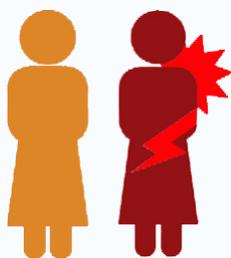


# POLICY BRIEF

## Intimate Partner Violence (IPV) within Lesbian, Bisexual women, Trans man and Third Gender Man Couple Research

November, 2021

### Background



Intimate Partner Violence (IPV) within LGBTIQ community has not been widely recognized and addressed due to stigma, discrimination, mistreatment, bullying and abuses that are perpetrated against them because of their sexual

orientation and gender identity. People from the community also do not find themselves comfortable and confident to share about intimate partner violence inflicted upon them by their partner. IPV among sexual orientation (e.g. lesbian, gay, bisexual) and gender identity (e.g. transgender, third gender) couples requires a reframing of this issue from a heteronormative and cishnormative lens in order to better understand and effectively address approaches to prevent this kind of abuse and to improve treatment programs. Rates of IPV among sexual and gender minorities couples are similar to heterosexual couples IPV rates and



*IPV refers to any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship.*

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heteronormative approaches are not conducive to addressing same-sex IPV. Same-sex approaches to IPV remain underrepresented in the literature and related interventions, suggesting the need for new policies and programs that can better serve the community and achieve health equity for all.<sup>1</sup> According to World Health Organization (WHO), IPV refers to any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Despite the myth that IPV is exclusively an issue in Cis-heterosexual relationships, many studies have revealed the existence of IPV among lesbian and gay couples, and its incidence is comparable to or higher than that among heterosexual couples.<sup>2</sup> Despite many instances of violence among intimate partner of LBT couples being noticed, the issue has not been

1. <https://www.tandfonline.com/doi/full/10.1080/23311886.2019.1644982> accessed on 20 September 2021

2. Rollè L, Giardina G, Caldarera AM, Gerino E and Brustia P (2018) When Intimate Partner Violence Meets Same Sex Couples: A Review of Same Sex Intimate Partner Violence. *Front. Psychol.* 9:1506. doi: 10.3389/fpsyg.2018.01506, p. 1

able to grab proper attention from the government and other concerned stakeholders. Even, those who are responsible and authorized to address violence against the sexual and gender minorities have conveniently ignored their issues. Moreover, very less attempts have been made previously to study the situation of LGBTI people particularly to identify the prevalence of IPV within LGBTI couples.

This report is focused on LGBTI people especially lesbian, bisexual women, transman and third gender man couples with special consideration to their intimate partner relationship. This study helps to understand the extended situation of IPV within lesbian, bisexual women, transman and third-gender man couples, its causes and consequences and their coping mechanism.

