

NEPAL 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution establishes Nepal as a “secular state” but defines secularism as “protection of the age-old religion and culture and religious and cultural freedom.” It provides for the right to profess and practice one’s own religion. The constitution prohibits converting people from one religion to another, and bans religious behavior disturbing public order or contrary to public health, decency, and morality. The law does not provide for registration or official recognition of religious organizations as religious institutions, except for Buddhist monasteries. All other religious groups must register as nongovernmental organizations (NGOs) to own land or operate legally. In June police in Dolakha District arrested eight Christians on charges of attempted conversion for distributing books about Christianity to students at a Christian school, but in December the Dolakha District Court acquitted the accused of all charges. Christian groups stated the case was the first reported instance of an attempt by the government to enforce the constitutional ban on conversion and represented a test case for its enforcement. In August the media reported police in Jhapa District arrested a foreign Christian for proselytizing; he was deported a week later. Hindu politicians made speeches attacking the “epidemic” of conversions and Christians who sought to convert Hindus. Christians and other religious minority groups expressed concern over the provisions banning conversion in the draft new criminal and civil code. Following a June directive by the Ministry of Federal Affairs and Local Development to deny the registration of any NGOs promoting religious conversion, Christian groups reported difficulties in registering as NGOs. Christian and Muslim groups continued to report difficulties in buying or using land for burials. Despite the brief detention of 30 Tibetan Buddhists during a celebration of the Dalai Lama’s birthday in July, Tibetan community leaders said government authorities generally continued to permit them to celebrate Buddhist holidays in private ceremonies. Muslims said they continued to be able to participate in the Hajj. On Christmas Eve, a new governing coalition formed in August decided to restore Christmas as a public holiday for the current year, reversing a decision by the previous government to no longer acknowledge Christmas. Christian groups said the earlier decision to remove Christmas from the list of public holidays was a sign of growing anti-Christian sentiment in the country, although they also reported Christian missionary hospitals and welfare organizations continued to operate without government interference.

Two Muslims died and five others were injured on December 12 in the village of Matehia in Banke District after they were assaulted by Hindus following a confrontation between a group of Muslims and a Hindu shop owner who reportedly had made derogatory comments about the celebration of the Prophet Muhammad's birthday. As of the end of the year, police had arrested five of the 18 Hindus suspected of the attack. Media reports alleged Christian groups were persuading people to convert through trickery or promises of material gain and alleged conversions were being carried out as part of social work. Christian leaders expressed concern about what they said was "inflammatory" language on the part of politicians advocating the re-establishment of the country as a Hindu state and portraying "foreign" religions as a threat to Hinduism, saying such statements had a negative impact on public perception of Christians. According to NGOs, Hindu priests and other high-caste individuals continued to prevent lower castes, particularly Dalits, from accessing Hindu temples and performing religious rites.

The U.S. Ambassador and embassy officers raised the case of the eight Christians accused of attempted conversion with senior government officials to urge them to respect the right of people to practice their religion freely. Throughout the year, the Ambassador and other embassy officers met with government officials to express concern over restrictions on conversion, proselytizing, and other religious practices included in the draft of the new criminal and civil code. They urged its revision to guarantee religious freedom. Embassy officers met with Hindu, Buddhist, Muslim, and Christian leaders to discuss their views on the draft civil and criminal code. They met with Christian groups to discuss concerns about enforcement of the ban on conversion, and the verbal attacks on Christian communities by Hindu politicians. Embassy outreach and assistance programs continued to promote religious diversity and tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 29 million (July 2016 estimate). According to the 2011 census, the most recent taken, Hindus constitute 81.3 percent of the population, Buddhists 9 percent, Muslims (the vast majority of whom are Sunni) 4.4 percent, and Christians (the vast majority of whom are Protestant) 1.4 percent. Other groups, which together constitute less than 5 percent of the population, include Kirats (an indigenous religion with Hindu influence), animists, adherents of Bon (a Tibetan religious tradition), Jains, Bahais, and Sikhs. According to some Muslim leaders, Muslims constitute at least 5.5 percent of the population, mostly concentrated in the south of the country. According to some

