

NEPAL 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The new constitution adopted on September 20 establishes Nepal as a secular state and provides for the right to profess and practice one's own religion. The constitution prohibits converting other people from one religion to another, and bans religious behavior disturbing public law and order, or behavior contrary to public health, decency, and morality. Minority religious leaders said the government did not enforce the ban on converting others, but expressed concern the ban could make religious minorities vulnerable to persecution for preaching or public displays of faith. Before the promulgation of the constitution in September, there were protests by groups demanding Nepal be declared a Hindu state after an amendment that would have declared this was voted down by the Constituent Assembly. To own land or operate legally as institutions, the law requires most religious organizations to register as non-governmental organizations (NGOs) or non-profit organizations. Christian and Muslim groups reported difficulties in buying or using land for burials. Most religious organizations said, in general, they were able to operate freely. Tibetan Buddhists said they were generally allowed to hold private religious celebrations; Muslims said they were able to participate in the Hajj; and Christian groups reported Christian missionary hospitals and welfare organizations continued to operate without government interference. The government continued to permit Hindu, Buddhist, and Muslim groups to operate community schools. Catholic and Protestant groups had to register as NGOs to operate private schools; some Protestant schools reported obstacles to renewing their licenses.

Following the vote in the Constituent Assembly against declaring Nepal a Hindu state, explosive devices detonated in September on the grounds of three churches in Jhapa district, causing minor damage. According to local administrative officials, Hindu nationalists claimed responsibility for the attacks. NGOs reported Hindu priests and other high-caste individuals often prevented lower castes, particularly Dalits, from accessing Hindu temples and performing religious rites.

The U.S. Ambassador and the Charge d'Affaires urged senior government officials and political leaders to guarantee the right to convert in the new constitution. U.S. embassy officers met regularly with representatives of religious groups to discuss concerns relating to the ban on converting others and the potential disruption of social harmony by Hindu nationalists. Embassy outreach and assistance programs promoted religious diversity and tolerance.

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Section I. Religious Demography

The U.S. government estimates the total population at 31.6 million (July 2015 estimate). According to the 2011 census, 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. Some Muslim leaders state Muslims constitute at least 5.5 percent of the population. Some Christian groups state Christians constitute 3 to 5 percent of the population, or approximately one to 1.5 million individuals, and others estimate up to 7 percent. 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 new constitution adopted on September 20 declares the country 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 which are “contrary to public health, decency, and morality” or “disturb the public law and order situation.” The constitution 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

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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 both female and male cattle. Penalties for violating this law are 12 years in prison for killing, and six years for attempted killing or instigation.

There are no provisions in the law regarding the sale or possession of religious literature.

Per a 2011 ruling by the supreme court, the government must provide protection for Christian groups carrying out funeral rites pursuant to the constitutional provision granting every individual the right to practice his/her religion, but is not obligated to provide land grants for this purpose. There is no law addressing funeral practices of religious groups.

The new constitution contains a provision establishing 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 religious schools to register, but Hindu, Buddhist, and Muslim religious schools must officially 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

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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 from 1,000 rupees to 25,000 rupees (\$9-\$236), or both.

Government Practices

On August 8, a human rights NGO reported a confrontation had taken place in Sunsari district between police and protesters demanding Nepal be declared a Hindu state, resulting in the detention of six protesters for several hours. Police reportedly assaulted a journalist who attempted to collect news about the arrests at the local police station. Local media associations condemned the police for assaulting the journalist. According to media and NGO reports, on September 14, a demonstration outside the Constituent Assembly building in Kathmandu by supporters of both the pro-Hindu Rastriya Parajatantra Party Nepal and the Hindu Rastra Campaign (led by two Nepali Congress party leaders) became tense when protesters learned of the rejection of a constitutional amendment to declare Nepal a Hindu state. Police used water cannon on demonstrators and fired tear gas to expel them from a prohibited zone after demonstrators reportedly vandalized a vehicle belonging to the United Nations.

According to legal experts and leaders of religious minorities, the constitutional stipulation to protect the “age-old religion” was interpreted by the drafters of the constitution to mean protection of Hinduism.