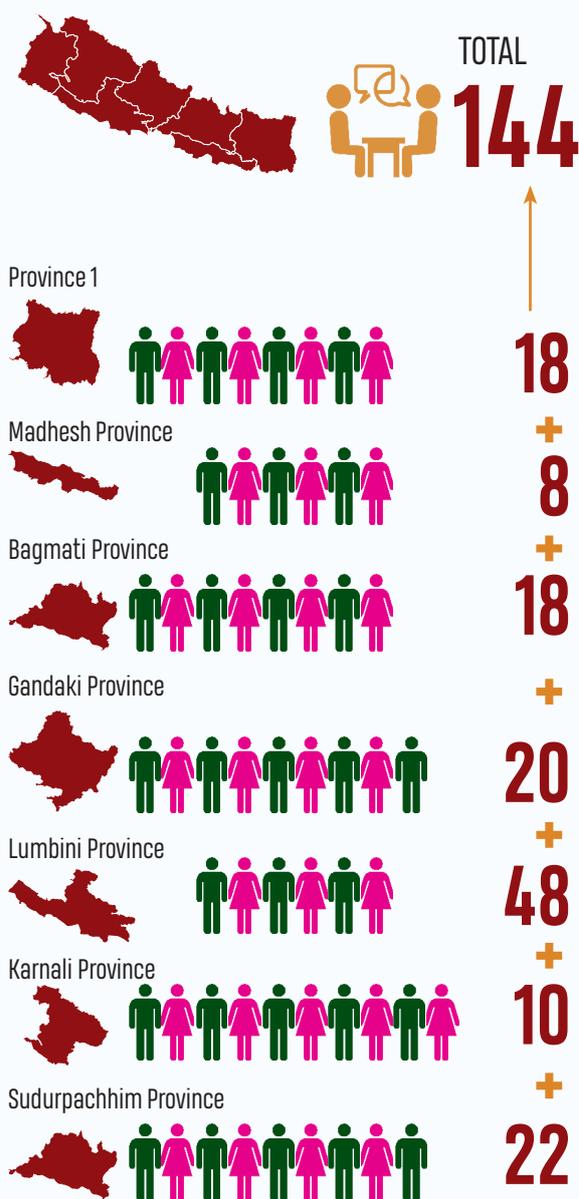
## Objectives

- » Understand the prevalence of an intimate partner violence within Lesbian, bisexual women, Transman and Third Gender Man couples, and thereby identify the context, types, causes and consequences of such violence in them and how they are dealing with it,
- » Review the existing laws and policies in regard to addressing the IPV within Lesbian, bisexual women, Transman and Third Gender Man couples,
- » Examine governmental and non-governmental institutional frameworks specifically relating to responses to IPV within Lesbian, bisexual women, Transman and Third Gender Man couples,
- » Produce a comprehensive evidence-based report which will be useful in advocacy for necessary policies and programmatic reformations to address the IPV within Lesbian, bisexual women, Transman and Third Gender Man couples.

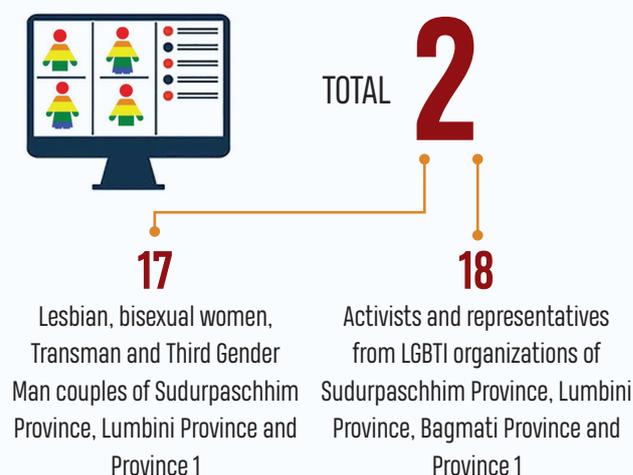
## Methodology

A total of 144 primary respondents were interviewed including 18 respondents from Province 1, 8 respondents from Madhesh Province, 18 respondents from Bagmati Province, 20 respondents from Gandaki Province, 48 respondents from Lumbini Province, 10 respondents from Karnali Province and 22 respondents from Sudurpaschhim Province. The respondents were selected in consultations with the concerned organizations, focal persons and right activists working for the rights of the LGBTI people.

## Primary Respondents Interview



## Focus Group Discussion (FGD)



Both quantitative and qualitative study methods were used to collect data in this study. The quantitative data were collected through a series of structured questionnaires. In order to incorporate exclusive ideas and information, some of the questionnaires were developed in an open-ended format.

A total of 2 Focus Group Discussion were conducted virtually for the purpose of the Study. One FGD was conducted with 17 Lesbian, bisexual women, Transman and Third Gender Man couples of Sudurpaschhim Province, Lumbini Province and Province 1 and another FGD was conducted with 18 activists and representatives from LGBTI organizations of Sudurpaschhim Province, Lumbini Province, Bagmati Province and Province 1.

Mapping was conducted through a meeting of the research team which involved the right based activists, who have been working in the field for years and have gathered unmatched experiences. The stakeholders were identified and listed based on the institutional interests, primary functions, nature and authorities at federal, provincial, district levels as well as local levels. Subsequently, 12 key informants were selected from the list for in-depth interviews.

Similarly, in-depth case studies were conducted to emphasize detailed contextual analysis of the issue of intimate partner violence within the lesbian, bisexual women, transman and third gender man couples.

Besides, a desk based review of the legal and policy frameworks surrounding gender equality and intimate partner violence in Nepal was conducted focusing on the outline of laws ensuring gender equality and addressing intimate partner violence. Different international human rights documents which have ensured protection from violence in private sphere have also been studied in order to understand Nepal's international obligations in regard to ensuring gender equality as well as protection from intimate partner violence.