Christian groups, Christians constitute 3 to 7 percent of the population. Many individuals adhere to a syncretic faith encompassing elements of Hinduism, Buddhism, and traditional folk practices, according to scholars.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Nepal to be a secular state, and defines secularism as “protection of the age-old religion and culture and religious and cultural freedom.” The constitution stipulates every person has the right to profess, practice, and protect his or her religion. While exercising this right, the constitution bans individuals from engaging in any acts “contrary to public health, decency, and morality” or which “disturb the public law and order situation.” It also prohibits persons from converting other persons from one religion to another or disturbing the religion of others, and states violations are punishable by law.

The punishments stipulated by the law are six years’ imprisonment for “causing another person to convert” or for propagating any religion in a manner undermining another religion, and three years’ imprisonment for attempts to perform such acts. The law also subjects foreign nationals convicted of these crimes to deportation.

The law does not provide for registration or official recognition of religious organizations as religious institutions, except for Buddhist monasteries. It is not mandatory for Buddhist monasteries to register with the government, but they must do so in order to receive government funding for physical maintenance of facilities as well as skill training for monks and trip expenses for study tours. A monastery development committee under the Ministry of Federal Affairs and Local Development oversees the registration process. Requirements for registration include furnishing a recommendation from a local government body, information about the members of the monastery’s own management committee, a land ownership certificate, and photos of the premises.

Aside from Buddhist monasteries, all other religious groups may only register as NGOs or nonprofit organizations in order to own land, operate legally as institutions, or gain eligibility for public service-related government grants and partnerships. Religious organizations follow the same registration process as other NGOs and nonprofits, which include preparing a constitution and furnishing information on the organization’s objectives as well as details on its executive

committee members. To renew registration, organizations must submit annual financial audit reports and activity progress reports.

The law prohibits the killing, attempted killing, and instigation of killing of both female and male cattle. Violations are subject to 12 years in prison for killing, and six years for attempted killing or instigation.

A 2011 ruling by the Supreme Court stipulates the government must provide protection for Christian groups carrying out funeral rites in the exercise of their constitutional right to practice their religion, but also states the government is not obligated to provide land grants for this purpose. There is no law specifically addressing the funeral practices of religious groups.

The constitution establishes the government's authority to "make law to operate and protect a religious place or religious trust and to manage trust property and regulate land management."

The law does not require religiously affiliated schools to register, but Hindu, Buddhist, and Muslim religious schools must register as religious educational institutions with local district education offices (part of the Ministry of Education) and supply information about their funding sources in order to receive funding at the same levels as nonreligious public/community schools. Religious public/community schools follow the same registration procedure as nonreligious public/community schools. Catholic and Protestant groups must register as NGOs to operate private schools. Christian schools are not able to register as public/community schools and are not eligible for government funding. Hindu, Buddhist, and Muslim groups may also register as NGOs to operate private schools, but are not eligible for funding in that case.

The law criminalizes acts of caste-based discrimination in places of worship. Penalties for violations are three months to three years' imprisonment, a fine of 1,000-25,000 Nepali rupees (NRs) (\$9-\$230), or both.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

On June 9, police arrested seven people – two school principals and five staff members of a Christian NGO – for distributing books about Christianity to the students of two Christian schools in the Dolakha District headquarters of Charikot.

Several days later, police arrested a Christian pastor who had introduced the NGO staff to the local schools. All eight individuals were charged under the criminal and civil code with attempted conversion. On December 6, the Dolakha District Court acquitted the accused of all charges. Christian groups stated the arrest was the first reported instance of attempted enforcement of the constitutional ban on conversion and represented a test case for its enforcement. Human rights lawyers, Christian groups, and leaders of other religious minorities all said the case increased their concerns the constitution's ban on conversion could make religious minorities subject to legal prosecution for actions carried out in the normal course of their religious practices, and also vulnerable to societal persecution for preaching, public displays of faith, or distribution of religious materials. After the court announced its decisions on December 6, Christian leaders expressed relief and said it increased their belief in justice and the rule of law in the country.