The government has not enforced the ban on converting others, according to Christian groups and legal experts. Christian groups have interpreted this ban as including a ban on proselytizing. Human rights lawyers and leaders of religious minorities expressed concern that the constitution’s ban on conversion could make religious minorities vulnerable to persecution for preaching or public displays of faith.

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Some Muslim leaders stated they did not accept converts to Islam, as it would violate the law, according to their interpretation, and instead recommended that anyone seeking to convert do so in India.

Media reports stated some Christian social welfare organizations engaged in proselytizing while distributing relief supplies to communities affected by the April 25 earthquake. According to Christian groups, foreign missionaries did not declare to the government any intent to proselytize publicly. The government reportedly did not expel any foreign workers for proselytizing. There were no arrests for violating the anti-conversion law, according to the Office of the Attorney General, but Catholic and Protestant leaders said foreign and local missionaries attempted to keep their activities discreet to avoid this possibility.

Christian groups reported encountering difficulties in registering as NGOs or nonprofits. A human rights lawyer stated the government had initially rejected the application of his client, a Christian organization, for registration as a nonprofit on the grounds the organization preached Christianity. When the lawyer submitted a revised application, the government approved it, but did not approve some of the “objectives” of the organization indicated in the application, including preaching, establishing churches, and helping the poor.

Christian leaders and human rights lawyers said a constitutional provision establishing 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” could allow the government to formulate legislation for the registration of Christian churches, and possibly of other organizations of religious minorities, as religious institutions.

Government authorities continued to permit the resident Tibetan community to celebrate Buddhist holidays and conduct other private ceremonies with cultural/religious significance, such as the Dalai Lama’s birthday and Losar (Tibetan New Year). Certain anniversaries considered more politically sensitive by Tibetan community leaders, such as Tibetan Uprising Day, were generally marked by small, quiet prayer ceremonies within Tibetan settlements. Abbots of monasteries reported Buddhist monasteries and their related social welfare projects generally operated without government interference.

According to Muslim groups, Muslims continued to be able to freely participate in the Hajj. A Central Hajj Committee under the Ministry of Home Affairs

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coordinated and facilitated logistics for the Hajj for all Muslims. Committee members included representatives of political parties, mosques, and civil society. Each year the government has paid for nine committee members to travel to Saudi Arabia to carry out their work.

There were no reports of arrests or confrontations with law enforcement officials on charges of violating the prohibition on cow slaughter.

The government-funded Pashupati Area Development Trust maintained restrictions preventing Christian burials in a common cemetery behind the Pashupati Hindu Temple in Kathmandu. It continued to allow burials of individuals from non-Hindu indigenous faiths. According to Christian leaders, the government did not always enforce the court ruling requiring protection of congregations carrying out burials. Some Protestant churches reported they had bought land for burials in the Kathmandu Valley in the names of individual parishioners, but local communities sometimes physically blocked access or exhumed bodies. Some Protestants in the Kathmandu Valley reportedly traveled to the countryside to conduct burials in unpopulated areas.

Catholic leaders stated most Catholic parishioners chose cremation due to the difficulties with burials, but some traveled to India to conduct burials of Catholics who had died in Nepal. Many Christian communities outside of the Kathmandu Valley were able to buy land for cemeteries, to conduct burials in public forests, or to use land belonging to indigenous communities for burials. They also reportedly received public land from the government for this purpose on occasion.

Muslim groups stated individuals in the Kathmandu Valley generally were 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 majority Muslim communities, Muslim groups said they did not encounter such problems.

The government continued to permit Hindu, Buddhist, and Muslim groups to establish and operate their own community schools. The government provided the same level of funding for registered religious schools as for public schools. Private Christian schools did not receive government funding. Some local officials reportedly tried to create obstacles to the registration or license renewal of some Protestant schools run by NGOs. Although religious education was not part of the curriculum in public schools, some public schools had a statue of Saraswati, the Hindu goddess of learning, on their grounds.

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The Department of Education prepared curricula for the registered schools. According to the Department of Education, the executive office within the Ministry of Education, 745 madrassahs were registered with district education offices, a decrease of 561 during the year. According to the Department of Education and Muslim leaders, the decline was largely due to action by the government's anti-corruption authority against both religious and non-religious public and private schools implicated in fraud, including registered schools that existed only on paper. Some Muslim leaders stated there were as many as 2,500–3,000 unregistered madrassahs. According to religious leaders, the reason for the large number of unregistered madrassahs, as well as Buddhist and Hindu schools, was that school operators did not want to be subject to government auditing or follow the government's curricula.