## Gaps in the Prevailing Laws and Policies

Nepal has ratified the major international conventions including nine of the core conventions which enshrine principles of equality and non-discrimination, and rights and protections for all citizens. Being a state party to these international human rights conventions Nepal is obligated to domesticate its international human



*Domestic Violence (Offence and Punishment) Act, 2009 is the sole act which directly addresses the issue of violence within domestic relations including intimate partner violence in Nepal. The Act prohibits domestic violence in domestic relationships.*



rights obligations into the national legal framework. Nepal, therefore, is obligated to ensure and promote full gender equality and to protect its citizens from being subjected to gender based violence in all spheres of life. It is also obligated to take measures to address gender based violence including intimate partner violence. Moreover, the Treaty Act, 1990 of Nepal states that the international provisions, once the Parliament of Nepal ratifies, shall be enforceable as good as national law.

As far as the domestic laws relating to gender equality and gender based violence are concerned many of the state obligations to international human rights instruments have been found to have translated into numbers of legal provisions of Nepal. However, with regard to an intimate partner violence very few legal provisions addressing the intimate partner violence are found in a scattered form within the limited domestic laws of Nepal.

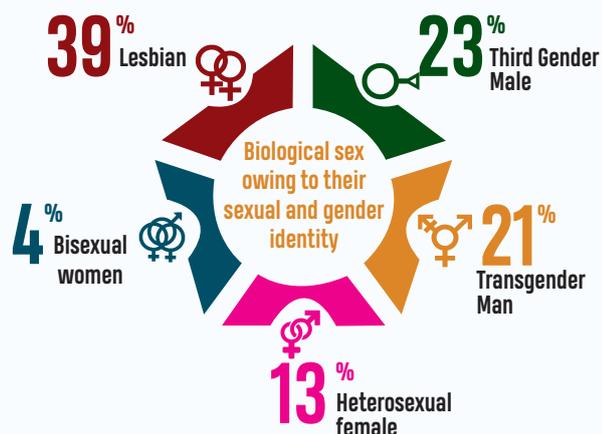
The **National Civil Code, 2017** has provisions relating to marriage and divorce whereas the **National Panel Code, 2017** criminalizes marriage without consent. It also prohibits an offence of marital rape and penalizes such acts. Even though the National Civil Code, 2017 ensures the freedom to conclude a marriage, establish family and spend a conjugal life, the Code does not recognize a marriage concluded between same sexes. Because of this, these provisions relating to marriage, divorce and offence of marital rape are not applied under the concept of marriage equality for gender and sexual minorities.

The **Domestic Violence (Offence and Punishment) Act, 2009** is the sole act which directly addresses the issue of violence within domestic relations including intimate partner violence in Nepal. The Act prohibits domestic violence in domestic relationships. However, the Act defines "Domestic Relationship" as a relationship between two or more persons who are living together in a shared household and are related by descent (consanguinity), marriage, adoption or are

family members living together as a joint family or a dependent domestic help living in the same family. However, the Act neither term explicitly the relation between the couple who are living together as having a domestic relationship nor recognizes the intimate relationship between the LGBTIQ couples.

## Socio-demographic Information of the Respondents

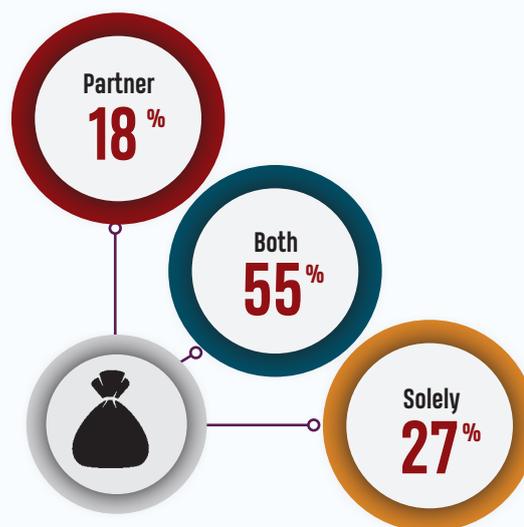
As per the data retrieved, It was found that the biological sex of all the primary respondents is female and owing to their sexual and gender identity, the highest number of respondents are Lesbian i.e. 39%, 23% identified as Third Gender Male which is the second highest, 21% as Transgender Man, 13% as heterosexual female and only 4% identified as bisexual women and the majority of the respondents were from the indigenous community. Similarly, most of the respondents are between 25 - 29



