhetri, 2017: 101).

However, while Nepali sexual and gender identities exist, they demonstrate constructions of gender and sexuality that differ from the West. While gender and sexuality tend to be conceived as separate, but related, identities, Nepali sexual and gender identities are capable of conveying sex, gender, sexual orientation, and preferred role in intimacy simultaneously (Knight, 2014: 151). A *meti* person, for example, is biologically male, female presenting, attracted to masculine men, and the penetrated partner during sex (Boyce & Coyle, 2013: 8), a single term denoting sex, gender expression, sexual orientation, and preferred sexual role. Yet, the weights Nepali people assign to these various elements of a gender/sexual identity term vary and do not necessarily align with those typical in the West (similar to the discussion of *nadleehi* in Epple, 1998). While typical *meti* identity may contain the above criteria, some are more important than others. Being a receptive role in intercourse is an important component of *meti* identity, for example, while gender expression varies greatly (UNDP, 2014: 34, 7).

According to a Blue Diamond Society Report, Nepali gender and sexual identities include: *meti*, *Ta*, *dohori*, *singar*, *maruni*, *strain*, *kothi*, *fulumulu*, *hijra*, lesbian, gay, bisexual,

transgender man, transgender women, among others² (as quoted in Lau, 2013: 487). Once again, these terms are not weighted equally, and many SGM adopt more than one (Boyce & Pant, 2001: 19; UNDP, 2014: 21). Some are geographically based, some align with class divisions, and many are fluid categories. (Bochenek & Knight, 2012: 20; Tamang, 2003: 228). In one study, a third of self-identified gay men reported attraction to females, and a quarter of *Tas* reported attraction to *panthis* even though, definitionally, the latter two terms describe masculine men who are the penetrating sexual partners of *metis* and *kothis* (UNDP, 2014: 30).

Furthermore, these Nepali identities exist in a context where same-sex sexual activity and masculinity are structured in ways that allow for uniquely non-Western same-sex interactions. Sexual activity between two men, for example, does not necessarily imply the sexual identities of either partner. Research performed by development anthropologist Paul Boyce and activist and BDS founder Sunil Babu Pant indicates that it is not uncommon for teenage boys to be coerced into sex by older male peers or family members (2001: 8). Political scientist Siera Tamang distinguishes between two types of sex, sex performed as a duty within the confines of marriage and *maasti*, sex performed out of sexual playfulness or to relieve “body tension” (2003: 250). Moreover, men will patronize dance bars and hire the dancers for sex, perceiving them as women. Upon realizing that they are biologically male, the customers will still have sex with them, once again demonstrating that same-sex sexual activity does not inherently imply the sexual identities of its participants (Boyce & Pant, 2001: 30). *Tas*, the sexual counterparts of *metis*, do not necessarily claim SGM status. *Ta* means “man” and *Tas* engage in sexual relationships with both men and women (Tamang, 2003: 229). They may engage in sex with

² While far from comprehensive, presumably because the report was from 2005 (two years before the 2007 *Pant v. Nepal* Supreme Court case), it does not include “third gender” or “*tesro lingi*.” Other noteworthy missing terms are intersex/*antarlingi*, *panthi* (Ta-synonymous counterpart of *kothi*), and the Nepali terms for gay and bisexual, *samalingi* and *duilingi*, respectively. *Meti* and *kothi* are synonyms.

metis for reasons as diverse as enjoyment of anal and/or oral sex (which female sexual partners may be less inclined to perform), cheaper cost for hiring and greater availability of *meti*, rather than female, sex workers, and immediate sexual satisfaction (regardless of the sexual partner's sex/gender) (Tamang, 2003: 229, 249, 252).

The reason a *Ta*'s sexuality and masculinity are not threatened by sex with a *meti* is twofold. As mentioned prior, same-sex sexual activity can exist within the Nepali heteronormative social framework. According to Tamang, the normalcy of homoerotic behavior in Nepal is a result of patriarchal control over Nepali women's' sexualities. Women's sexualities are regulated through sexual reputation, *ijjat*. Patriarchal society encourages unmarried women to keep their virginites, otherwise threatening their personal reputations and families' honors. Both this regulation and the commonness of sex-segregation facilitates homoeroticism among Nepali men (2003: 249).

Moreover, male-male intercourse operates along gendered dimensions that protect a *Tas* masculinity from being tarnished. SGM identities like *meti* and *Ta* fit into a framework of binary gender roles, where the former acts as the receptive partner during intercourse and the latter the penetrative partner. These identities, while fluid, are accompanied by social pressures to conform to certain sexual roles (Boyce & Pant, 2001: 19). *Kothis*, to name one sexual/gender minority, may understand their sexual desires through the lens of binary gender roles, therefore feminizing their appearances and acting as the penetrated partners in sex (Bochenek & Knight, 2012: 20). Given the gendered dimensions of sex between men, manhood is constructed around penetration (Tamang, 2003: 253). *Tas*' masculinities are not threatened by sex with males simply because they play the "man's role," i.e. the penetrative partner. Similarly, *metis* tend not to have sex with

other *metis* because doing so would contradict the binary gender constructions of sexuality they understand their identities through (Boyce & Pant, 2001: 17).

However, while Nepali gender/sexual identities are inherently tied to Nepali constructions of gender and sexuality, the relationship between the latter and Western identity terms used in Nepal is unclear. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) terms are increasingly being used by Nepali people, especially activists, the urban middle class, and Western-educated people (Boyce & Coyle, 2013: 17; Boyce & Pant, 2001: 19). Yet, Western identity terms, as used in Nepal, may be influenced by the Nepali gender/sexual landscape rather than synonymous with their meanings in the West. Furthermore, Boyce and Pant theorize that the use of “gay” as a noun rather an adjective (“a gay” as opposed to “gay”) indicates that Western identity terms in Nepal are used to express a unique conception of selfhood, one that is “somatically entwined within the social, the bodily, and the emotional” (2001: 19) rather than a result of Western acculturation.

SGM and National Actors

Ever since 2000, Nepali gender and sexual minorities have achieved great strides in social and legal recognition. The Blue Diamond Society was established in 2001, initially registered as an organization supporting sexual health given taboos that made registering as a sexual and gender advocacy organization impossible (Knight, 2014: 126). The birth of BDS laid the groundwork for SGM advocacy in Nepal and began a network that facilitated other outreach and advocacy projects. Perhaps the most significant achievement of BDS and SGM rights in Nepal was winning the 2007 Supreme Court case *Sunil Babu Pant and Others v. Nepal Government and Others*. The Court decision forbade discrimination against gender and sexual

minorities, recognized a third gender that was defined on the basis of “self feeling” rather than medical certification, and created an “other” gender category on state documents. As per the Court decision, a committee was formed to look into the possibility of legalizing same-sex marriage (Knight, 2014: 143).

Furthermore, the Supreme Court decision from *Rajani Shahi v. The National Women Commission and Others* suggested that laws describing marriage as between a man and woman are “inadequate or mute” and should be replaced by those allowing for relations between non-heterosexual people (*Shahi v. the National Women Commission et al.*). Third gender identity was once again affirmed with the inclusion of a third gender option on the 2011 census.³

Yet, while these inclusive laws and procedures exist, the government does not adequately ensure their implementation. Regarding the census, while a third gender option was available, the census underestimated the number of third gender people for a number of reasons: many census workers did not understand what the “third gender” category meant and did not receive adequate training about the identity term, the family member speaking with the census worker may have been reluctant to identify a family member as third gender or unaware that a family member identified as such, reluctance to self-identify as third gender to the census worker, harassment by census takers, fraud, and a computer software that could not adequately compute the third gender census option (Bochenek & Knight, 2012: 33; UNDP, 2014: ix). Implementation of anti-discrimination and identity document laws will be discussed in the “Discrimination” section below.

Moreover, while existing laws work towards gender and sexual equality, there still are legal gaps that fail to take the needs of Nepali SGM into account and, at times, leave them

³ Censuses in Nepal consist of the household registry, where census takers go house to house to complete the census, and the full census, where census takers go to every eighth home. While the third gender category was an option on the former, it was not on the latter (Bochenek & Knight, 2012: 32).

vulnerable. For example, the term third gender is not adequately defined in government instructions, enabling officials to deny *anya* citizenships to those they do not consider third gender, like married *metis* (Knight, 2014: 135). Nepali law further demonstrates inadequacies in relation to SGM by classifying rape as non-consensual vaginal penetration, making recourse for the rape of biological males difficult to pursue. Furthermore, many SGM complain that their basic rights are insufficiently protected by the law, like those guaranteeing the rights to education, inheriting property, and protection from employment discrimination (Singh, Pant, Dhakal, Pokhrel, & Mullany, 2012: 6-7).

