

NEPAL 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution establishes the country 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 persons from one religion to another and bans religious behavior disturbing public order or contrary to public health, decency, and morality. The law prohibits both proselytism and “harming the religious sentiment” of any caste, ethnic community, or class. 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) or nonprofit organizations to own property or operate legally. Officials arrested and deported or threatened to deport several foreign individuals for seeking to convert Hindus to Christianity, including, for the first time, two U.S. citizens in separate incidents. Police arrested five Jehovah’s Witnesses during the year for proselytizing, eventually deported two, and released two on bail who were awaiting trial at year’s end. In several locations, police arrested individuals accused of slaughtering cows or oxen. Tibetan community leaders said government authorities generally permitted them to celebrate most Buddhist holidays in private ceremonies but prohibited the private celebration of the Dalai Lama’s birthday and continued to drastically curtail their ability to hold public celebrations. During the year, police surveillance of Tibetans markedly increased. Christian religious leaders expressed concern about the emphasis the Hindu nationalist Rastriya Prajatantra Party (RPP) placed on reestablishing the country as a Hindu state. Christian groups continued to report difficulties registering or operating as NGOs. The government again did not recognize Christmas as a public holiday as it had previously, but recognized some other religious minority holidays and allowed Muslims a holiday for Eid al-Adha. Christian and Muslim groups said they continued to face difficulties in buying or using land for burials.

As of year’s end, charges against 28 individuals accused of participating in Hindu-Muslim interreligious clashes in 2016, during which two persons in the Banke District were killed, remained pending. Muslim leaders again expressed disappointment at the district court’s decision to set the arrested individuals’ bail at a low amount. In September police dispersed a clash between Shia Muslims commemorating Muharram and local Hindus in Rajpur. According to NGOs, Hindu priests and other high-caste individuals continued to prevent persons of

lower castes, particularly Dalits, from accessing Hindu temples and performing religious rites. Christian and Muslim sources reported no incidents of arson and vandalism against churches or mosques, a change from the previous year when several such incidents occurred.

Throughout the year, the Ambassador, U.S. embassy officers, and visiting U.S. government representatives met with government officials to express concern over restrictions on freedom of religion posed by provisions in the constitution and the criminal code, including the continued criminalization of converting others and proselytizing. They also met with representatives of civil society groups and religious groups to discuss concerns about access to burial grounds, public celebrations of religious holidays, the prohibition against “forced or induced” conversion, and verbal attacks on Christian communities by Hindu politicians. Following arrests of U.S. citizens on proselytizing charges, embassy officers met with detainees and police and urged the latter to respect the constitutionally guaranteed right to freedom of conscience. 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 30 million (midyear 2019 estimate). According to the 2011 census, the most recent, Hindus constitute 81.3 percent of the population, Buddhists 9 percent, Muslims (the vast majority of whom are Sunni) 4.4 percent, and Christians (a large majority Protestant and a minority Roman Catholic) 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, Baha’is, and Sikhs. According to some Muslim leaders, Muslims constitute at least 5.5 percent of the population, mostly concentrated in the south. According to some Christian groups, Christians constitute 3 to 10 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 the country to be a secular state but 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 that “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 criminal code sets the punishment for converting – or encouraging the conversion of – another person via coercion or inducement (which officials commonly refer to as “forced conversion”) or for engaging in any act, including the propagating of religion, that undermines the religion, faith, or belief of any caste, ethnic group, or community at five years’ imprisonment. It stipulates a fine of up to 50,000 Nepali rupees (\$440) and subjects foreign nationals convicted of these crimes to deportation. The criminal code also imposes punishments of up to two years’ imprisonment and a fine of up to 20,000 rupees (\$180) for “harming the religious sentiment” of any caste, ethnic community, or class, either in speech or in writing.

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; however, doing so is a prerequisite for receiving government funding for maintenance of facilities, skills training for monks, and study tours. A monastery development committee under the Ministry of Federal Affairs and General Administration oversees the registration process. Requirements for registration include providing a recommendation from a local government body, information on the members of the monastery’s management committee, a land ownership certificate, and photographs of the premises.

Except for Buddhist monasteries, all religious groups must register as NGOs or nonprofit organizations to own land or other property, 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 nonprofit organizations, including preparing a constitution and furnishing information on the organization’s objectives, as well as details on its executive committee members. To renew the registration, which must be completed annually, organizations must submit annual financial audits and activity progress reports.

