

# THE STATE THAT STOLE HAPPINESS



Milan (Dhan Kumari) Bastola

I am Milan (Dhan Kumari) Bastola and I am 52 years old. I belong to the sexual and gender minority community here in Nepal. I believe I'm one of those who truly knows how to live life to the fullest. Sometimes, though, others might not perceive that I'm genuinely content with my life.

When I was born, I was assigned female, but I didn't feel like that was truly who I was. By the time I was 10, I started identifying as a boy instead of a girl. Of course, this decision wasn't well-received by society, and I faced a lot of criticism. However, I was fortunate that my family stood by me and didn't create any issues, which definitely made my life a bit easier. With their support, I began to explore my gender identity. I strongly believe that the family plays a vital role in social validation, it's where societal norms are first shaped.

I never had to defend my gender identity against society since my family embraced my identity completely. This support allowed me to live my life on my terms, free from any external pressures.

Then I met someone within the gender and sexual minority community whom I fell deeply in love with. The feeling was mutual, and we began our relationship. However, societal voices of disapproval began to surface despite our happiness. Thankfully, both our

families stood by us, and with their support, we decided to take our relationship to the next level and had a ritual marriage.

My partner, Nirmala Bastola, took care of our home, while I worked to provide for us. This marked the beginning of a bright new chapter in my life. I acquired my driver's license and operated a MagicBus (a transport and livelihood program that helps disadvantaged children and youth to get to school and gain employable skills). My partner and I built our livelihood. In time, we decided to expand our family by adopting a daughter. She's now 14 years old and attends school, and our entire family provides her with love and care. But in Nepal, there's no legal recognition for children adopted by sexual and gender minorities. My identification card says I'm female but I'm a transman. My marriage with Nirmala is not legally recognized. So, unlike heterosexual parents, I can't give my child my name as her family name. Our adoption has no legal recognition. Also, our daughter's access to her birth certificate is suspended because her (birth) parents did not want the child and never registered her birth. We've been struggling to obtain a birth certificate for our daughter. We've filed complaints with the Bharatpur Metropolitan Municipality, Chitawan (southwestern region of Bagmati Province) but we are only acknowledged as legal guardians not parents.



During the COVID-19 pandemic, we faced financial difficulties, which included struggling to cover our daughter's tuition fees and maintain our household. I couldn't ply the bus because of the lockdowns and my income was affected. It was the sole source of income for my family. Fortunately, with the assistance of a non-governmental organization (NGO) called Woman Act Nepal, which provided relief packages including food items, we managed to navigate the pandemic without facing significant hardship.

I acknowledge that my life has been somewhat smoother due to the support of my family and, eventually, society regarding my transgender identity. Nonetheless, a shadow of darkness hangs over my life due to discriminatory laws targeting my gender identity. The constant worry about our daughter's future torments us day and night. Nirjala and I fear that once we're no longer around, she won't have rightful claims to our ancestral property, and she might not receive the necessary state protection.

Our parents and relatives have accepted our marriage, our friends and community have accepted us as a family, yet the state fails to. My partner and I feel that we are discriminated against because we belong to the gender and sexual minority community. We don't understand how we would be a burden to the state if same sex marriage is legally recognized. We demand that the state quickly enact laws for the recognition and rights of gender and sexual minority communities.

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