International actors and Nepal's SGM

International organizations play significant roles in the lives of sexual and gender minorities in Nepal, from providing funding for development projects to generating and influencing discourse about Nepal's SGM. Funding for national HIV/AIDS response, which disproportionately affects SGM, for example, is primarily from international NGOs and intergovernmental organizations like the United Nations (NCASC, 2015: 32). SGM AIDS funding helped build social and organizational frameworks that were later used for advocacy work, as was the case with BDS performing projects promoting sexual and gender equality (Boyce & Coyle, 2013: 21).

International presence within SGM advocacy exists indirectly as well. Progressive Nepali legislation is influenced by international human rights discourse. Legal decisions draw heavily from transgender rights cases internationally, and LGBTI terms are favored (Bochenek & Knight, 2012: 17; *Sunil Babu Pant et al. v. Nepal Government et al.*). The Nepali government may even face incentives to adopt these progressive stances, since doing so could secure a place

within the progressive international community and generate opportunities for aid and trade (Boyce & Coyle, 2013: 13). That is not to say that Nepal is solely a recipient of such ideas regarding gender and sexuality; Nepali SGM advocacy is informed by an international discourse it, too, influences. For example, the Yogyakarta Principles, a document outlining human rights principles regarding sex, sexual orientation, gender identity, and gender expression, was created by a group of international human rights experts including activist and BDS-founder Sunil Babu Pant (Boyce & Coyle, 2013: 15-16; ICJ, 2007). Yet, despite these intellectual contributions, Nepal's SGM development work heavily relies on international donors, and SGM visibility and understanding relies on international development discourse.

National/International Development and Identity

Discourse has the potential to construct and dismantle, legitimize and deny identities. It can provide a platform for marginalized populations to be heard or it can quell those voices. It can include or exclude people from accessing resources and systems of power. Therefore, the way that discourse characterizes sexual and gender minorities can have implications on those minorities and their abilities to actualize their potentials.

However, international development discourse consistently misunderstands and simplifies the identities of those it aims to aid. Some reports use LGBTI identity terms in describing sexual and gender minorities in Nepal. Yet those terms operate on a Western construction of gender and sexuality that cannot accurately represent the identities of gender and sexual minorities in Nepal (Boyce & Coyle, 2013: 21). Furthermore, Nepali gender and sexual identities tend to be understood through the lenses of HIV and advocacy work. Because funding for HIV/AIDS research and projects tends to be more available than for other fields related to

SGM, sexual and gender identities become associated with narratives relating to sexual health. For example, terms like “MSM⁴” in HIV-related research simplifies the identities and sexual behaviors of Nepali SGM and, therefore, overlook the needs of certain populations that are hidden or excluded from that umbrella term (Dickson & Sanders, 2014: 323). These terms, while considered useful in public health discourse, do not reflect the ways that identified populations understand themselves and their communities (Pigg, 2002: 98). *Meti*, for example, while culturally grounded, become fixed in the HIV development paradigm, thereby establishing a discursive meaning that veers from that experienced by *meti* people. Another consequence of understanding SGM identities through an HIV lens is that those who are classified as having a high risk of contracting and transmitting HIV are prioritized over those who do not. Research and funding tend to ignore those who are female-bodied or penetrative partners in male-male intercourse since they are statistically less likely to contract HIV than other SGM populations (Boyce & Coyle, 2013: 21). HIV colors donors’ understandings of SGM identities with implications on other aspects of those minorities’ lives.

National human rights measures, and BDS activists in particular, use the third gender identity term rather than Western terms like transgender or the myriad of indigenous Nepali terms. However, its usefulness and accuracy are debated. Sunil Babu Pant argues that the third gender label is strategic given the lack of understanding of gender and sexuality identity distinctions in Nepal (quoted in Boyce & Coyle, 2013: 24). By favoring a singular, overarching term to the plethora of other identities that fall under the third gender umbrella, all of these minorities have a platform to speak from. A person must be visible before she can advocate for herself. However, as employed in the context of Native American identity, anthropologist Lynn

⁴ Men who have sex with men

M. Morgan and Evan B. Towle assert that “third gender” groups together diverse peoples, misrepresenting the unique issues that different subpopulations face. Furthermore, it reinforces a gender binary by categorizing SGM as third gender, as if outside the binary system, and it can limit the alternatives that exist to that dichotomy (2002: 484-5). Spoken in these terms, third gender relies on fixed conceptions of masculinity and femininity in order to be a valid category, rather than allowing for a more fluid understanding of gender/sexuality to exist (Epple, 1998: 273). However, some scholars argue that the term should not be taken literally, rather demonstrative of the possibility for identities that transcend dimorphism (Towle & Morgan, 2002: 472). Whether or not the term is problematic, it may be a temporary necessity to advance the rights of certain sexual and gender minority populations.

In order to understand and characterize these identities accurately, Boyce and Coyle recommend viewing sexual and gender identities as contextual rather than essentialized. A sexual category cannot hope to describe the totality of life experiences that their bearers undergo. Therefore, in order to understand a certain identity, one must understand the context in which it was formed and continues to evolve. While the 2007 Supreme Court decision may consider sexuality and gender as natural, it does not acknowledge that two are constructed within the context of a person’s life, by factors like socioeconomic position or life circumstances. Furthermore, sexual subjectivities and language do not exist independently. The way a person describes himself should be understood within the context of that identification and the communicative choice of the subject rather indicative of a fixed identity that he wholeheartedly adopts (Boyce & Coyle, 2013: 14, 17). For example, a woman may identify herself as transgender to a Western researcher, *meti* to her peers, and have *tesro lingi* marked on official documentation. She may express or even understand her own identity differently in different

contexts, and the relational nature of identity formation should be understood along with the personal and cultural meanings attached to such terminology. When these identities are then understood within larger contexts of life experiences, a clearer image of Nepali gender and sexual identities is revealed.

Discrimination and Exclusion

Despite Nepal's progressive legislation regarding its sexual and gender minorities, Nepali society is overwhelmingly conservative. Legal measures often do not translate into concrete protection, and Nepal's SGM face discrimination in a variety of spaces in their day-to-day lives. Incidences of discrimination are compounded for *metis*, who tend to be more visible in society than other gender and sexual minorities (Boyce & Coyle, 2013: 19). Examples include hospitals refusing service to transgender women (BDS, 2013: 4), familial rejection, exclusion from cultural and religious activities, harassment in public spaces, unequal treatment by public services, harassment from peers in school and coworkers in the workplace, unequal treatment when applying for visas (Singh et al., 2012: 3-4), and exclusion from educational opportunities (BDS, 2013: 11). In interactions with police, many transgender women face brutal violence, are raped, and wrongfully imprisoned (Wilson, Pant, Comfort, & Ekstrand, 2011: 260-1; Singh et al., 2012: 4).

Societal taboos further restrict the lives of third gender women. Many *meti* and *kothi* marry women because of social pressures, one statistic calculating 25% of Kathmandu's MSM married (Dickson & Sanders, 2014: 323; FHI, 2009: xii). Otherwise, due to the shame an unmarried status brings to their families and subsequent familial pressures to marry, many leave their families or villages in order to pursue lives where they can express their gender/sexual

identities (Wilson et. al, 2011: 259). From a health perspective, these stigmas manifest in few long-term monogamous relationships and a high number of sexual encounters among *metis* (Tamang, 2003: 238, 240). *Metis* have a hard time finding men interested in long-term relationships, having a high number of sexual partners instead (Wilson et al., 2011: 260), and married men prefer “one night stands” (Tamang, 2003: 237). These findings are significant from an HIV/AIDS perspective since increased sexual partners create a higher risk for HIV contraction and transmission.

Many third gender women also face difficulties finding employment. Many employers refuse to hire third gender women, and some fire *metis* upon realizing this identity (Wilson et al., 2011: 259; Boyce & Coyle, 2013: 19). Outside of the beauty and entertainment industries, *metis* have few opportunities in the formal sector. Because of these employment discriminations, many are forced to become sex workers in order to make money. This, in turn, puts them at risk of further altercations with the police since sex work is illegal in Nepal. Moreover, many take out loans to pay bail, which they may only be able to pay off with sex work (Boyce & Coyle, 2013: 10, 19).

Already at a high risk for contracting STIs, *meti* and transgender women become more at risk by working as sex workers (FHI, 2009: 11-12). Not all clients are willing to use condoms, and *meti* sex workers are less willing to carry them because, if a police officer stops them, the condom could be enough to warrant the carrier’s arrest. Furthermore, given the taboos around sex with *meti* and transgender women, clients often choose to have sex outdoors rather than in their own homes. Therefore, since intercourse is rushed, condom use is less frequent (Wilson et. al, 2011: 261).

