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Nepal's Milestone: Same-Sex Marriage Equality in South Asia

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Abstract

Fundamental to the creation of a just and inclusive society is the imperative to safeguard the constitutional rights of all individuals, irrespective of their sexual orientation or gender identity. Nepal's 2015 Constitution does indeed grant these rights to the LGBTQ+ community. Nonetheless, South Asian societies have frequently refuted their existence, subjecting them to discrimination and marginalization. Against that backdrop, this paper delves into the evolving landscape of LGBTQ+ rights in Nepal and South Asia, emphasizing the struggle for same-sex marriage recognition.

Comparatively, India, as a regional powerhouse, has only recently decriminalized same-sex relations. Nevertheless, it lags in the recognition of same-sex marriages and the establishment of equal legal protection. The paper underscores the principle that consenting adults should enjoy the autonomy to choose their life partners and marital arrangements, without unwarranted state interference.

Despite the Supreme Court's 2007 directive for the government to examine same-sex marriage issues, substantial progress has remained elusive. LGBTQ+ individuals continue to grapple with a legal system that often undermines their quest for justice regarding marital rights. The paper spotlights recent legal endeavors to register same-sex marriages, shedding light on the persistent struggles to ensure equality within Nepal's legal framework. Hence, the paper centers on a pivotal moment that unfolded in Nepal in June 2023. The Supreme Court issued an interim order that allowed for the registration of same-sex marriages. This landmark order is an undeniable milestone, not just for Nepal but also for South Asian nations and the global community. It stands as a compelling reference point for countries striving to champion the equality rights of the LGBTQ+ community.

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