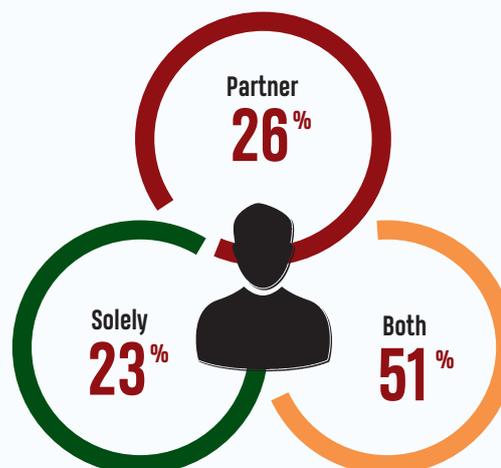
age range, with the least respondents between 15 -19 and above 40 age range. The data shows that most of the respondents realized their sexual and gender identity at the age range of 15 – 19, with many of them realizing at the age range of 10 – 14. This shows that they became aware of their sexual orientation and identity in their adolescence with few of them realizing in their early and late thirties. It was also found that the majority of the respondents migrated from their permanent place of residence due to reason of non-acceptance of their relationship by family and society. Similarly, the majority of the respondents only attained a secondary level of education and a majority of them were involved in informal work as their occupation.

## Intimate Partner Relation

Owing to the duration of their intimate relationship majority of the respondents were in long term relationships of around 6 years. When they were asked about financial contribution at home, it was found that 55% financially contribute to their expenses at home together with their partner whereas 27% percent of respondents were themselves solely contributing to their finances and 18% of respondents stated that their partner pay for their expenses at home.



Similarly, the majority of the respondents jointly take decisions regarding household expenses while 26% of respondents stated that their partner makes the decision and around 23% of respondents stated that they themselves make decisions about household expenses. The data shows that since the majority of



respondents and partners both are working, both partners are involved in decision making and financially contributing to the household expenses. Despite both partners being involved in financial contributions and

decisions making, the majority of the respondents stated that they have been suffering from violence.

We also tried to see who among the respondents or partners was dealing with people outside their family. And we found that the majority of both respondents and partners i.e. 46% jointly interact and deal with people outside their family. Similarly, in order to find whether the respondents can independently take decisions on very simple issues like inviting friends and guests, we asked the respondents if they need to take permission before calling their friends at home, it was found that majority of the respondents i.e. 64% do not need permission to invite their friends and guests. And we have found from this survey that these factors are independent of partner violence.

## Family Acceptance

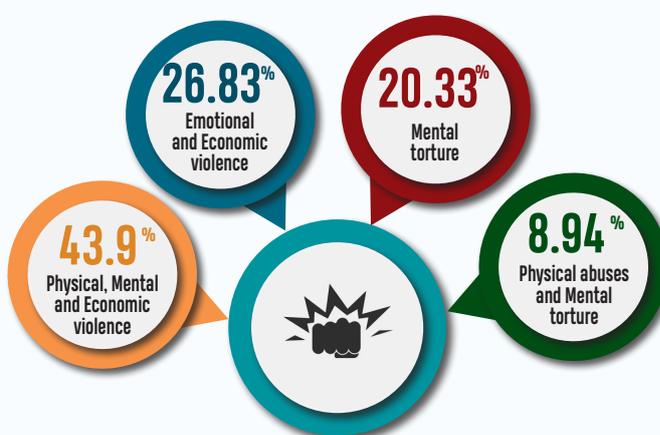
Around 40 % (58 out of 144) of respondents have not informed their families about their sexual orientation or gender identity. While the respondents were asked with whom they first disclosed their sexual and gender identity out of 123 respondents, who have disclosed their sexual and gender identity, 54% of them had disclosed their identity for the first time to their friends whereas only 11 % of them had chosen their parents to disclose their sexual and gender identity.