These discriminations may be less visible because third gender women often face consequences for reporting harassment and abuse. According to Honey, a *meti* person described in journalist Kyle Knight's report, after enduring sexual assault, she was afraid to report the incident because doing so would expose her as *meti* (2014: 133), an identity that could marginalize her and make her more vulnerable to future acts of discrimination and assault. According to Sunil Babu Pant, when transgender people go to the police for help, they risk being raped by the officers they seek help from (Knight, 2014: 119). When they kidnap, imprison, and rape transgender and third gender women (Singh et. al, 2012: 4-5), police officers no longer become trusted authority figures for those victims' communities. For these reasons, the plight of third gender women in Nepal may be hidden from the public eye and from the government.

The Dynamic Nepal

The status of Nepali SGM is far from ubiquitous. Their life experiences depend on a multitude of factors. For one, geography plays a role in the opportunities SGM face. Those who live near the Indian border, for example, may be able to express their gender and sexual identities in India while suppressing outward expressions of those identities in Nepal (Tamang, 2003: 233). Moreover, the terms SGM use to identify themselves differ from region to region. *Kothis* dominate Nepal's Terai, *metis* central Nepal, and *fulumulus* the mountains. The middle-class Kathmandu "Thamel gays" that Tamang describes differentiate themselves from the "BDS crowd," class and education manifesting in geographical divisions in where the two groups seek sexual partners (2003: 236).

Nepali society is also changing. Traditional values are changing with changing demographics and the rise of education and middle-class aspirations. Nepal is becoming

increasingly globalized and is undergoing a changing economic landscape. Urban youth have more choice as to when and to whom they marry, giving many time to discover and understand their own genders and sexualities before marrying (Boyce & Coyle, 2013: 12-13).

Furthermore, the internet is increasingly being used by Nepali SGM to find partners (Tamang, 2003: 235) and may change the way SGM interact with each other. The internet allows for increased anonymity and availability of romantic/sexual partners. It can undermine social divisions; “Thamel gays” may no longer know who belongs to their social circles, and caste divisions may become meaningless when dating and hookup apps list only first names. The internet gives access to a network of people and resources that can influence how a person understands herself and the social context in which she defines herself.

Theoretical Foundations

This research is informed by both the fields of international development and feminist studies, specifically the concept of “enrolment” discussed by development anthropologist David Mosse in his book *Cultivating Development: An Ethnography of Aid Policy and Practice* and that of essentialism as discussed by feminist theorist Chandra Talpade Mohanty in *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity*.

In *Cultivating Development*, Mosse describes development project creation as a “coalition building” of various international interests and donors. The goals of these actors are negotiated in forming a project that satisfies their interests and expectations. In order for a project to be successful, it requires the enrolment, or participation and support, of these groups. Project designs employ models of change, theories of cause and effect that demonstrate how project actions accomplish larger goals. In order to ensure the continued support of the projects’

various interest groups, project designers must frame these models of change in ways that are sensible to them and appeals to their varying interests. Therefore, while development projects may yield results that fit into an established model of change, they may not produce results that are genuinely effective (Mosse, 2005: 34-39).

As it applies to Nepal's sexual and gender minorities, the interests of international donors and interest groups who fund projects supporting Nepali SGM along with national human rights measures to protect sexual and gender minorities are informed by models of change. These models of change may be accurate or biased, but understanding what they are can help illuminate whether the needs of Nepali sexual and gender minorities, and, for the purposes of this paper, third gender women, are adequately met by these national and international human rights development measures.

This research is further grounded in feminist discourse on essentialism. In *Feminism Without Borders*, Mohanty critiques much Western feminist writing about women in the Global South for creating a monolithic "Third World woman," a fixed category that overlooks the complex intersectional identities, needs, and desires of the women it attempts to represent. This act of essentialism assumes that women from countries throughout the Third World face the same oppression and reduces the diverse experiences of these women to a singular, stable category (Mohanty, 2003: 8-24).

Postcolonial theorist Gayatri Chakravorty Spivak adds to the discourse on essentialism with the concept of strategic essentialism. Members of a cultural group, for instance, while diverse, may essentialize themselves in order to achieve a certain goal (Ashcroft, Griffiths, & Tiffin, 1998: 79). For example, while American women are incredibly diverse, it may be useful

to refer to American women as a homogenous category (e.g. “women in America earn less than men”) in order to further a certain political aim.

As it relates to non-Western sexual and gender minorities, essentialism may manifest in the discursive production of a “global gay rights” narrative and the assumption that Western SGM identity terms are universally applicable. However, this narrative should not be nonchalantly applied to non-Western people. For one, gender and sexuality are constructed differently in different cultures. Some Native Americans, for example, recognize four genders, rendering the term “gay,” which depends on a Western, binary conception of gender, meaningless (Epple, 1998: 271-2). Western identity terms operate on a set of culturally rooted meanings rather than describe universal categories of sexual and gender difference (Towle & Morgan, 2002: 273-4). While people in different cultural contexts may express similar behaviors (e.g. biological males with outward feminine appearances) those behaviors may not be defined in the same way across cultural and historical lines, and those behaviors may be differently weighted in different cultural contexts (Epple, 1998: 269).

The transcultural LGBTQ (lesbian, gay, bisexual, transgender, and queer) narrative overlooks the unique issues of non-Western populations it describes and, therefore, may propose solutions that are not desired by those misrepresented populations. While much LGBTQ activism in the West, for instance, focuses on a “similarity narrative” that pushes for queer inclusion in heteronormative spaces, in India, *hijras* desire societal tolerance for their identities and lifestyles rather than assimilation (Dickson & Sanders, 2014: 319, 345).

This is not to say that Western and non-Western societies have fixed and mutually-exclusive understandings of gender and sexuality. For example, as anthropologist Don Kulick observed in Brazil, longstanding conceptions of sexuality and masculinity are changing with the

West's increasing social influence, as seen through popular backlash to soccer player Ronaldo Luis Nazário de Lima's sexual encounter with a homosexual male, yet female appearing, prostitute (Kulick, 2009: 35, 39-40).

Through the lens of essentialism, Western terms like transgender and terms like third gender used in national human rights legislation can be viewed more critically. Their adoption does not necessarily indicate the essentialization of those it labels, but an essentialist (and strategic essentialist) lens can help illuminate how sexual and gender identity terms are used in Nepal and the functions they serve in the relationship between third gender Nepali women and human rights efforts.

Methods

This study involved three different elements: (1) interviews with members of organizations that work to further gender and sexual rights, (2) interviews with third gender women, and (3) observations conducted during Human Conscious Society (HCS) activities. The Human Conscious Society is a Bharatpur LBGTI advocacy organization that is affiliated with BDS but operates independently. A total of eight interviews were performed, and all research was undertaken over a one month period between November and December 2018.

(1) High ranking members of three organizations were interviewed: Blue Diamond Society, Mitini Nepal, and Sankalpa. The purpose of these interviews was to understand different perspectives on sexual and gender advocacy in Nepal. Two members of the Blue Diamond Society were interviewed regarding BDS's advocacy work and current issues facing third gender women, along with the personal experiences of those interviewed. One employee at Mitini Nepal, an advocacy organization for lesbians, bisexuals, and transgender men, was interviewed

to shed light on the unique issues that the organization tackles and other issues regarding Nepal's SGM's identities and experiences. Two members of Sankalpa, an alliance of women's organizations for gender equality, were interviewed to gain an understanding of gender dynamics in Nepal.

Between these three organizations, four interviews were conducted. Interviews were approximately an hour to an hour and a half long and, given the English fluency of all interviewees, were conducted in English. Interviews were held in the organizations' offices, recorded with the consent of those interviewed, and subsequently analyzed.

(2) Interviews were conducted with four additional self-identified third gender women (including two of the women interviewed from the organizations above, a total of six third gender women were interviewed). Additional participants from both Kathmandu (one) and Bharatpur (three) were interviewed.

Participants were recruited using convenience and chain-referral sampling. Three of the participants were constituents of the HCS office. After visiting the Bharatpur office on multiple occasions and spending time with office staff and HCS constituents, I set up interviews with three women whom I had built rapport with. One other participant was recruited through a referral from another interviewee.

Interviews were semi-structured with open-ended questions that encouraged participants to describe certain events and experiences in depth and with little guidance. Interviews were held in locations mutually agreed upon by the interviewer, translator, and participant. They were conducted either in the HCS office or in the neighborhood of the interviewee. One of the interviews was conducted in English, two in Nepali with the help of a translator, and a third in

Nepali without the use of a translator. The questions for the final, Nepali interview were adjusted to accommodate my Nepali language ability.