In August the media reported police in Jhapa District arrested a foreign Christian for proselytizing after community members protested his activities in their area. The Department of Immigration deported the individual approximately a week later for being in the country without a visa.

According to an NGO supporting indigenous people's rights, in September four people were arrested in Panchthar District and subsequently charged with slaughtering a cow. They were released on their own recognizance one week later. As of the end of the year, the case remained pending in the district court.

In July police in Kathmandu detained approximately 30 Tibetans during a celebration of the Dalai Lama's 81st birthday, but released them without charge several hours later. The police provided no reason for the detention. Human rights groups reported police had refused some individuals entry into the celebration and did not allow people to enter or exit Jawalakhel Tibetan Settlement for several hours. No further information about the incident was available.

According to the Jhapa District attorney's office, the criminal case continued against four suspects for the detonation of small homemade explosive devices at three churches in Jhapa District in September 2015. All four suspects had been released on bail and remained free while the criminal case remained pending at year's end. Police continued to search for three additional suspects, and there were no additional arrests made as of the end of the year.

Throughout the year, members of the parliament and the ruling coalition, including senior members of the Rastriya Prajatantra Party-Nepal (RPP-N), the

country's fourth largest political party, made speeches calling for the re-establishment of the country as a Hindu state, and saying they would "drive out" Christians who sought to convert Hindus. On September 13, the media reported former Deputy Prime Minister and Minister for Foreign Affairs Kamal Thapa, the leader of RPP-N, called conversions an "epidemic" which had to be stopped.

Provisions regarding conversion in a draft new criminal and civil code under consideration by the parliament were subject to statements of concern by minority religious groups and human rights lawyers. They said the draft provisions constituted an expansion of the existing ban on conversion and could make religious minorities even more vulnerable to criminal penalties for proselytizing, as well as for preaching and other public expressions of faith.

According to legal experts and leaders of religious minority groups, the constitutional stipulation to protect the "age-old religion" and the prohibition on conversion were intended by the drafters of the constitution to mandate the protection of Hinduism.

Some Muslim leaders continued not to accept converts to Islam, saying it would violate the law according to their interpretation. Instead, they continued to recommend individuals seeking to convert to travel to India to do so.

In June the Ministry of Federal Affairs and Local Development issued a directive to all District Development Committees to deny the registration of any NGOs preaching or promoting religious conversion. Christian groups reported encountering difficulties in registering as NGOs or nonprofits since June. Christian groups said District Development Committees occasionally asked organizations to remove religious words from their entity names and advised religious leaders registering organizations to remove their religious titles (e.g. Father, Reverend) from registration documentation in order to secure registration. Christian leaders expressed fears the new guidelines could potentially limit the establishment of churches.

In March the government led by then-Prime Minister Khadga Prasad Oli announced it would no longer recognize Christmas as a public holiday. The government said the decision was part of an effort to reduce the large number of public holidays. Christian groups stated the decision was a reflection of growing anti-Christian sentiment in the country, in view of the government's continued recognition of dozens of Hindu holidays and some Muslim and Buddhist holidays. Following a change in government in August, Christian groups reportedly met

several times with senior government officials, including a meeting on December 23 with new Prime Minister Pushpa Kamal Dahal, to urge reinstatement of Christmas as a public holiday. On December 24, the government made an announcement restoring recognition of Christmas for the current year. Both the prime minister and President Bidya Devi Bhandari made public statements to commemorate celebration of the holiday.

Despite the brief detention of Tibetans during the celebration of the Dalai Lama's birthday in July, Tibetan community leaders said government authorities generally continued to permit the resident Tibetan community to celebrate Buddhist holidays and to conduct other private ceremonies with cultural/religious significance, such as Losar, the Tibetan New Year. Tibetan leaders said they continued to mark certain anniversaries considered more politically sensitive, such as Tibetan Uprising Day, with small, quiet prayer ceremonies within Tibetan settlements. Abbots of Buddhist monasteries reported monasteries and their related social welfare projects generally continued to operate without government interference.