Out of the respondent, who disclosed their sexual orientation and gender identity, over 90 % of them received negative reactions. While some respondents were told that it is not natural and to go to hospital; take a psychosocial counseling service and some told them to remain silent; many others were suggested to repress their feelings and they do not fit with the societal norms and it would harm family's reputation. Whereas some respondents were physically and emotionally abused; some were teased and humiliated and some were even told to marry opposite sex and have children.

85 % (123 out of 144) of respondents informed that their relationship with their partner has not been accepted by their families. Out of those respondents who experienced violence, 87.80 % respondents' families have not accepted their relationship with their partner whereas only 12.20% respondents whose families have not been supportive have experienced violence from the partner. In other word, the prevalence of an intimate partner violence was highest among those respondents whose relationships have not been accepted by their families.

## Experiences of Intimate Partner Violence in Lesbian, Transman and Third Gender Couples

85% of respondents had experienced violence by their partners. The nature of violence ranged from physical violence and mental torture to a mix of all physical, mental and economic violence. Physical, mental and economic violence (43.90%), emotional and economic violence (26.83%), mental torture (20.33%) and physical and mental torture (8.94%). Doubting the relationship, disbelief, not allowing partners to talk to other girls/people, use of abusive words and scolding were the most common emotional violence reported by the respondents.



## Forced Sexual Relationship

About four in five (77%) respondents reported that both partners decide to have sex whereas 24% of the respondents reported that they cannot say 'no' to their partners. 38% of respondents accepted that they had sex against their will. Out of those who had to have a forced sexual relationship, over 38 % had never retaliated about it out of fear that the partner would feel bad and 'it would break their relationship'.

## Causes of Violence

The majority of the respondents cited marriage inequality, non-acceptance of their sexual and gender identity by the family and society, financial instability and patriarchal mindset are the reasons behind the violence inflicted by their partners which was also substantiated by the LGBT organizations/rights activists

during Focus Group Discussion. The LGBTI people in the community are afraid to share cases of violence with others because they are afraid of being humiliated by society and not having a legal marriage certificate. As a result, this kind of violence is increasing due to lack of marriage equality. Suspicion, drinking addiction, lack of education were other reasons pointed out by a few of the respondents.

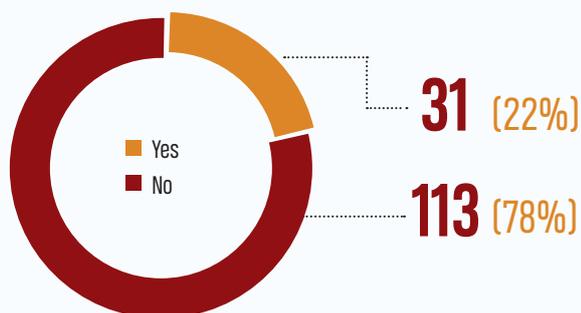
## Impact of Violence

The psychosocial impact has been found as a major impact of the violence. Insomnia, loneliness, stress, suicidal feelings, attempt to suicide, eating disorder, negative mindset, low self-esteem, attention issues at work were the most prevalent form of psychosocial impact on the respondents. Some respondents even fell into smoking and alcohol addiction and were hospitalized while some were hospitalized for attempting suicide. We found that some of them were also suffering from depression and were on medication. Physical health also deteriorated due to their mental status. Some ran away from their home to avoid their violent partner.

Intimate partner violence within gender and sexual minorities are similar to that of heterosexual couples. Women who are the victims of intimate partner violence were also found to have been suffering from a higher level of emotional distress, thoughts, or attempts of suicide, alcohol and drug abuse, eating and sleep disorders, physical inactivity, poor self-esteem, post-traumatic stress disorder, smoking and self-harm.