(3) While in Bharatpur, observations were conducted of activities run by the Human Conscious Society. The purpose was twofold: to understand how the organization carried out certain projects (e.g. condom distribution, HIV testing, etc.) and to see how topics regarding gender and sexuality were discussed among employees and constituents in casual settings. HCS operates within national and international development networks, and this research interprets its projects through the frame of larger development efforts.

Location and Population

While this research discusses the relationship between development discourse and the issues Nepali sexual and gender minorities face at-large, it gives greater weight to issues and identities surrounding third gender women. This choice was made, in part, because of the limited time frame for the research, and a more thorough investigation of third gender women's experiences was preferred to a more cursory analysis of all Nepali SGM.

This research focuses on third gender/transgender women despite the ambiguity of those categories. Part of the research seeks to understand the limits of those terms and their use within individual identity and national/international development contexts. Furthermore, members of this population tend to be more visible among sexual and gender minorities and therefore tend to face discrimination more often than members of other minorities (Boyce & Coyle, 2013: 19). Therefore, understanding the issues facing this population can more clearly demonstrate the flaws and/or strengths of national and international efforts to protect the human rights of SGM.

Given this population's increased visibility in public and private life, the contrast between the lived experiences and legal protections regarding third gender women is more pronounced.

Interviews of third gender women were conducted in Kathmandu and Bharatpur. Since third gender women in Kathmandu tend to receive more national/international attention than those in other cities, Bharatpur was chosen as a secondary interview location, in part, to understand differences that may exist between Kathmandu and another urban population within the same region of Nepal. Bharatpur was chosen because it is a city where sexual and gender minorities tend to congregate, hosts HCS, which could be used as a location to meet third gender women, and is relatively progressive, so third gender women would be more willing to share their experiences in this study.

Ethics

Given the sensitive nature of the research topic, ethical considerations are important throughout the research process. Interviews covered sensitive topics like sexual and gender identities and discrimination, at times entering the domains of sex work, sexual harassment, and sexual assault. Therefore, while obtaining consent, I emphasized the voluntary nature of participation, and the interview questions were relatively-open ended in order to allow participants to share as much as they were comfortable sharing. Anonymity was provided to all participants who chose to remain anonymous, and this paper uses pseudonyms to identify those who remain anonymous. Some participants also requested certain statements to remain anonymous, which this paper leaves unattributed and without identifying information.

The two recruitment methods for third gender women participants were chosen to ensure that participants felt comfortable and not pressured to participate. With chain referral sampling,

since participants would be recruited through friends, there would be less pressure to accept and discomfort to refuse. Regarding convenience sampling, I only began conducting interviews after building rapport with members of the Bharatpur HCS office and some of its constituents, spending time in the office and participating in its activities. Only after multiple interactions did I ask certain prospective participants if they would be willing to be interviewed. This method, too, aimed to decrease the pressure and discomfort of participation and negate potential power dynamics that may exist between myself and potential interviewees.

Similar dynamics may exist with a translator, so participants who were interviewed with a translator were asked first if they felt comfortable doing so. Moreover, the translator was briefed regarding issues and identities related to Nepali gender and sexual identities prior to the interviews. The translator also signed a confidentiality agreement that described the sensitivity of the issues discussed during interviews and ensured that all information disclosed during interviews would remain confidential.

Ethical approval for the study was provided by World Learning Inc. local review board in Kathmandu, Nepal.

Limitations

This research is limited by factors related to research participants and methodology. In reference to organizations spoken to, interviews were conducted with members of only two LGBTI advocacy organizations and one women's advocacy organization. While the organizations are relatively large and significant within their fields, they represent only certain populations and opinions. Furthermore, observations at the Human Conscious Society were limited by my understanding of Nepali and ability to communicate with office staff and visitors.

While some observations were based on casual conversations in Nepali within the Human Conscious Society office, many were based on visual observations of the office and participation in some of those operations.

In terms of participant demographics, there was a small sample size of third gender participants. While there was some diversity in caste, there was less in age. Participants ranged from their mid-20s to 40s. Participants lived in cities, and all had connections to BDS or HCS, the latter by which half were convenience sampled. Many had been interviewed before, which may have influenced the way they behaved and spoke during these interviews. Given participant demographics, limited extrapolations can be made based on interviews with these women, and extrapolations made should be accepted with caution.

Regarding methodology, data is limited by the information translated by the Nepali-English translator along with his understanding and interpretation of participants' interviews. Furthermore, questions regarding discrimination inquired about settings for discrimination discussed in past research rather than trying to identify other avenues in which discrimination occurs.

Furthermore, while the theoretical foundations are used as a lens for analyzing data, they may unintentionally act as biases, influencing the process of data collection and analysis.

Findings

The six participants were self-identified third gender women. All were born biological males, were feminine presenting and characterized themselves as women. They lived in Kathmandu (Pinky, Manisha, Nilam) and Bharatpur (Mangala, Yogita, Jal) and represented a

range of caste: two were Brahmin/Chhetri, one Gurung, two Newar, and one Tamang. Selected representative quotes are presented below to supplement explanations⁵.

Third gender and SGM Identities

First Exposures

Respondents used a variety of terms to identify themselves. Among the gender and sexual terms used were third gender/*tesro lingi*, transgender, *meti*, and *hijra*. Some of the participants described a lack of context for understanding their gender/sexual identities when they were young. According to Mangala, before terms like *tesro lingi* were used, people had no frame of reference for their attractions. “It was pretty difficult,” she explains, “[transgender women] knew themselves as male, and their desires they suppressed within themselves.” Similarly, Nilam remembers understanding her sexuality for the first time after reading a -newspaper article in eighth grade. The article discussed transgender people in Bangkok, “and I came to know I also belong to them LGBTI community...[before] I feel people maybe some disease I have something wrong or I did something wrong.” Prior, Nilam knew only derogatory terms like *hijara* and *chakka*. Only after reading the article, did Nilam learn about lesbian, gay, bisexual, and transgender (LGBT) gender and sexual identities and was able to frame her own gender and sexual feelings. Sarita, General Secretary of Mitini Nepal, a Nepali advocacy organization for lesbians, bisexuals, and transgender men, describes a similar experience in understanding her bisexuality. Only after meeting Mitini’s founder did Sarita learn about the LGBTI community and locate her own identity within the LGBTI framework.

⁵ When quoted from interviews conducted in English, quotes are written verbatim. In interviews conducted with the help of the translator, quotes are translations with first-person, rather than third-person, pronouns. In question and answer quotations, the first initial of the interviewer and participant (or their pseudonym) are used.

Some participants, however, identified Nepali terms as their primary exposure to their sexual/gender identities. Yogita learned to define her feelings for men through the community of sexual and gender minorities that used to congregate in Kathmandu's Ratna Park. As Yogita recounts, "When I went to Ratna Park, I used to see others like me. They used to put on powder and makeup. I was scared at first, but then I slowly realized that those are people like me, and they became friends with me. They were having sex in the field, and I realized that I should also do the same." The primary term Yogita now uses to identify herself is *meti*. Before joining BDS, Pinky, too, was exposed to identity terms like *gay*, *meti*, and *kothi*, but began using third gender and LGBTI terms after joining.

Self-Identification

All participants were asked to define a series of gender and sexual identity terms, as were SGM in casual conversation during observation periods. Three identities, representative and most applicable to third gender women, are discussed below:

Meti was described in a variety of ways by participants and Human Conscious Society members in conversation. According to one, *meti* refers to those "who are feminine, who are gay, who prefer for the man." According to another, *metis* are "men who dress up." To a third, *meti* is a "guy born as male and dancing like girl sometimes in occasion, they are *meti*. They are behave like a girl and the way a girl dress and dancing." However, according to five participants, *meti* is synonymous with other sexual/gender identity terms. One straightforwardly defined *meti* as "third gender," and four participants defined *meti* as synonymous with "transgender" or "transgender woman." As one participant explains, "Transgender and *meti* are the same word.

One is English and one is district language.” However, when asked if there are gay *meti* who are not transgender, the participant replied, “Yes there are *meti samalingi purush*” [gay *meti*].

Transgender was similarly described. Two participants defined transgender through biological and behavioral lenses: “The trans woman is to male to female and female to male... Transgender is more about the gender identity/gender expression and...lesbian/gay sexual orientation things.” According to another, a transgender person was “born as either male or female but the activities resemble the opposite sex. So, if they are born as female and they like dressing up as men and performing tasks that men work on then they are transgender.” Four participants described transgender as synonymous with third gender/*tesro lingi*. There was less consensus, however, regarding the term third gender. Many used it to define identity terms like transgender, *meti*, *kothi*, and *panthi*. According to Mangala, for example, third gender means “cross dressers.” She explains, “*tesro lingi* refers to males who dress as females or females dressing as males, but gays and lesbians are not third gender.”