The law prohibits the killing or harming of cattle. Violators are subject to a maximum sentence of three years in prison for killing cattle and six months' imprisonment and a fine of up to 50,000 rupees (\$440) for harming cattle.

A 2011 Supreme Court ruling requires the government to provide protection for religious groups carrying out funeral rites in the exercise of their constitutional right to practice their religion, but it 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 laws 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 Islamic religious schools must register as religious educational institutions with local district education offices (under the Ministry of Education, Science, and Technology) and supply information about their funding sources 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. The law does not allow Christian schools to register as public/community schools, and they are not eligible for government funding. Hindu, Buddhist, and Muslim groups may also register as NGOs to operate private schools, but they too are not eligible to receive government funding.

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 50,000 to 200,000 rupees (\$440 to \$1,800), or both.

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

Government Practices

According to Christian groups and legal experts, police arrested and deported several persons for proselytizing. In June Bardiya District police in the southwestern part of the country arrested a U.S. citizen and his Nepali associate on allegations of coerced or induced conversion. The U.S. citizen, who was in the country for two weeks with an evangelical Christian tourism group, was released

on his own recognizance after 12 days in detention and a court hearing in Bardiya, after which he was allowed to return to Kathmandu and depart the country. In April police in the southwestern part of the country arrested a U.S. citizen on similar charges and, as in previous arrests of foreigners for proselytizing, law enforcement quickly transferred her to the Department of Immigration for judgment on a visa-related violation. As with similar arrests in Dolakha District in 2016, multiple sources stated that local police prejudice factored heavily in the selective enforcement of the vague criminal code provision against “forced conversion.”

According to Jehovah’s Witnesses and local civil society members, during the year police arrested five Jehovah’s Witnesses, a decrease from nine in 2018, on separate occasions in Bardiya, Kaski, and Rupandehi Districts on charges of proselytizing. Four of those arrested were Japanese citizens, and the fifth was a Nepali citizen who was released shortly after. Authorities fined and deported two of the Japanese citizens, while the other two were released on bail and were awaiting trial in Pokhara at year’s end. During the year, authorities deported three Jehovah’s Witnesses who were arrested and incarcerated in 2018.

According to members of civil society groups, police arrested at least 23 individuals for alleged cow slaughter during the year, and civil society sources reported that many more remained incarcerated for previous convictions for the same offense.

The government continued and deepened restrictions instituted in 2016 on Tibetans’ ability to celebrate publicly the Dalai Lama’s birthday on July 6, stating the religious celebrations represented “anti-China” activities. Although authorities allowed celebration of the Dalai Lama’s birthday in 2018, in July police, reportedly acting on explicit Home Ministry orders, threatened to arrest Tibetans who openly or privately celebrated the event, including within a walled refugee compound. Similarly, they could only conduct in private other ceremonies with cultural and religious significance, such as Losar, the Tibetan New Year, and World Peace Day, the latter commemorating the Dalai Lama receiving the Nobel Peace Prize.

Abbots of Buddhist monasteries reported monasteries and their related social welfare projects generally continued to operate without government interference, but they and other monks said police surveillance and questioning increased significantly during the year. Tibetan Buddhist business owners also reported unwarranted police questioning about religious and social affiliations in their

businesses and homes. Human rights organizations said surveillance increased most in the months before Chinese President Xi Jinping's October visit to the country, likely to prevent any protests or displays including the Tibetan flag.

Human rights lawyers and leaders of religious minorities continued to express concern the constitution's and criminal code's conversion bans could make religious minorities subject to legal prosecution for actions carried out in the normal course of their religious practices, and also vulnerable to prosecution for preaching, public displays of faith, and distribution of religious materials in contravention of constitutional assurances of freedom of speech and expression. Numerous evangelical Christians were arrested during the year, including foreigners, for distributing religious materials and gifts.

Human rights experts expressed concern that a provision in the criminal code banning speech or writing harmful to others' religious sentiments could be misused to settle personal scores or target religious minorities arbitrarily. According to numerous civil society and international community legal experts, some provisions in the law restricting conversion could be invoked against a wide range of expressions of religion or belief, including the charitable activities of religious groups or merely speaking about one's faith.

