

8.3 Recommendations

Given the conclusion of this report, which is to allow same-sex couples and third gendered individuals to get married, based on the facts collected in the course of this study and their analysis, the Government of Nepal is recommended to take the following steps:

1. In the context that the competent Supreme Court has said not to make discriminations on the basis of one's sexuality and gender, in accordance with the principle of equality, and to recognize their sexual relationship, this Committee mainly carried out a comparative study of how other countries have managed such relationships and prepared their legal basis. Upon the analysis of how, in the countries in question, especially Norway, the state integrated protests and support and what changes were observed in society, it appears appropriate that the Government of Nepal remove the legal provision that marriage can only occur between a man and a woman and that it embrace the norm that a marriage can occur between two persons, and to grant legal recognition to same-sex marriage on the basis of the principle of equality.
2. After the state acknowledges the norm that marriage is a relationship that occurs independently between persons, it would be appropriate to amend the legal provisions that affect such norms. Especially the provision to pass on property and cultural rights to *son and daughter* should be changed to *children* and the provision to pass on post-death rights to *husband and wife* should be changed to the *concerned couple*; in relation to criminal activities, such as rape and sexual violence, rather than considering a man's commission of an act against a woman a crime, what one person commits against another should be considered a crime. In this context, the prevailing *Muluki Ain*, and the Civil and Criminal Law and procedures replacing that law, should be amended and modified accordingly in the changed context. Likewise, it would be appropriate to amend laws, including marriage and marriage registration and property laws, as well as other laws related to those.
3. Nepali society appears to be liberal towards the third gendered population. Given the developing liberal attitudes towards the sexual relationship and family status of that community, the state should take measures for the empowerment of that community and involve its members in educational and economic income opportunities as well as vocational activities; it should adopt legal and social policies that accept diversity in society and take steps to bring that community to the mainstream; it should make public appeals for the protection of sexual and family lives of such individuals and involve them at the political and administrative levels.
4. For a long time, various couples have been found to be in same-sex relationships. It appears appropriate to grant legal recognition to such couples. After granting legal recognition, it would appear necessary to make legal provisions to allow such couples to adopt children after a specific period of time.

5. It would be appropriate to also implement alongside the recommendations on document management, which are presented in Chapter 7.