Christian missionary hospitals, welfare organizations, and schools continued to operate without government interference, according to Christian leaders. Many foreign Christian organizations had direct ties to local churches and sponsored clergy for religious training abroad.

Section III. Status of Societal Respect for Religious Freedom

Following the Constituent Assembly vote rejecting the proposed amendment to the draft constitution to declare Nepal a Hindu state, small, homemade explosive devices detonated on September 14 on the grounds of three churches in Jhapa district in Nepal's far southeast, causing physical damage but no injuries. A fourth device reportedly left at another church failed to detonate on site, but the following day, four police personnel sustained minor injuries when the device detonated after being brought to a police station. Christian leaders and political sources stated the incident was a response by Hindu nationalists to the Constituent Assembly vote. According to administrative officials in Jhapa, pro-Hindu fliers from the "Hindu Morcha Nepal" (Nepal Hindu Forum) were found at each of the sites. The fliers warned additional acts protesting against a secular Nepal would be forthcoming. Christian leaders said the Hindu Morcha Nepal seemed to be a small ad hoc group, and they stated they had not received any direct threats from this group.

Following the incidents, Jhapa's Chief District Officer placed additional security personnel at churches and other sites in the district, and police in the Kathmandu Valley also reportedly increased the security provided to churches. On September 22, police arrested three suspects in connection with the Jhapa explosive devices.

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Police arrested a fourth suspect in November. All four suspects were released on bail, and, at year's end, police were still searching for a fifth suspect as the criminal case remained pending.

Leaders of religious minorities stated most converts to other religions, including Hindus who converted to Christianity, were willing and able to state publicly their new religious affiliation without fear of retribution. Christian leaders stated a small, decreasing number of converts to Christianity tried to conceal their faith from their families and local communities, mainly in rural areas.

Christian leaders stated Hindu nationalist politicians, as part of the movement to declared Nepal a Hindu state during the constitution drafting process, made speeches threatening to “drive out” Christians if they did not convert to Hinduism. According to the Christian leaders reporting these incidents, the politicians were not prominent, and there were no reports of attempted forced conversions to Hinduism. Some media outlets reported that Christian groups engaged in “forced” conversion through promises of material gain or trickery.

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

At the urging of the government, the Catholic Church cancelled a planned mid-September visit of the Catholic cardinal serving as prefect of the Congregation for the Evangelization of Peoples following unspecified threats towards Catholic representatives in Kathmandu by a Hindu youth group. A Protestant leader stated a Hindu group had threatened to destroy a Protestant school in Nepalgunj if the school did not close. According to his report, a rival private school, at least partly motivated by business interests, had hired the Hindu group.

Section IV. U.S. Government Policy

Throughout the constitutional drafting process, the Ambassador, Charge d’Affaires, and other U.S. embassy officers repeatedly urged senior government officials to ensure the final version of the constitution enshrined full religious freedom, including the right to convert without the prospect of criminal sanction. Embassy officials also met with political leaders from all major parties to reiterate this message. The Ambassador and other U.S. embassy officers met with Hindu,

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Buddhist, Muslim, and Christian leaders to solicit their views on the draft constitution.

Embassy officers also met with local representatives of religious minorities in Kathmandu and elsewhere in the country to discuss problems Christian and Muslim groups were facing, including media and local community accusations Christians had engaged in forcible conversion and difficulties acquiring land for Christian and Muslim burials, as well as concerns about potential enforcement of the prohibition against proselytizing, and potential disruption of social harmony in Christian communities by Hindu nationalists.

During speaking engagements embassy officers interacted with students and other members of the public on topics including religious diversity and tolerance. The embassy continued to provide assistance to improve access to three religious sites through preservation and restoration work. Participants in ongoing embassy-sponsored exchange programs took part in interfaith dialogue and received exposure to religious diversity in the United States. A program for underprivileged youth, including Muslims and Tibetan refugees, continued to promote religious tolerance in its curriculum.