According to legal experts and leaders of religious minority groups, the constitutional language on protecting the "age-old religion" and the prohibition on conversion was intended by the drafters to mandate the protection of Hinduism. Christian religious leaders said the emphasis of politicians in the RPP on re-establishing the country as a Hindu state continued to negatively affect public perception of Christians and Christianity. (The country was a Hindu monarchy until 2007 when the interim constitution established a secular democracy.)

Media and academic analysts continued to state that discussions on prohibiting conversion had entered into religious spheres in the country and that actors seeking political advantage manipulated the issue, prompting religious groups to restrict some activities. One prominent member of the RPP tweeted that the high rate of conversion in the country would eventually cause major setbacks to "Nepal's identity, culture, and unity" if it continued. Civil society leaders said pressure from India's ruling party, the Bharatiya Janata Party (BJP), and other Hindu groups in India had pushed politicians in Nepal, particularly within the Hindu nationalist RPP, to support reversion to a Hindu state.

Civil society leaders said what they characterized as right-wing religious groups associated with the BJP in India continued to provide money to influential politicians of all parties to advocate for Hindu statehood. According to NGOs and Christian leaders, small numbers of Hindutva (Hindu nationalist) supporters were endeavoring to create an unfriendly environment for Christians and encouraging “upper-caste” Hindus to enforce caste-based discrimination on social media and occasionally at small political rallies.

Leaders of the minority RPP continued their calls for the reestablishment of Hindu statehood and advocated strong legal action against those accused of killing cows. On February 27, the RPP held a conference in Kathmandu to launch an initiative to convert the country to a Hindu theocracy. The party leadership also stated its intention to ban forced, organized, and planned religious conversion achieved by financial rewards or false promises. Christian leaders continued to express concern and reported that support for Hindu statehood was gaining momentum.

NGO representatives in many parts of the country said municipal governments and other local bodies sometimes continued to require significant tax payments even though the national government had recognized the NGOs’ nonprofit status. Religious leaders said the requirement for NGOs to register annually with local government authorities placed their organizations at political risk. Christian leaders expressed fears that changing obligations could potentially limit the establishment of churches, which must be registered as NGOs. Some Christians said they interpreted the government efforts as an attempt to pressure Christian NGOs to leave the country. Many Christian leaders said missionary hospitals, welfare organizations, and schools continued to operate without government interference, although others reported undue scrutiny when registering as NGOs. They said the government usually did not expel foreign workers for proselytizing, although there were exceptions, but missionaries reported they attempted to keep their activities discreet.

As in 2018, the government did not recognize Christmas as a public holiday as it had previously. The government continued to recognize holidays of other religious minorities, such as Buddha’s birthday, while Muslims were officially permitted a holiday for Eid al-Adha.

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 participating Muslims. The

government paid for 15 committee members, comparable with previous years, to travel to Saudi Arabia to carry out their work.

Christian leaders said the government-funded Pashupati Area Development Trust continued to prevent Christian burials in a common cemetery behind the Pashupati Hindu Temple in Kathmandu, while also allowing burials of individuals from other non-Hindu indigenous faiths. According to Christian leaders, the government continued its inconsistent enforcement of a court ruling requiring protection of congregations carrying out burials. Protestant churches continued to report difficulties gaining access to land they had bought several years prior for burials in the Kathmandu Valley under the names of individual church members. According to these churches, local communities continued 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 that despite their general preference for burials, almost all Catholic parishioners continued to choose cremation due to past difficulties with burials. Many Christian communities outside 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 Muslim individuals in the Kathmandu Valley continued to be able to buy land for cemeteries.

According to Hindu, Buddhist, and Muslim groups, the government continued to permit them to establish and operate their own community schools. The government provided the same level of funding for both registered religious schools and public schools, but private Christian schools (not legally able to register as community schools) continued not to receive government funding. Although religious education is not 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 Center for Education and Human Resource Development, which is under the Ministry of Education, Science, and Technology, 907 madrassahs were registered with district education offices, representing no change from the previous year. The number of *gumbas* (Buddhist centers of learning) registered with the

Department of Education rose from 82 in 2016 to 111. The Department had 103 *gurukhuls* (Hindu centers of learning) registered during the year, up from 100 in 2018.

