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2022 Report on International Religious Freedom: Nepal

Executive Summary

The constitution establishes the country as a “secular state” but defines secular as the “protection of religion and culture handed down from the time immemorial.” It provides for the right of citizens to profess and practice their own religion. The constitution prohibits converting persons from one religion to another and prohibits 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.

On December 11, the Kaski District Court acquitted four Christians of proselytization, including two Catholic nuns, who had been arrested in 2021 and released on bail after two months. In May, two courts acquitted six Jehovah’s Witnesses, including two U.S. citizens, for proselytizing; the six were arrested initially in 2020. As in prior years, human rights groups reported that police arrested individuals for slaughtering cows or oxen in several districts. Multiple religious groups in the country continued to reiterate that the constitutional and criminal code provisions governing religious conversion and proselytism were vague and contradictory and opened the door for prosecution for actions carried out in the normal course of practicing one’s religion. In February, an informal parliamentary group in the United Kingdom issued a report saying that freedom of religion is under threat in the country because “criminal laws are being excessively used or abused against persons because of their religion or belief.”

Tibetan Buddhist community leaders highlighted an increased ability to celebrate some religious and cultural holidays without police interference

during the year. The government allowed Tibetan Buddhists to celebrate nonpolitical events including Losar (Tibetan New Year), the Dalai Lama's birthday, and other religious events, but with the stipulation that they celebrated in small numbers within refugee settlement compounds. In a departure from previous observances of the Dalai Lama's birthday, government authorities did not prohibit the display of the Dalai Lama's portrait as the highest spiritual leader and former head of the state of Tibet. Christian religious leaders continued to express concern about the anti-Christian sentiment of the Royalist/Monarchist Rastriya Prajatantra Party (RPP), which seeks to reestablish the country as a Hindu state. Christian groups continued to report difficulties operating as nongovernmental organizations (NGOs) and multiple religiously affiliated organizations reported increased challenges renewing or registering their organizations during the year. Christian groups said they continued to face difficulties buying or using land for burials, especially within the Kathmandu Valley.

According to NGOs, Hindu priests and other "high-caste" individuals continued to discriminate against persons of "lower" castes, particularly Dalits, although the law prohibits caste-based discrimination. An elected ward chairman and two other individuals from the Bajura District of western Nepal assaulted a Dalit man on September 29 for entering a Hindu temple, according to media reports. They were arrested and charged with caste discrimination and physical assault and released on bail on October 20. As of December, the case was still pending. Catholic and Protestant sources stated that general discrimination against Christians, including on social media, continued.

The Ambassador and visiting U.S. government representatives, including the U.S. Special Coordinator for Tibetan Issues, met with government officials to express concern regarding restrictions on the country's Tibetan community, which is majority Buddhist. U.S. Embassy officials met with civil society groups and government officials to discuss the continuing difficulties experienced by NGOs, including those affiliated with religious groups, in registering and reregistering with the government. Embassy officials continued to engage with religious leaders and representatives from civil society groups to discuss concerns about the prohibition against "forced or induced" conversion, discrimination, attacks on social media, inflammatory rhetoric by Hindu nationalist groups, and access to burial grounds. To show support for Tibetan Buddhists, the Ambassador and other high-level international representatives took part in a large Losar celebration in Kathmandu in March. In December, a senior embassy official attended an event commemorating the Dalai Lama's receipt of the Nobel Peace Prize in 1989. The embassy used social and traditional media platforms to promote respect and tolerance, communicate religious freedom messages, and highlight the country's religious diversity. 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 30.7 million (midyear 2022). 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 (of whom a large majority are 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 5 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 "religious, cultural freedoms, including protection of religion, culture handed down from the time immemorial." 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 converting "another person from one religion to another or any act or conduct that may jeopardize others' religion," and states that violations are punishable by law.

The criminal code sets five years' imprisonment and a fine of up to 50,000 Nepali rupees (\$378) as 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 or ethnic group. Foreign nationals convicted of these crimes may be deported. The criminal code also imposes punishments of up to two years' imprisonment and a fine of up to 20,000 rupees (\$151) 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, although 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 Culture, Tourism, and Civil Aviation 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 (\$378) for harming cattle.

The law 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 public/community 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 these private schools are not eligible to receive government funding.