However, while participants used third gender/*tesro lingi* within contexts of individual sexual/gender identities, employees at Mitini and Sankalpa understood the term within a national conversation on gender and sexuality. As described by Sarita, the “Nepali Constitution has declared there is a word for sexual and gender minorities is third gender. Because first gender is male and second gender is female and third gender is LGBTI community...The government just provide the name which is easily to mark the community.” Sankalpa’s Program Manager also understands the term as referring to multiple gender and sexual minorities, all part of a gender distinct from man and woman.

In discussing various gender and sexual identities, participants described the boundaries of transgender, transsexual, and women/female identities. Some participants represent

transgender identity in relation to biology. According to one participant, “I am a transgender because I changed myself, transformed myself, but I will not make [sex reassignment surgery]. I have a breast, but I still walk like a girl and look like a girl, so I am a transgender.” However, she believes that those who undergo sex reassignment surgery should be able to classify themselves as female on government documentation. Mangala also perceives the difference between herself and a woman as biological. As she explains, “women give birth to baby, so we are not women. We are not women, we are third gender or transgender.” Along these lines, according to another participant, if sex reassignment surgery was cheaper and more available, many transgender women would do it. “Some [transgender women who underwent surgery] want to forget past and say are women,” she explains.

However, several participants describe their third gender/transgender identities as independent of biology. They assert that their gender/sexual identities inherently distinguish them from women, whether or not they undergo gender reassignment surgery. As BDS President Pinky Gurung explains, “if we included in female groups, then what is our real identity?” More than reflecting personal identity, BDS Executive Director Manisha Dhakal describes her transgender identity as political. Using the term challenges normative social systems and empowers herself and her community to assert their rights to equality. In her words,

“It’s very important. First of all, we should be proud on who we are, and then after that only we can challenge the discrimination...after that only can raise our issues, and we need to break the gender binary system, male and female, that there is another gender also. We need to sensitize society... If we are proud on our identity and then empowered on ourselves, we can talk with government, we can talk with the police, we can debate.”

Yet, this conception of third gender identity as independent of the gender binary is not always understood, as in the following conversation between a SGM man (A) and a third gender woman

(B):

A: For you there was no cutting [referring to sex reassignment surgery]. So you're a ladyboy.

B: *Hoina* [No]

A: Are you a woman?

B: No

A: Are you a boy?

B: No

A: So what *are* you?

For some of these third gender women, third gender, transgender, and similar terms denote an identity separate from man and woman. However, not all agree. As described prior, some consider third gender and similar identities as dependent on sex reassignment surgery, and one prefers identity documentation to describe her gender as “woman” rather than “third gender” or *anya*.

Identity Terms in Practice

While participants used a variety of sexual/gender identity terms to identify themselves, they tended to be consistent in how they used them. The differences in usage could be understood as contextual. As Mangala explains, she uses different terms when communicating with different people. With foreigners she uses third gender, when speaking Nepali she uses *tesro lingi*, and when among her peers, and especially when quarreling with her friends, she uses *meti*. To explain, Mangala and Yogita describe *tesro lingi* as a formal term, but they would not use *meti* outside of conversations with friends because it is “not civilized.”

Furthermore, terms identifying gender and sexual minorities were, at times, used by participants in context-specific manners in order to convey certain ideas. Consider one participant and her use of “third gender” and “LGBTI.” She connected the former to the history of gender and sexual minorities in Nepal. In explaining the usefulness of “third gender,” she described how the term was rooted in Hinduism and Nepali cultural history, locating third gender identity within a culturally specific context. However, when comparing qualities of life of Nepali gender and sexual minorities and those around the globe, she used the term LGBTI instead. In her words, “Each and everywhere [homophobic] people there is and this kind of peoples was before...and also in future this kind of peoples are born. LGBTI people should unite and raise their collective voice.” Here, she uses LGBTI to connote the global nature of SGM identity, rather than their cultural specificities.

Implementing Third Gender Identity

Advantages and Disadvantages of Tesro Lingi Term

Participants identified multiple reasons they liked and used the third gender identity term. Some participants appreciated the term’s cultural history. In the words of one,

“It’s our own culture/religious term. It exists in our South Asia and most of the people blame sometimes these LGBTI terminologies from the Western culture and Western things and they blame so many times like that. And this third gender is ours in South Asia. And that is a good thing about a different identity for transgender people, but, in my view, if people don’t like that terminology, it should be their choice, we should not make the compulsion for the transgender should be third gender.”

Some participants described the term’s practical function. Nepali people tend not to know much about SGM identities but understand the term third gender. Pinky Gurung explains, “If some activist use word the transgender community they can use easily *tesro lingi*. It is very popular in

policy level, in political parties, in government officer. Each and everywhere *tesro lingi* word is very popular and established. A lot of Nepali people feel comfort to pronounce as the *tesro lingi* community.” Nepali society understands “third gender” rather than other gender and sexual identities, and Nepali SGM can more effectively make themselves visible using it. Furthermore, identifying with the third gender term can give certain SGM access to privileges they could not access otherwise. Yogita, for example, described that she could have received a tax deduction when selling a plot of land had her citizenship document listed her as *anya*.

Implementing Third Gender

However, while participants liked the third gender term for its function as an identity term, they did find issues with its implementation. Despite identifying as third gender, three participants related that they did not want to change their gender on their identity documents because government officials would not let them also change their names. They expressed wanting an ID with the names they currently identify with rather than those given at birth, along with a photo that represents their current gender expressions. Furthermore, some participants described how an *anya* category on identity documentation limits their ability to participate in society. Among the examples they included, an *anya/other* category on citizenship papers excludes one from opening a bank account, acquiring a driver’s license, getting a visa to certain countries, and getting many jobs. Of the five participants who were asked, four had identity documents marking them as male and/or documents that did not list a gender but contained old photos that depicted them as men. Only one had *anya* listed on her citizenship papers.

Yet, many of those who want to identify as such on state-issued documentation face difficulty exercising this right. According to Pinky, this identity right was granted in 2007 but

was only implemented in 2013. Since then, only 200 transgender people got citizenship IDs with their third gender identities listed. According to Manisha Dhakal, government workers often interpret these ID guidelines as applicable only to new IDs. People who already have citizenships that list them as male or female struggle to get citizenships that list them as *anya*, and many do not succeed in getting one. Pinky and Sarita both described government workers requiring medical forms “proving” that a person is transgender in order to grant them a third gender citizenship document. According to Sarita, some officials require a transgender person to get sex reassignment surgery and then documentation certifying they underwent that surgery in order to receive the *anya* label. As described by these BDS and Mitini representatives, while the third gender identity right exists, faulty implementation prevents many from accessing this right.

Exclusion and Discrimination

All respondents reported experiencing instances of exclusion and discrimination. While not comprehensive, the following list describes the most common settings in which participants experienced discrimination. Along with answers to questions about discrimination, answers to other questions that indicated instances of discrimination, such as those surrounding participants’ education, are also described below.

Familial Rejection

Several participants feared telling their family members about their genders/sexualities. Two had to leave their homes because of their gender expressions. While her mother was accepting, Yogita had to live separately from her family from a young age. She had not yet put a name to her gender/sexual identity, but the men of her family forced her to live elsewhere

because of her feminine gender expression. At fifteen, Jal, too, left her home. Because of parental disapproval, she left, and she pursued sex work in order to support herself.

Manisha, Mangala, and Nilam were also afraid of telling their families about their gender and sexual identities, however, both described their families' eventual acceptance. As Manisha explains, after learning she worked at BDS, her family sequestered her at home and "told me that I could not go to the office. And for three days I share all those things sexual and gender things about BDS and my own things to my father and sister and they started to convince on my argument." In describing why they were accepting, she explains, "I am supporting my family from my job so that's also one things, [they] see I'm doing the good things, I am earning the money, I'm supporting my family."

Discrimination in School

Several participants related instances of bullying and teasing while in primary school. Some were called the derogatory terms *chakka* and *hijara* by peers. After learning about the linguistic masculine, feminine, and neutral (*napunsak*) in Nepali, one participant remembers all the students looking at her. It is a term reserved for "non-living things" or those "who can't give birth," though her peers thought she, too, was *napungsak* because of her feminine gender expression.

Gender segregation also proved difficult for three of the respondents. As Yogita recounts, in first grade "I loved staying with the girls, sitting with the girls, along with them in their seats. The boys used to question me: 'You are a boy. You should stay with the boys.' Even my friends, my teachers, everybody told me to sit with the boys, and I was stressed. That is the reason I quit." Mangala also left school because of her discomfort with the school's segregation of its

male and female students. Since she could no longer stay with her female peers in sixth grade, Mangala decided to leave school and find a job instead.