Muslim group leaders said Muslims continued to be able to participate in the Hajj. A Central Hajj Committee, made up of representatives of political parties, mosques, and civil society, under the authority of the Ministry of Home Affairs, continued to coordinate and facilitate logistics for the Hajj for all Muslims. The government paid for 10 committee members, compared to nine in the previous years, to travel to Saudi Arabia to carry out their work.

Christian leaders said the government-funded Pashupati Area Development Trust continued its restrictions preventing Christian burials in a common cemetery behind the Pashupati Hindu Temple in Kathmandu, while allowing burials of individuals from non-Hindu indigenous faiths. According to Christian leaders, the government continued its inconsistent enforcement of the court ruling requiring protection of congregations carrying out burials. Reportedly, in Parbat District community authorities refused to allow Christians to bury one of their deceased. In response to a complaint filed by the Christian community, the Ministry of Home Affairs instructed the chief district officer and district police to allow the burial to take place. Protestant churches continued to report difficulties gaining access to land they had bought five years prior for burials in the Kathmandu Valley in the names of individual parishioners. They stated local communities tended to oppose burial by groups perceived to be outsiders, but were more open to burials conducted by Christian members of their own communities. As a result, they reported, some Protestants in the Kathmandu Valley continued to travel to the countryside to conduct burials in unpopulated areas.

Catholic leaders reported almost all Catholic parishioners chose cremation due to past difficulties with burials. Many Christian communities outside of the Kathmandu Valley said they continued to be able to buy land for cemeteries, conduct burials in public forests, or use land belonging to indigenous communities for burials. They also said they continued to be able to use public land for this purpose.

Muslim groups stated individuals in the Kathmandu Valley continued to be able to buy land for cemeteries, but local Hindus sometimes refused to sell land to them. In the southern Terai region, where there were many Muslim-majority communities, Muslim groups said they continued not to encounter such problems.

Following the promulgation of the new constitution in 2015, Christian leaders said they had been hopeful the government would pass legislation allowing a church to register as a church and own property in the name of the church, rather than the current situation in which a church registered and owned property either as an NGO or in the name of an individual. As of the end of the year, however, they said the government had not taken any steps to pass such legislation.

According to Hindu, Buddhist, and Muslim groups, the government continued to permit them to establish and operate their own community schools. The government continued to provide the same level of funding for registered religious schools as for public schools. Private Christian schools continued not to receive government funding. Although religious education continued not to be part of the curriculum in public schools, some public schools displayed a statue of Saraswati, the Hindu goddess of learning, on their grounds.

According to the Department of Education, the executive office within the Ministry of Education, 765 madrassahs were registered with district education offices, an increase of 20 from the previous year. There were also 82 gumbas (Buddhist centers of learning) and 83 gurukhuls (Hindu centers of learning) registered with the Department of Education.

Some Muslim leaders stated there continued to be as many as 2,500 to 3,000 unregistered madrassahs. According to religious leaders, the reason there continued to be such a large number of unregistered madrassahs, as well as unregistered Buddhist and Hindu schools, was the desire of school operators to avoid government auditing and to follow their own curriculum rather than the curriculum set by the Department of Education for registered schools. They said

some school operators also wished to avoid the registration process, which they characterized as cumbersome.

Christian leaders said missionary hospitals, welfare organizations, and schools continued to operate without government interference. They said the government usually did not expel foreign workers for proselytizing, but missionaries reported they attempted to keep their activities discreet. Many foreign Christian organizations had direct ties to local churches and continued to sponsor clergy for religious training abroad.