The law criminalizes acts of caste-based discrimination in places of worship. Penalties for violations are imprisonment for three months to three years and a fine of 50,000 to 200,000 rupees (\$378-\$1,500).

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

GOVERNMENT PRACTICES

According to the Lawyers' Association for Human Rights Nepalese Indigenous Peoples, police arrested eight Muslim or Indigenous persons for cow slaughter in four separate incidents during the year. On January 23, police arrested Durga Pun Magar and Bala Bahadur Pun in Rolpa District for harvesting meat from a cow that died of natural causes. On February 6, police arrested Jaya Raj Tamang, Khagendra Tamang and Ganesh Tamang from Khotang District for storing beef in their residences. On June 5, police arrested Nima Tamang from Bhaktapur District for the same offense. On August 2, police arrested Salauddin Zolaha and Badruddin Zolaha in Banke District for storing beef at their residence. As of the end of the year, the disposition of these cases remained unknown.

According to a Christian NGO, Pastor Buddhi Lal Chepang was arrested in Chitwan on August 23 on accusations of cow slaughter. Chepang was arrested while distributing beef from an ox that reportedly died of natural causes. After 20 days of detention, he was released on bail of 25,000 rupees (\$189). As of the end of the year, his case was pending trial in Chitwan District Court.

On December 11, the Kaski District Court acquitted four Christians of proselytization, including two Catholic nuns, who had been arrested in September 2021 and released on bail in November 2021. According to a Christian legal source, however, the government attorney that prosecuted the case planned to appeal to the High Court; he had not done so by the end of December.

On July 13, the Jumla High Court reduced by half the sentence and fine imposed on Christian preacher Keshav Raj Acharya in 2021 for proselytizing. Ruling on his appeal from December 2021, the court reduced his penalties to one year in prison instead of two years, and a fine of 10,000 rupees (\$76) instead of 20,000 (\$151). He was released on bail on July 13. On November 27, Acharya appealed his case to the Supreme Court, where it remained pending as of the end of December.

On May 18, the Pokhara High Court acquitted four Nepali Jehovah's Witnesses, arrested in 2020, of proselytizing charges due to lack of evidence. Similarly, on May 26, the Kaski District Court acquitted two U.S. citizen Jehovah's Witnesses, arrested in 2020, of proselytizing, again due to lack of evidence.

The All-Party Parliamentary Group (APPG) on International Freedom of Religion and Belief, an informal parliamentary group in the United Kingdom, issued a report in February saying that freedom of religion is under threat in Nepal. The report identified laws that were being used to suppress the freedom of religious and ethnic minorities. Despite the country's constitution proclaiming it to be a "secular" and "inclusive" state, the report said that "criminal laws are being excessively used or abused against persons because of their religion or belief." In the report, Jim Shannon, a member of the British Parliament and the chair of the APPG, stated, "The fact that Nepal is not among the highest-ranking countries for violations of freedom of religion or belief means that it is often overlooked. Increased concern regarding the suppression of religion or belief, with restrictions on this freedom reaching their highest levels in years, highlights the importance of directing more attention to this country before violations escalate further."

The APPG report recommended altering the law to decriminalize "conversion" and leave only "forced conversion" illegal. Human-rights activist Ewelina U. Ochab, quoted in the report, said that the current law "leaves open potential prohibitions on trying to convert others and curtails an individual's ability to speak about their religion to others."

As in prior years, human rights and minority religious groups expressed concern that the constitution's and criminal code's ban on conversions could make religious minorities subject to legal prosecution for actions carried out in the normal course of their religious practices, and 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.

These groups also continued to express concern that a provision in the criminal code prohibiting 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. Political and academic analysts continued to state that discussions on prohibiting conversion had become political and that those seeking to capitalize on populist sentiments against conversion for political advantage had manipulated the issue.

Legal experts and leaders of religious minority groups continued to state that the constitutional language on protecting religion "handed down from time immemorial" and the prohibition on conversion were intended by the drafters to mandate the protection of Hinduism. Christian religious leaders continued to state that the emphasis placed on this language by

some politicians who favored reestablishing the country as a Hindu state continued to negatively affect public perception of Christians and Christianity.

In the run-up to national elections in November, the major political parties did not incorporate Hinduism in their public political manifestos, and senior leaders did not argue for reinstating Hinduism as the country's official religion in their campaign speeches. However, in its manifesto, the RPP called for a Hindu kingdom based on the Sanatan Dharma with religious freedom for all faiths. Civil society sources stated that some RPP politicians continued to use anti-Christian sentiment to garner populist support.