Some Muslim leaders stated as many as 2,500 to 3,000 full-time madrassahs continued to be unregistered. They again expressed apprehension that some unregistered madrassahs were promoting the spread of less tolerant interpretations of Islam. According to religious leaders, many madrassahs, as well as full-time Buddhist and Hindu schools, continued to operate as unregistered entities because school operators hoped to avoid government auditing and the Department of Education's established curriculum. They said some school operators also wished to avoid the registration process, which they characterized as cumbersome.

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

Authorities reported no change in the 2016 case in which Banke District police filed charges against 28 individuals accused of participating in Hindu-Muslim clashes that led to the killing of two Muslims. The suspects were later released on bail. Muslim religious leaders again expressed disappointment in the court's decision to set a low bail bond for murder charges.

In September sources reported that police responded to a clash between Shia Muslims commemorating Muharram and local Hindus in Rajpur Municipality, Rautahat District. Police reportedly fired tear gas shells and several rounds of bullets in the air to contain the situation; no serious injuries were reported.

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. Some Christian leaders, however, reported that some converts to Christianity tried to conceal their faith from their families and local communities, mainly in areas outside Kathmandu. A Christian news service reported some threats of violence against the Christian community on social media.

Christian media reported that Pastor Sukdev Giri of the Trinity Fellowship Church in Chitwan District was forced to go into hiding after video of him describing his conversion to Christianity appeared on YouTube. Giri said that he and other

members of his family received death threats and threatening calls after he made statements that some interpreted as insulting to Hindu deities.

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 that individuals who sought to convert travel to India to do so.

Local media published occasional reports of alleged harmful practices by religious minorities that were disputed by local authorities, witnesses, and media.

Throughout the year, the press covered alleged social disturbances caused by the spread of Christianity in rural areas, including harassment and “forced conversions.” One report stated that Christians distributed the Bible along with relief packages sent to victims of the 2015 earthquakes, causing individuals to believe Christians would come to their aid when the government would not. Another said Christians “target[ed] the poor and the ill by providing them financial support.”

According to NGOs, Hindu priests and 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. In 2017 media reported an attack on a Dalit for entering a temple in Saptari District. The victim, who suffered a broken arm among other injuries, stated police were slow to investigate the incident and take action against the perpetrators. According to police, the case was registered in September 2017 in the district court but remained pending as of the end of the year.

Christian and Muslim sources reported no incidents of arson and vandalism against churches or mosques, a change from the previous year when several such incidents occurred.

Section IV. U.S. Government Policy and Engagement

Throughout the year, the Ambassador, embassy officers, and other U.S. government representatives expressed concerns to senior government officials and political leaders about restrictions on freedom of religion, including the rights to convert and to proselytize, posed by provisions in the constitution and the criminal code. They repeatedly emphasized to government officials working in law enforcement, immigration, and foreign affairs the importance of bringing legislation and practice into concordance with the country’s constitutional and international obligations. Embassy officers worked with legal advocates and rights

groups to ensure the safety of U.S. citizens threatened by the criminal code and continued to highlight how anti-conversion laws could be used to arbitrarily restrict the right to the freedoms of religion and expression. Following arrests of U.S. citizens on proselytizing charges, embassy officers met with detainees and police and urged the latter to respect the constitutionally guaranteed right to freedom of conscience. Embassy officers and visiting senior U.S. government officials, including deputy assistant secretaries and the Ambassador at Large for International Religious Freedom, raised concerns with government officials about the government's restrictions on Tibetan Buddhists conducting peaceful religious activities, including celebrations of Losar (Tibetan New Year), the Dalai Lama's birthday, and World Peace Day.

The Ambassador and embassy officers hosted roundtable discussions throughout the year with diverse faith leaders, continuing to emphasize the importance of tolerance to a healthy democracy and the need to address the concerns of vulnerable religious minority communities.

Embassy officers and other U.S. government representatives discussed with civil society and religious groups their concerns about access to burial grounds, public celebration of religious holidays, the prohibition against conversion by inducement, and verbal attacks on Christian communities by Hindu politicians.

Embassy officers frequently addressed religious diversity and tolerance in public speaking engagements at regional American Centers and civil society events. The embassy continued to provide financial assistance for the preservation and restoration of religious sites, including Buddhist *stupas* (shrines) and monasteries as well as several Hindu temples, and continued to promote religious tolerance in a program for underprivileged youth, including Muslim and Tibetan refugees, in Kathmandu.