Section III. Status of Societal Respect for Religious Freedom

Muslim community leaders reported two Muslims were killed and several others injured by Hindus on December 12 in the village of Matehia in Banke District following a confrontation between a group of Muslims and a Hindu shop owner who reportedly had made derogatory comments about a procession celebrating the Prophet Muhammad's birthday. After he was confronted by the Muslims, the Hindu shop owner reportedly assaulted and injured one boy with a knife, to which the Muslims responded by vandalizing the shop. Several Muslim elders then attempted to mediate the conflict, but were attacked by a group of Hindus armed with knives and sticks. One Muslim died on the scene, one died while being treated in Kathmandu, and five others were seriously injured. According to the Muslim leaders, the police and community leaders helped defuse tensions after the attack. As of the end of the year, police had arrested five of the 18 Hindus accused of the attack.

Some media outlets reported Christian groups allegedly were engaging in "forced" conversion by making promises of material gain or through trickery. There were also media reports of childcare homes allegedly converting children in the name of social work. On July 8, the media reported a statement by Deputy Prime Minister and Minister for Women, Children, and Social Development Chandra Prakash Mainali vowing to take action against childcare homes engaged in this practice.

Christian leaders privately expressed concern over the "inflammatory language" on the part of politicians advocating the re-establishment of the country as a Hindu state and portraying "foreign" religions as a threat to Hinduism in the country. They said it had negatively impacted public perception of Christians and Christianity.

While expressing their concern, some leaders of religious minority groups stated some converts to other religions, including Hindus who had converted to Christianity, remained willing and able to state publicly their new religious affiliation. At the same time, Christian leaders reported a number of converts to Christianity tried to conceal their faith from their families and local communities, mainly in rural areas.

According to NGOs, Hindu priests and local high-caste residents continued to prevent Dalits, as members of a lower caste, from entering temples, and sometimes prevented them from performing religious rites and participating in religious festivals.

Section IV. U.S. Government Policy

Both following the arrest of the eight individuals accused of attempted conversion in Dolakha District and during their trial, U.S. embassy officers met with senior government officials to urge them to respect the right of people to practice their religion freely. Embassy officers emphasized the arrest of Christians for distributing religious literature was an example of how the language in the constitution and existing criminal and civil codes could result in broad restrictions on the freedom of religion.

Throughout the year, the U.S. Ambassador and embassy officers as well as visiting senior U.S. government officials expressed concern to senior government officials and political leaders over restrictions on freedom of religion, including the rights to convert and to proselytize, posed by provisions in the constitution and the draft civil and criminal code. The Ambassador and embassy officers urged political and government leaders to ensure the final version of the criminal and civil code guaranteed religious freedom, including the right to choose one's own religion without the prospect of criminal sanction. Embassy officers also met with political leaders from major parties to reiterate this message. In November the Department of State Special Advisor for Religious Minorities in the Near East and South and Central Asia met with government leaders and parliamentarians to promote religious tolerance and encourage the government to decriminalize religious conversion.

The Special Advisor also met with religious leaders to discuss restrictions on the rights of religious minorities to engage in their religious practices. Embassy officers met with Christian groups to discuss concerns about the enforcement of the prohibition against conversion and the verbal attacks on Christian communities

by Hindu politicians. Embassy officers also continued to meet regularly with local representatives of religious minorities in Kathmandu and throughout the country to discuss accusations that Christians had engaged in forcible conversion, and difficulties both Christians and Muslims continued to encounter in acquiring land for religious burials. Embassy officers met with Hindu, Buddhist, Muslim, and Christian leaders to discuss their views on the draft civil and criminal code and on the implementation of the constitutional provision banning conversion.

Embassy officers continued to address religious diversity and tolerance in speaking engagements with the general public and with students in particular, including for example at a meeting with a student group in Pokhara in March. The embassy also continued to provide financial assistance for the preservation and restoration of religious sites, including three Buddhist *chhortens* and several Hindu temples. The embassy continued to sponsor the participation of NGO leaders in U.S.-based programs promoting interfaith dialogue and religious diversity. The embassy also continued to promote religious tolerance in a program for underprivileged youth, including Muslims and Tibetan refugees.