Leaders of the RPP outside of parliament continued their calls for reestablishing Hindu statehood, which was constitutionally abolished in 2007, in favor of a secular democracy and advocated strong legal action against those accused of killing cows. Civil society leaders said influence from India's ruling party, the Hindu nationalist Bharatiya Janata Party (BJP), and other Hindu groups in India continued to pressure politicians in Nepal, particularly the 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 Hindu statehood. According to NGOs and Christian leaders, small numbers of *Hindutva* (Hindu nationalist) supporters endeavored to create an unfriendly environment for Christians on social media and encouraged "upper-caste" Hindus to enforce caste-based discrimination at local political rallies.

Religious leaders continued to say the requirement for Christian NGOs to register annually with local government authorities placed their organizations at political risk. Civil society organizations reported that religiously affiliated organizations, including several with long histories of work in the country, had difficulty renewing their registrations. During the year, multiple religiously affiliated organizations reported lengthy delays, onerous requests for changes beyond those necessary to meet the requirements of the law, and lack of transparency when renewing or registering their organizations.

Police surveillance of Tibetans and the number of security personnel monitoring Tibetan cultural and religious celebrations markedly decreased from 2021, according to members of the Tibetan community. The government permitted Losar celebrations in March and celebrations honoring the Dalai Lama's birthday in July, both including display of his portrait. Knowledgeable Tibetan observers said this was due to the government's more relaxed posture, compared to its predecessor's, towards Tibetan refugees' cultural and religious expression. Unlike at the

March Losar celebration, however, local media were reportedly not allowed to cover the birthday celebrations.

Muslim groups said that several municipalities at the local government level prioritized funding for Hindu temples rather than other development needs of the community. They stated that local authorities continued to look the other way when Hindu neighbors encroached on the properties of minority faith groups, including Muslim graveyards.

Christian groups reported that the government-funded Pashupati Area Development Trust continued to prevent Christian burials in a communal cemetery behind the Pashupati Hindu Temple in Kathmandu while allowing burials there of individuals from Indigenous faiths (such as Kirats). Protestant churches continued to cite 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 the 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. 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.

On June 9, in remarks in the House of Representatives, Member of Parliament Bhim Rawal publicly criticized a preschool textbook in which a depiction of Jesus was used as a symbol for God. Rawal said that the Western community was spreading Christianity in the country and that Western influences attacked the ancient Hindu religion and the traditional culture of the country. On June 10, the book's publisher, the Abhyas Nepal Education Foundation, issued a press statement saying it would cease distribution of current editions immediately, would not include the image in future textbooks, and apologized for its use.

The government continued to permit Hindu, Buddhist, and Muslim groups to establish and operate their own schools. The government provided the same level of funding for registered religious schools and public schools, but Christian organizations continued to state the law prohibiting private Christian schools from registering as public schools was discriminatory. 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, the number of registered *gumbas* (Buddhist centers of learning) decreased to 61 from 114 in 2021. There were 79

registered *gurukhuls* (Hindu centers of learning), compared to 105 in 2021. The government gave no reason for the reduction in numbers.

According to the Center for Education and Human Resource Development, 1,014 madrassahs were registered with district education offices, compared to 911 in 2021. Some Muslim leaders stated that as many as 2,500 to 3,000 full-time madrassahs continued to be unregistered. 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 audits and having to use the Center for Education and Human Resource Development's established curriculum. They said some schools 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.

The government allowed Christians and Muslims time off from work to celebrate major holidays, recognized Eid al-Adha and Christmas as public holidays, and continued to recognize Buddha's birthday as a public holiday.

Section III. Status of Societal Respect for Religious Freedom

According to the Federation of National Christians Nepal (FNCN), a Christian pastor was attacked by a local Hindu man on August 12 in Lalitpur District. The Hindu man attacked the pastor for making noise in his neighborhood during a church service.