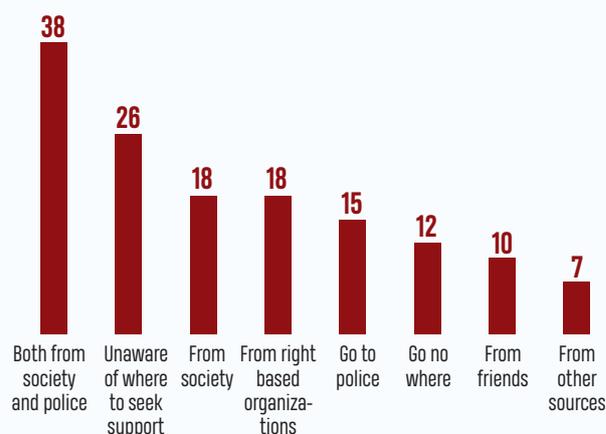
## Knowledge of Violence and related Laws and Policies

While majority of respondents found aware that they were suffering from domestic violence. But 113 out of 144 respondents did not have any knowledge about laws and policies which could address the issue and protect them against violence including intimate partner violence.



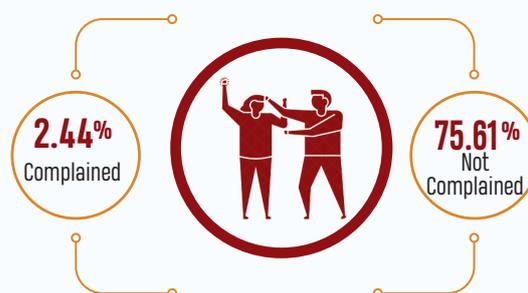
## Support Seeking Behavior

38 respondents mentioned that they sought help from both the police and society after the violence, while 18 respondents said that they went to the society only and 15 to the police. Another 18 respondents were also found to have taken support from the National Human Rights Commission, Mitini Nepal, and organizations working for gender and sexual minority communities. 10 respondents said that they seek help from their friends while 12 respondents mentioned that they did not go anywhere for help. Similarly, 7 respondents said that they would seek help from other sources, while 26 respondents said that they did not know where to go.



## Complain to Authorities

It was found that only 2.44% of the respondents who experienced violence filed a complaint against the violence against them. The most of the respondents (75.61%), out of fear of "losing relationship" and thinking 'it is mere a domestic affair', had never complained against the violence from the partner.



## Perspectives of Stakeholders

A majority of the stakeholders stated that Nepal is seen as progressive to ensure the rights of the LGBTI people in comparison to other South Asia countries as the Constitution of Nepal guarantees 'No Discrimination' including on the basis of gender. However, the

patriarchal value system and gender stereotype prevailing in the society causes gender discrimination which is also a form of gender-based violence. According to them, people in general understand only biological sex that regards an individual as a male or a female and expects that one should act accordingly, if not, he or she is considered breaking a rule of nature.

A majority of the key informants agreed that despite the constitutional guarantees of non-discrimination including gender based discrimination, the LGBTI people, in reality, have been facing humiliation, bullying and abuse by the communities, society and their own families.

Though there is a high prevalence of an intimate partner violence within the LGBT couples the seriousness of the problem in terms of how widespread it is, is yet to be explored as most of the cases of intimate partner violence are unreported. The key informants further stated that very few of the cases regarding violence within the LGBT couple are reported which are mostly related to the property issue, however due to lack of evidence to prove their relation the legal process cannot be pursued.

## Institutional Responses

Even though there are many non-government organizations in Nepal that provide shelters, psychosocial counseling, legal aid and other necessary services to the victim of domestic violence in order to rehabilitate and reintegrate them but very few organizations provide their services particularly, shelter support to the LGBTI people as accommodating them with other victims is considered to be a big challenge because of their sexual orientation and gender identity.

The stakeholders accepted that there are insufficient institutions that provide services focusing on the victim from gender and sexual minorities. Most of the organizations working for gender and sexual minorities are still focusing on advocacy activities for establishing the rights of the LGBTIQ people rather than responding and reintegrating the victims. Moreover, the victims of intimate partner violence within the LGBT people themselves were found uninterested to seek care-services out of fear of losing the relationship, social shame and lack of awareness of legal provisions.

Due to the lack of specific laws and insufficient institutional frameworks to address violence against the LGBTIQ people and support them most of such cases remain unreported to formal channel rather they prefer to share their problems with their close friends.