Identity Documentation

Several respondents described difficulty in situations where showing an identity document was necessary. When traveling internationally, many participants recalled struggles to explain their sexual/gender identities to airport officers. Once, while Nilam's transgender friend was waiting to board a domestic flight, airport workers refused to believe that she was using her real ID, claiming she was lying about being transgender and using a man's ID instead. With thirty minutes before the flight, she had to drive home and find documentation "proving" that she is transgender in order to board the flight.

Similar problems arose for participants when they went to the bank, sold land, and tried to access government services. These issues were rooted in a lack of understanding about third gender identity along with identity documents with pictures that did not look like their owners or names no longer used. Yogita recalls trying to sell a plot of land, but the potential buyer did not understand why her citizenship papers marked her as male. Because of the cost, the buyer was cautious, Yogita explains, but she was eventually able to convince him that she was the legitimate owner of the land.

Discrimination in Health Services

Four participants report being treated differently while seeking medical services. Two participants described doctors embarrassing them. Nilam recounts doctors asking her questions about menstruation even though they knew "already I am a ladyboy, a transgender. They still

ask. I don't have a pussy, I don't have all that...that is so embarrassing, in front of so many people they ask." Another describes, doctors "call our male name and people look at us."

Mangala described being referred from doctor to doctor while in a hospital for medical treatment, each unwilling to treat her. They did not know how to treat transgender women, she explains, and upon realizing this identity, referred her to other doctors in order to avoid treating her. Yogita was refused treatment at a Bharatpur government hospital because of her gender/sexual identity. After she was admitted to the hospital for malaria treatment, Yogita was taken to the male section of the hospital because her citizenship documents listed her as male. She was subsequently removed from the hospital, and Yogita sought treatment at a private hospital where she received the care she needed.

Public Harassment

Most respondents experienced harassment from strangers while in public. Participants recount strangers looking and laughing at them while walking in public. Some yell derogatory terms and others gossip. Mangala describes always being self-conscious. When in public spaces like parks or concerts, she is always worried about what other people are thinking since she suspects that they are judging her. As Nilam relates,

"Every step, every minute, every second in Kathmandu. People are talking in your back when you cross, people are, boys are, pulling your leg when you are walking, saying bad words. That gives you mentally torture, the words. If someone beat you that is pain you only in your body, but someone word, pain in your mind...When I'm walking, I don't like boys or anyone talk about me and [sexually suggestive clicking sound] make like this or say 'oh wow, look her ass, look her boobs.' I don't like all that. If they want to talk to

me I will talk to them very good. If they make fun or make fun of me the way I say I will slap them.”

Police Harassment and Abuse

Most respondents reported at least one incident of harassment or abuse by police.

According to Nilam, police target transgender women thinking they are sex workers.

Transgender women tend not to have issues with police during the day, but they face problems in public at night (Manisha). Nilam:

“I am with [a friend] to go club. I wear short dress. This is my right to wear what I want to wear or how I want to show the people...police start asking ‘why you are here! Go home!’ Oh my god! Why? I go home, I come with the my friends to enjoy the Friday night for parties, clubs, why I go home? There is a fight, so many times. It makes me feel so embarrassed in front of my friends...They think I am a prostitute, a transgender prostitute, they ask why I go there. That is why we have a fight. Some clubs not allow to enter the transgenders...In hotel also, if I have friends in some hotel, if I come to meet with friends, they not allow to go inside...they think they come for sex or business.”

Nilam also recounts being forced to leave a club to be searched by police. They would perform a body search and they would beat her friends, leaving marks and rashes all over their bodies.

Now, however, the police respect her. After being featured in newspaper articles, fashion shoots, and YouTube videos and because of the professional connections she made in the film industry, the police respect her.

Once, transgender people did sex work and the police paid no attention, says Manisha.

Now, transgender sex workers are involved in robberies and pickpocketing, and because of all of the complaints in Thamel and to the Tourism Board, the police act violently against other

transgender women as well. The “other transgender people who are doing sex work on their own way who are not involved in the crime, they also become the victim.”

Yogita and Jal, too, faced police abuse. Yogita, a former sex worker, explains that police officers expected her to provide them with sexual services for free. She complied in hopes that they would favor her in the future and not subject her police raids. Once the police arrested her for practicing sex work, and she was taken and held in a jail in a city far from her home. Since stopping sex work as a primary source of income (she only intermittently engages in sex work now), she no longer has issues with the police. Only practicing sex workers, Yogita believes, face police discrimination, because sex work is illegal in Nepal.

Jal, a current sex worker, faces police abuse regularly:

A: What do you think about the police?

J: I really do not like them. They beat me (motions beating with her arm swinging up and down)...a lot...at night. They make me do (mimics fellatio), for free, no money. This happens a lot.”

Employment and Workplace Discrimination

Pinky Gurung explains that LGBTI people do not receive equal employment opportunities to their heterosexual peers. According to Manisha Dhakal, few in the private sector are willing to hire transgender people. Private companies do not have policies that require hiring transgender people, and, therefore, they do not. Even if a transgender person is qualified, employers refuse to give them a job. “They look you up and down, head to toe, and they hesitate and don’t give job. If you don’t reveal you are third gender, you might get the job, but if you do, you won’t get the job” (Mangala).

Manpower organizations, for example, consistently exclude third gender women from working abroad. At sixteen, Nilam went to Qatar to work, but she failed her medical exam because she had breasts, and she was sent back to Nepal. She lost the \$1,000 she paid to apply along with the opportunity to work in Qatar. Some transgender women try to work abroad, Manisha explains, but most are afraid to apply because they know they will be rejected. It is these self-defeating thoughts that prevent transgender women from getting opportunities like working abroad.

Within formal workplace environments, some participants continued to face discrimination. Prior to identifying as transgender, Mangala was pressured to quit her job at a store because her coworkers thought she was third gender. Another participant recalled men approaching her after work asking her what she would charge for an hour, assuming she would provide sexual favors for a fee. She was also not paid on time for projects she completed at one job. She is still waiting to be fully paid for three projects she worked on, although she doubts she will ever be compensated.

Few employment opportunities are available for third gender women. Aside from sex work, Jal found jobs performing at weddings and births while in India, traditional of *hijra* people. Now she works as a sex worker. She explains, “I am a sex worker because I need money. They won’t give jobs to *hijra*. A lot like me are sex workers in Chitwan.” While working at a hotel, one of Yogita’s primary jobs was strip dancing for customers. For customers who paid, Yogita would also provide sexual services. “I had no options. I had no other job,” Yogita says, “I was dependent on it for a living.”

While, according to two participants, some transgender women choose to engage in sex work for pleasure rather than necessity, many have no other choice. “After my sex change, I will

get married,” Jal explains, “I will no longer be a sex worker. I will be married. I will work a job...maybe a department store...With a sex change, I will not be a sex worker.”

Organizational Issues and Operations

BDS & HCS Operations

The Blue Diamond Society is Nepal’s largest organization advocating for sexual and gender minorities with affiliates throughout the country. The Human Conscious Society is BDS’s only current affiliate in Bharatpur. Blue Diamond Society helped establish this office, trained HCS staff on effective organizing and fundraising, and aided in creating its constitution. While distinct organizations, BDS does, at times, give funding for projects and programming to HCS and other district offices (Pinky Gurung).

Participants and research observations indicated two important functions the Blue Diamond Society and its affiliate offices play in the daily lives of gender and sexual minorities. The first is access to resources. Some participants described seeking BDS help to file complaints regarding police abuses. BDS works as an intermediary for SGM, filling out documentation and advocating on their behalf to the Nepali police or Human Rights Commission (Manisha Dhakal). Tangible resources include condoms and lubricant. In Bharatpur, HCS employees distribute condoms and lubricant and take people to HIV testing centers on weekly/bi-weekly bases. While distributing condoms and lubricant in Bharatpur, HCS employees went from home to home of people they characterized as “MSM and transgender women.” At each stop, they stayed and chatted with the homeowners before asking if they needed any condoms or packets of lubricant, at times, discretely. As these HCS employees described to me later, the people they visited were their friends.

Otherwise, participants described BDS and its affiliates as bringing together the local SGM community. One participant moved to her current home because it is near the Bharatpur Human Conscious Society office, and, therefore, her friends. Others claimed they went to BDS events to see friends. According to Nilam, she goes to BDS and Mitini events because “This is my family, like a family. If I go that event I can meet all over Nepal LGBT people, that’s why.”

In both cases, the Blue Diamond Society was maintaining a network of sexual and gender minority people. As a site for resources, BDS attracts those who need it, and with its events, BDS brings together local communities and SGM from throughout Nepal.

