



Nepal's religious minorities have been facing increasing threats and restrictions to their freedoms since the passing of its Constitution in 2015. Here is a brief summary of some of the rising restrictions on religious freedom in Nepal.

Nepal's Constitution

The preamble to Nepal's Constitution states that the country is a "secular, inclusive and democratic" state. But, a closer look at the way "secular" is defined reveals a different story. According to a [Christian Solidarity Worldwide blog](#), the words used to define "secular" in English are 'religion, culture handed down time immemorial'. In Nepali, it is 'Sanatana Dharma' which refers to the Hindu faith, referring to Nepal's history under a Hindu monarchy until 2006.

A translation of the [Constitution of Nepal](#) by the Comparative Constitution Project reveals that in Article 26(2) and (3), Nepal does not support religious freedom. Article 26(2) and (3) states:

- (2) Every religious denomination shall, maintaining its independent existence, have the right to manage and protect its religious places and religious trusts in accordance with law. Provided that it shall not be deemed to have hindered to make law to operate and protect a religious place or religious trust and to manage trust property and regulate land management.*
- (3) While exercising the right as provided for by this Article, no person shall act or make others act in a manner which is contrary to public health, decency and morality, or behave or act or make others act to disturb public law and order situation, or convert a person of one religion to another religion, or disturb the religion of other people. Such an act shall be punishable by law.*

There had been [pressure](#) from the nationalist Rastriya Parajatantra Party, and Hindu religious groups leading up to the passing of the Constitution. This party wanted Nepal to revert back to its historic Hindu roots. Though more than two-thirds of Nepal's Constituent Assembly voted against the push for a Hindu state in September of 2015,

tensions over this has resulted in the unsettling reality we see unfolding today for religious minorities.

Ban on conversions

The government of Nepal demonstrated its intent on enforcing Article 26(3) when 8 Christian workers were arrested and accused of trying to convert children in 2016.

The Christians were working in Charikot with the NGO organization *Teach Nepal*. A bible found in their vehicle and a gift they had given to the children - comic books entitled *The Great Story* - were seen by the Nepalese government as a violation of Article 26(3). The workers were eventually [acquitted in December of 2016](#), but the incident remained significant because it marked a deviation away from Nepal's previously held freedoms when it ratified the *International Covenant on Civil and Political Rights* (ICCPR) in 1991.

Legislative initiative

On August 8, 2017 the Nepalese Parliament passed an anti-conversion bill giving teeth to Article 26(3) of the Constitution. The Criminal Code bill was [signed](#) into law on October 16, 2017. The concern is that the [bill will function similarly to Pakistan's blasphemy laws](#) which make it a criminal offense to insult another person's religion. It also criminalizes the 'hurting of religious sentiment' which enforces the ban on religious conversion in Nepal's Constitution.

This is a troubling move and will endanger the lives of religious minorities. It will be important for the international community to continue to put pressure on the government of Nepal to respect international religious freedom standards as expressed in the ICCPR and the Universal Declaration of Human Rights.

Restrictions to religious institutions

According to the US State Department's [2015](#) and [2016](#) International Religious Freedom reports on Nepal, most religious organizations in Nepal must register as Non-Governmental Organizations (NGOs) in order to operate legally as religious institutions. They must also register as NGOs if they want to use or obtain land. Nepal's Ministry of Federal Affairs and Local Development issued a directive in June 2016 that denied registration of NGOs that promote religious activities. The 2016 US State Department report noted that Christians began having difficulty registering as NGOs following this directive and that they, along with Muslims, continued to experience difficulty buying and using land for burials. Nepal has no law governing burial rights for religious minorities.

The reports also noted that Christian schools are not able to register as public or community schools and are not eligible for government funding. They must register as NGOs to operate private schools. All other religiously affiliated schools are not required

by law to register, but to be able to receive the same level of funding as nonreligious public and community schools, Hindu, Buddhist and Muslim schools must register with local district education offices and report their source of funding.

Tensions between Hindus and other religious minorities

Hours after Nepal's Constituent Assembly voted against an amendment to return Nepal to a Hindu state in 2015, [explosives went off in various churches](#) in the Jhapa district for which [Hindu nationalists later claimed responsibility](#).

In [2016](#), there was tension between Hindus and Muslims in a village in the Banke District. A Hindu shop keeper used a derogatory term to describe the celebration of the Muslim Prophet Mohammad's birthday. The ensuing tension resulted in a Muslim boy being attacked by the Hindu shop owner, the owner's shop being vandalized by Muslims, 2 Muslims killed and 5 others injured by a group of Hindus. 5 of the 18 Hindus have now been charged.

Reaction from International groups and advocates of religious freedom

The rising level of restrictions on religious freedom in Nepal has not gone unnoticed by the international community of advocates for religious freedom.

The United States Commission on International Religious Freedom (USCIRF) visited Nepal in November of 2016. In their [report](#), they call on the Nepalese government to repeal its laws around religious conversions, the criminalization of the slaughter of cows, and allow Tibetan Buddhist monks persecuted in China to have safe haven and travel in and through Nepal.

In October 2017, members of the [International Panel of Parliamentarians for Freedom of Religion or Belief \(IPPFORB\)](#) visited Nepal and met with a small group of concerned Parliamentarians, Nepal's Human Rights Commission, and religious and civil society groups about the country's recent crack-down on religious freedom. They discussed ways that the Constitution and anti-conversion bill could be amended. A joint op-ed with *IPPFoRB Nepal Chapter* on this issue can be viewed [here](#).

Call to action

Given the threats to Nepal's religious freedom, we call on the government of Nepal to revoke its anti-conversion law, renew its commitment to the International Covenant on Civil and Political Rights, and amend its Constitution to allow for religious freedom as defined in Article 18 of the Universal Declaration of Human Rights, which states that:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.