## Conclusion

Despite many international human right obligations of Nepal in regard to gender equality and gender-based violence having been translated to domestic laws, there are very few legal provisions that address the intimate partner violence which is in a scattered form within limited domestic laws of Nepal. The National Civil Code, 2017 has provisions relating to marriage and divorce whereas the National Panel Code Act, 2017 has criminalized a marriage without consent and has penalized marital rape. However, the law defines marriage is to conclude between opposite sexes, these provisions relating to marriage, divorce and marital rape are not applied equally in the cases of couples within gender and sexual minorities community. Further, the Domestic Violence (Offence and Punishment) Act, 2009 penalizes a domestic offence and establishes institutional frameworks to address the issue. The Act neither define explicitly the domestic relationship between the couple who are living together as having a domestic relationship nor recognizes the intimate relationship between the LGBTIQ couples explicitly.

The majority of respondents and their partners of the study are working and both partners are involved in decision making and financially contributing to the household expenses and this survey found that these factors are independent of partner violence. Despite both partners being involved in financial contributions and decisions making, the majority of the respondents stated that they have been suffering from violence.

Respondents have chosen to keep hidden their intimate relationship from their families. Fear of rejection, exclusion, removal from home, mistreatment, disregard, humiliation, hate, losing of faith and top of this all, fear to be pressurized to leave partner and get married to another person were the prime reasons found behind the respondents' choice to not disclose about their sexual orientation or gender identity to their families and parents. For those who have shared their relationship with their families, majority of them received negative responses. Majority of those who experienced violence from their partner have no family acceptance and whose families have accepted the relationship have experienced lesser violence.

The majority of the respondents who were found to have experienced violence ranged from physical violence and mental torture to a mix of all physical, mental and economic violence. The data indicates marriage inequality, family non-acceptance, financial instability, lack of education and patriarchal mindset as the prime causes behind such violence. The psychosocial impact

has been found as a major impact of violence. Insomnia, loneliness, stress, suicidal feelings, attempt to suicide, eating disorder, negative mindset, low self-esteem, attention issues at work were the most prevalent form of psychosocial impact on the respondents.

Despite a higher number of the respondents stating that they were not forced to have sexual relationship most of them said that they do not say 'No' to the sexual relationship as they have fear of losing their partner, or are scared of making their partner angry. Most of the respondents who experienced violence have not complained. Even if some made complaint against their partners, the complaints were made in front of friends, relatives and people from their own community. The complaint was rarely made to police or any other formal institution.

Though the respondents are aware of domestic violence majority of them were found to have no knowledge about laws and policies which could protect them against violence including intimate partner violence and they had lesser knowledge of formal institutional framework where they can seek support.

## Recommendations

### (A) Government Agencies

- » Legal Recognition of marriage of gender and sexual minorities and registration of the marriage adhering to the concept of marriage equality.
- » Shelters and hotlines for the survivor of Domestic violence, Gender Base Violence and IPV should be LGBTI friendly
- » To ensure implementation of inheritance rights of gender and sexual minorities
- » To allow the same sex couple to the in-vitro fertilization (IVF) process or to adopt children and provide their child the right to birth registration as guaranteed by the Constitution.
- » To introduce laws on equal spousal rights over property for same sex couples.

- » To effectively implement the rights provisioned for gender and sexual minorities by the Constitution.
- » To implement existing laws and policies meaningfully and form new laws that can directly address the IPV.
- » To allocate a budget for the advancement of the gender and sexual minorities community.
- » To generate skill and capacity building trainings especially targeting the gender and sexual minority community in order to make them financially stable.
- » To ensure that LGBTI people are consulted in the drafting, implementation and monitoring of laws, policies and programs that affect them.

### (B) Non-government agencies

- » To conduct public awareness programs at all national, provincial and local level regarding the intimate partner violence that occurs within the couples from the gender and sexual minorities.
- » To conduct advocacy meetings for legal recognition of marriage of gender and sexual minorities.
- » To conduct training, workshops and orientation to the member of the gender and sexual minority community about the laws and policies on intimate partner violence, reporting mechanism and available support services to them.
- » To provide the survivors with free legal aid and psycho social counselling.
- » To provide support to the survivors of intimate partner violence by providing them vocational trainings.
- » To plan and implement programs targeted toward minorities and marginalized groups.

### (C) Other

- » To socially accept couples within the gender and sexual minorities and give respect in the community.
- » To bring the issue of IPV among the couple from gender and sexual minorities into in mainstream.



*(An Organization for the rights and dignity of Lesbian, Bisexual & Transgender)*

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