According to NGOs, Hindu priests and "high-caste" residents continued to discriminate against Dalits, as members of a "lower" caste. On September 29, elected ward chairman Juddha Ayadi, along with two other men from the Bajura District of western Nepal, assaulted a Dalit man for entering a Hindu temple during the Dashain religious festival, according to media reports and prominent human rights NGO Informal Sector Service Center. Ayadi and another man were arrested in September, and the Hindu priest of the temple was arrested on October 17. The three were charged with caste discrimination and physical assault. On October 20, the Bajura District Court released all three on bail of Nepali rupees 100,000 (\$756) each. As of December, the case was still pending.

On April 1, the Chitwan District Court sentenced Dilip Shrestha to six months in prison for accidental homicide in the 2021 death of Bhim Bahadur Bishwakarma. Shrestha and Sitaram Basnet were arrested for beating Bishwakarma to death after he questioned neighbors about Dalits not being allowed to enter a temple in Bharatpur, Chitwan District,

Bagmati Province, according to media reports. The court acquitted Basnet of all charges in the case.

A police investigation concluded that the 2020 shooting of a Hindu priest on the premises of Hanuman Temple, located in Rautahat District, was the result of a financial dispute. The World Hindu Council continued to state the case was religiously motivated. At year's end, two of seven accused individuals remained in police custody, one was released on bail, and four suspects remained at large.

Muslim civil society representatives said religious minorities and advocates for greater religious inclusion continued to be under threat and faced ongoing pressure from both government officials and members of the community to stop their advocacy.

Religious minority groups continued to state that some converts to other religions, including Hindus who had converted to Christianity, tried to conceal their faith from their families and local communities, mainly in areas outside Kathmandu. According to one international Christian NGO, such converts feared discrimination, being expelled from their family home, or even violent attacks.

Multiple Christian sources again said that inflammatory material appeared on social media, and several Catholic and Protestant sources also cited a rise in what they termed anti-Christian propaganda, misinformation, and discriminatory and divisive religious content on traditional media. Christians contacts stated that several individuals used social media to spread religious hatred through misinformation. According to FNCN, the Hindu organization Jagaran Manch openly spread propaganda of hatred against Christians through its website.

Section IV. U.S. Government Policy and Engagement

The Ambassador and visiting U.S. government representatives expressed concerns to political leaders and senior government officials from multiple ministries about restrictions on the country's Tibetan community, which is majority Buddhist. Embassy officers continued to highlight how antiproselytism and conversion laws could be used to arbitrarily restrict the right to the freedoms of religion and expression and worked to ensure the safety and fair treatment of U.S. citizens accused of religion-related crimes. They repeatedly emphasized to government officials the importance of bringing legislation and practice into concordance with the country's constitutional and international obligations.

During a visit in May, the U.S. Special Coordinator for Tibetan Issues raised religious freedom issues regarding the Tibetan community in a series of

high-level government meetings and visited Tibetan refugee settlements. The Special Coordinator also met with Tibetan leaders to discuss challenges faced by their community in the country.

Embassy officers met with civil society groups and government officials to discuss challenges registering and reregistering religiously affiliated NGOs and other NGOs. They also met with representatives from minority religious groups within and outside of Kathmandu to discuss concerns about arrests, the prohibition against “forced or induced” conversion, discriminatory laws, societal discrimination, attacks on social media, inflammatory rhetoric from Hindu fundamentalist groups, and access to burial grounds.

In March, the Ambassador and dozens of U.S. mission employees along with representatives from five like-minded embassies and the Office of the UN High Commissioner for Refugees joined approximately 200 Tibetans to celebrate Tibetan Losar in Kathmandu. The event was the largest Tibetan cultural celebration in years and featured a prominent displayed photo of the Dalai Lama (normally not permitted by authorities) and minimal police presence. In another show of support for Buddhists in the country, on December 10, a senior embassy representative attended a Nobel Peace Prize Day event at a Tibetan settlement that commemorated the Dalai Lama’s receipt of the prize in 1989.

The embassy used traditional media and virtual platforms such as Facebook and Twitter to communicate religious freedom messages on Hindu, Buddhist, Muslim, Christian, and other holidays, to highlight the country’s religious diversity, and to promote respect and tolerance. The embassy continued using social media to highlight engagements on religious freedom issues by the Ambassador and other U.S. officials. In May for example, on the occasions of the Birthday of the Gautam Buddha, a religiously important day for Buddhists, and Ubhauili Parva, a Kirati minority religious festival, the embassy posted a celebratory message that reached more than 186,200 people and generated more than 9,400 reactions.

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 Muslims and refugees, in Kathmandu.

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