Funding

Funding is critical for Nepali NGOs advocating for sexual and gender minorities. Of the three SGM advocacy organizations in Bharatpur, two, Saino Nepal and Rainbow Plus, recently closed due to lack of funding. The third organization, the Human Conscious Society is funded by organizations like USAID and PEPFAR through projects like LINKAGES Nepal (funded and carried out by USAID, PEPFAR, and FHI 360). Much of the work I observed at the Bharatpur office was related to HIV safety and prevention, and many of the employees described their positions as focused on creating awareness about HIV/AIDS or themselves as community resources for SGM regarding HIV/AIDS. However, the Human Conscious Society’s mission statement places less emphasis on HIV and STI prevention, one of five goals alongside reducing discrimination against SGM, increasing the educational status of SGM, increasing the income level of SGM, and increasing the representation of SGM in politics.

As Mitini Nepal’s General Secretary Sarita K.C. explains, since most of the funds for Nepali gender and sexual minorities focus on HIV/AIDS, donors tend to favor organizations that

work with gay men and transgender women who are classified as “high risk” for HIV. Mitini Nepal, which focuses on lesbians, bisexuals, and transgender men (shortened below as LBT) faces difficulty finding funding for their projects and operations. Their primary donors are international women’s organizations like the Global Fund for Women and the South Asia Women’s Fund. According to Sarita, Mitini Nepal wants to perform projects related to LBT health but is unable to get funding because of a lack of research on the topic. However, they are having difficulty finding funds for research about Nepali LBTs and LBT health, another example of the lack of funding available for SGM who are not “high risk.”

Discussion

Identity

Indigenous vs. Global Identities

Third gender participants described their identity formation within contexts of both Western identities and exposure to people who adopted indigenous identity terms. Among participants, these were the two frameworks for understanding their gender and sexual identities. Nepali identity terms operate on a conception of gender and sexuality that differs from that typical of the West, the latter with relatively discrete notions of gender and sexuality and terms that indicate one or the other. In comparison, as discussed prior, Nepali gender and sexual identity terms are able to describe a combination of sex, gender, sexual orientation, gender expression, and preferred role in sexual intercourse.

Along the lines of Mohanty’s discussion of essentialism, development discourse should aim not to overwrite indigenous gender and sexual identity identities with a “global gay narrative.” LGBTI should not replace terms like *meti* and *kothi*. Western terms operate on certain

assumptions of gender and sexuality, along with connotations that do not accurately translate cross-culturally, especially not to the Nepali context. However, perhaps there are Nepali people who understand their own genders and sexualities through the framework of Western conceptions of gender and sexuality. In these cases, terms like *meti*, when adopted, may act as secondary identifiers, just like *meti* people may also identify as third gender or transgender. These people may see themselves as part of the global gay narrative, describing their own roles within a global LGBTI movement and comparing their own situations to those of sexual and gender minorities in other countries.

This research may indicate the need for human rights measures to acknowledge the legitimacy of various gender and sexual identity constructions. Just as referring to all Nepali gender and sexual minorities as part of the LGBTI community would overlook how some SGM understand their own identities, using only indigenous Nepali gender/sexual identity terms may also overlook the ways that some SGM self-conceptualize. Essentialism can work both ways.

Contextualizing Identities

These different frameworks for understanding sexual and gender identities also indicate the contextual nature of gender/sexual identity formation. Rather than fixed categories abstracted from people's lived experiences, identities can be understood as fluid notions which are informed by those experiences. The context in which this research's participants learned to conceptualize their own identities informed their continuing understandings of their sexual and gender identities.

Furthermore, participants described conscious reasons for adopting their identities. For some, sexual/gender identity was a choice rooted in personal feeling. When asked if they would

identify as female on identity documents given the choice, several participants expressed that their third gender identity was distinct from that of a woman. They did not feel like women; they felt like *third gender* women. Otherwise, some participants described the political nature of choosing identity terms. As Manisha eloquently expressed, she uses the term transgender in order to give visibility to her and others' gender/sexual identities. She challenges the binary system by asserting her transgender identity and empowers herself to challenge injustices against transgender women like herself. Identity here is not assigned, rather a conscious choice by its adopters.

Identity formation is a continual process. While participants may understand their own identities based on first exposures to gender/sexual minority identity or adopt some identities as conscious choices, identity is dynamic and relational, described and expressed differently in different contexts. Nepali SGM tend to identify with multiple gender/sexual identity terms, and this study's participants used a variety of gender/sexual identities in describing themselves, each serving a different function within its context. As Mangala explained, she uses third gender with foreigners, *tesro lingi* with Nepali people, and *meti* among peers, especially in quarrels with friends. Mangala recognizes that the terms are not synonymous, and, based on the connotations she associates with each, she decides in which contexts to employ them. Third gender is "civilized." It describes one aspect of her sexual/gender identity, the one she feels appropriate to represent in formal contexts. *Meti* describes an aspect of her identity appropriate to use when teasing or talking with friends. Third gender and *meti* are terms Mangala uses to identify herself, although neither fully encapsulates her identity in all contexts.

In a more abstract conversation about identity, another participant demonstrated the context-specific functions of certain terms. She discussed two different narratives about Nepali

sexual and gender minorities. At one point, she used the term third gender in locating certain SGM identities within a long cultural and religious history. At another, she used LGBTI when comparing Nepali SGM to those across the globe. LGBTI is a Western term, and its use within a Nepali context connotes similarity in those identified as LGBTI and LBGTI people in the West. The term itself places sexual and gender minorities within a larger context by connecting them to others, whether or not the term accurately describes the identities of members of either group. Third gender, on the other hand, is described as a uniquely Nepali term. Its roots are traced to the Mahabharata and Ramayana epics, and it belongs to a narrative that asserts the indigeneity of Nepali gender and sexual identities. Each term is laden with connotations and therefore serves a function within certain contexts. Using LGBTI when discussing a narrative of historical legitimacy of Nepali SGM identity challenges the premise of that theory, just as using third gender in discussing global sexual and gender minorities undermines the relationship that exists. Identities are complex, and, while they may have competing connotations, may also coexist. Identity is not fixed nor can one identity term fully describe the identity of a person. Rather, people express aspects of their identities in different contexts, using identity terms in each that best represent them for that situation.

Lost in Translation

When asked to define a number of Nepali gender and sexual identity terms, participants translated them in a variety of ways. Some characterized *meti*, for example, as transgender women, others as men who like to dress in drag. The variety in answers may be due to a number of reasons. Participants may not use gender/sexual identity terms in uniform manners, and a language barrier may have caused mistranslations and misunderstandings. However, perhaps the

variety of answers could be explained as the result of describing Nepali identity terms, which are rooted in a uniquely Nepali conception of gender and sexuality, in English, using Western identity terms that operate on different notions of gender and sexuality.

Consider the following conversation:

Participant: “Transgender and *meti* are the same word. One is English and one is district language.”

A: Aren’t there gay men who are *meti* who are not transgender?

P: Yes there are *meti samalingi purush* [*meti* gay men]

Other participants also translated *meti* as transgender. “Gay man” and “transgender woman” are distinct identities in Western vocabularies, their mutual exclusivity rooted in the different genders that each connotes. However, such distinctions may not be as significant within Nepali gender/sexual frameworks. Gender may not be an important aspect of *meti* identity, while sex and preferred sexual role may be. Since transgender women and gay men may both be male-bodied, either could be *meti*, but this complexity is lost when translated into a vocabulary that places primary focus on gender identity or sexual orientation. Similarly, some participants distinguished between sex and gender when asked, but in conversation used the terms interchangeably. Once again, participants and translators’ imperfect English fluency can explain this terminological confusion. However, translating concepts from a language that does not emphasize distinctions in sex and gender to one that does may also be a compelling explanation. Nepali people tend to use *linga* to denote both.

Implementing Identity

Identity and Access to Power

Third gender not only acts a term for self-identification but give its adoptees access to certain resources and representation not available with other terms. As described by some participants, third gender carries weight in society, while other identity terms do not. Third gender appears in legislation and Supreme Court cases and is the only non-Western identity term that is visible in Nepali society.

On one hand, the third gender label may assist SGM in attaining rights. Nepali people tend to know little about gender and sexual identities, and unifying these identities under the third gender category may be of practical necessity, a form of strategic essentialism that can forward the interests of SGM at large. However, the consequence is that people must identify as third gender in order to access certain systems of power and representation. The 2011 census asked about the number of men, women, and third gender people in each household. If a person does not identify with any of these categories, they will not be represented and continue to be invisible to society and the government. An incentive, therefore, exists for sexual and gender minorities to identify as third gender in order to have some sort of representation for their gender/sexual minority identities. Nepali SGM use a variety of identity terms, many with differing nuances of identity construction. When third gender is privileged, other SGM identities may be sidelined and the nuances of identity that they represent overlooked.

Identifying as third gender also gives identifiers certain tangible resources not available to others. As described by Yogita, she did not qualify for a tax subsidy since she had not changed her citizenship document to *anya*. Even if the only example, adopting a third gender identity gives access to a deduction not available to those who do not identify as such. Third gender identity is an important avenue for representation and resources, and further research should explore the benefits and consequences of making access to systems of power available through

the third gender term while inaccessible through others. This tentative conclusion, however, should be qualified by the disincentives and limitations that a third gender identity simultaneously imposes.

Problems in Implementation

Many SGM are further prevented from accessing benefits associated with a third gender identity due to bureaucratic roadblocks. Three participants described not wanting to change their IDs to reflect their third gender identities because government officials would not also let them change their names and/or photographs. Many who still seek the *anya* category are unable to attain an ID because of government officials who do not understand third gender identity or interpret their instructions in ways that do not require them to issue these documents.

Third gender identity also limits its bearer's ability to participate in society. Participants explained that the third gender category can exclude those who hold it from opening bank accounts, traveling, and finding jobs, among other activities. Just because a third gender category exists does not mean that it is accessible or functional in society. Until these implementation issues are fixed, there may exist disincentives to identifying as third gender, and the lack of acceptance of a third gender category may work to further marginalize Nepali gender and sexual minorities.

Discrimination

The commonness of discrimination among participant experiences along with the variety of settings in which it occurs demonstrate a lack of protection for third gender women from discrimination. These discriminations ranged in severity. Some existed solely in social spheres

while others in private spheres, the latter in particular demonstrating inadequate implementation of laws forbidding discrimination against SGM.

For one, Nepali society is structured in ways that exclude third gender women. Gender segregation in school, for example, was described by some participants as a cause for anguish and discomfort in school, leading two to quit. However, more commonly, people discriminate against third gender women in settings where such discriminations and exclusions are not institutionalized. Employers refuse to hire third gender women, doctors refuse to treat them, and police mistreat them.

Participants' descriptions indicate common stereotyping of third gender women as sex workers. Discriminations and exclusions in settings like health care and those which require IDs indicate a lack of common understanding about transgender women. Airport officials who made Nilam's friend return home for documentation proving her transgender identity, for example, demonstrate this lack of understanding. An ID that marked her as male and an appearance as a woman in itself "proves" that she is transgender.

In terms of interactions with the police, sex workers seem to face abuse more than other third gender women. Because of the association a transgender identity has with sex work, those who are not sex workers, too, face abuse. However, lack of employment options lies at the root of many transgender women's choice to engage in sex work. Tackling police abuse should, therefore, focus on both educating police officers about the identities and experiences of third gender women along with reducing employment discrimination.

Otherwise, discrimination occurs in a variety of settings, and future research should seek to understand the relationships between these discriminations and the best ways to combat them. Furthermore, anti-discrimination legislation is difficult to enforce when it occurs in private, as in

the workplace and hiring process. Methods of limiting discrimination in these sectors should be explored. Otherwise, generating awareness and understanding about SGM can help in effecting social change. Blue Diamond Society and Mitini Nepal both provide such educational programming. They conduct these trainings in school, police stations, and other settings where discrimination occur. Gauging the effectiveness of these trainings is also important, both if such trainings have impacts on the trainees' perceptions of SGM and if there is a relationship between training and decreased instances of discrimination.

Organizational Issues and Operations

The Social Network

The Blue Diamond Society plays an important role in the lives of participants. More than a source for resources, BDS and its affiliates bring together local SGM communities. These create a social network through which it can provide resources. Members of the Human Conscious Society network, for example, by being part of this network, have access to condoms and lubricant and support in getting regular HIV tests. The relationship between BDS as a supplier of resources and BDS as a social network is significant and demonstrates a successful model for effective distribution of resources and services.

Funding and Enrolment

As seen through the Human Conscious Society and Mitini Nepal, funding sources have significant impacts on the projects that organizations do and are capable of doing. While HCS's mission statement includes a variety of goals related to empowerment of SGM, many of the operations I observed were related to the statement's final point: "Reduce the HIV and STI

transmission among SGM people.” As seen through the lens of David Mosse and “enrolment,” the sources of money may alter the focuses of development projects in ways that do not best serve those they try to help. HCS’s focus on HIV/AIDS prevention may stem from the funding that they receive. Funding is limited and competitive; two other organizations in the same city recently closed due to a lack of funding. As discussed in literature on AIDS funding in Nepal and echoed by Mitini’s General Secretary, HIV/AIDS funding prioritizes those it identifies as “high risk” (i.e. gay men and transgender women) over those it classifies as “low risk” (i.e. lesbian women and transgender men; those who tend to be female-bodied). Therefore, organizations that support the sexual health of “high risk” individuals tend to receive more funding and can support other projects for those populations. Organizations that do not represent these populations struggle to find funding for any of their projects, health-related or otherwise. The HCS can, therefore, act as a case study of this phenomenon detailed in HIV/AIDS implementation literature. To clarify, the work of HCS and its donors do not reflect those of the Blue Diamond Society, and, given the considerable limitations of the observation portion of this research, conclusions should be accepted with circumspection. Furthermore, this theory of operations does not indicate flaws with the Human Conscious Society, which pursues valuable goals for the local SGM community, but rather demonstrates flaws with the global system of donor aid.

Conclusion

Development measures can have incredible impacts on the societies in which they operate and especially on the populations that they intend to help. Understanding the identities of these populations is critical to the success of development, however, development in Nepal often misrepresents the identities of sexual and gender minorities. This research questions the

homogeneity of SGM described by some development organizations and their critics. SGM's identity construction is not uniform and neither are their identities fixed. Identity should be understood as context-specific, and SGM identities as intertwined and mutually-informing. Furthermore, these identities carry meanings and connotations that may be lost with translation. Understanding the framework for gender and sexuality that underlies Nepali sexual and gender identity terms is important in order to supplement and contextualize the identities that, otherwise, may be misrepresented and misunderstood.

Furthermore, development organizations should be cognizant of the impacts donor sources may have on development projects and on sexual and gender minorities. The national government should focus on successful implementation of measures already executed, and interested parties should hold the government accountable for following through with its human rights measures relating to SGM.

Looking Forward

The gaps in this research suggest directions for further investigation. As described above, awareness campaigns are important parts of national NGOs' repertoire of advocacy programming, and future research should evaluate the efficacy of such programs in influencing their participants and decreasing discrimination.

Otherwise, queer theory tends to construct a fixed and uniform conception of heteronormativity (Hall, 2013: 638). Gender and sexual minority identities are not stable, and neither are normative understandings of gender, heterosexuality, and masculinity. SGM identity operates within a heteronormative context, and studying the changing dynamics of the latter is important to understanding the former. How do those changing norms affect gender and sexual

minorities? How is the presence of SGM in traditionally heteronormative spaces like the family unit, coupledness, marriage, and child-rearing affecting those spaces? Further research should explore changes (if any) in heteronormative conceptions of topics like gender, sexuality, and gender expression and the implications of those changes on sexual and gender minorities.

Furthermore, there exists a dearth of research on the intersectional experiences of Nepali gender and sexual minorities. Some research indicates that sexual minorities who belong to certain castes face unique challenges (Singh et al., 2012: 4). However, it is unclear how those interlocking systems of oppression manifest and how they can best be combated. Further research should seek to understand how intersectional identities play roles in the lives of Nepali gender and sexual minorities, and how those identities contribute to SGM's self-conceptions and life experiences.

Appendix

Glossary of Terms

BDS	Blue Diamond Society
HCS	Human Conscious Society
ID	Identity document
LBT	lesbians, bisexuals, and transgender men
LGBT	lesbian, gay, bisexual, and transgender
LGBTI	lesbian, gay, bisexual, transgender, and intersex
LGBTQ	lesbian, gay, bisexual, transgender, and queer
MSM	men who have sex with men
NGO	non-governmental organization
SGM	sexual and gender minority/minorities

List of Interviews

Kathmandu

Pinky Gurung, Blue Diamond Society; November 7, 2018
Manisha Dhakal, Blue Diamond Society; November 13, 2018
Sarita K.C., Mitini Nepal; November 14, 2018
Chanda Shrestha Rai & Bijaya K.C., Sankalpa; November 14, 2018
Nilam; November 12, 2018

Bharatpur

Yogita; November 20, 2018
Mangala; November 20, 2018
Jal; November 28, 2018

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