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2011 Report on International Religious Freedom - Nepal

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The interim constitution protects religious freedom and, in practice, the government generally respected religious freedom. However, the interim constitution prohibits proselytizing. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. On a few occasions, the government interfered with the practice of a religious group. The interim constitution officially declared the country a secular state. Religious minorities complained about the dominance of Hindus in prominent political and government positions. Members of minority religious groups occasionally reported police harassment; it was not always clear if the harassment was for political or religious reasons.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Adherents of the country's religious groups generally coexisted peacefully and respected places of worship. Although caste-based discrimination was illegal and temple access for "lower castes" improved in some areas, caste discrimination was frequently practiced at Hindu temples, where some Hindu priests forbade members of the Dalit (formerly called "untouchable") community from entering.

The U.S. government discussed religious freedom with the government as part of its overall policy to promote human rights. The U.S. embassy engaged leading parliamentarians, who are currently drafting a new constitution, to encourage them to include provisions in the new constitution respecting the freedom of religion. The U.S. embassy maintained regular contact with Hindu, Buddhist, Muslim, Christian, Jewish, Sikh, and other religious groups.

Section I. Religious Demography

According to the government, Hindus constitute 80 percent of the population, Buddhists 11 percent, Muslims (the majority of whom are Sunni or Sufi) 4 percent, Kirats (an indigenous religion with Hindu influence) 3.6, and Christians 0.5 percent. Members of minority religious groups believe their numbers were significantly undercounted. The National Churches Fellowship of Nepal reported that almost 400 Christian churches operate in the Kathmandu Valley alone, and Christian groups stated that the number of Christians increased significantly over the past year. According to a Jamia Masjid

(mosque) official, there were at least 3,600 madrassahs, most of which are associated with a mosque.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The interim constitution provides for religious freedom; however, it specifically prohibits proselytizing. It also declared the country a secular state. At year's end, the 601-person Constituent Assembly, elected in 2008, was drafting a new constitution.

The interim constitution maintains the stipulation from the 1990 constitution that no one shall be discriminated against based on caste. In May the Assembly passed the Caste-based Discrimination and Untouchability Act, which criminalizes acts of caste-based discrimination in public and private spaces, including places of worship.

In 2002 the government constituted a National Dalit Commission charged with protecting and promoting Dalit rights, ensuring active participation of the Dalit community in the country's development, and coordinating with local nongovernmental organizations (NGOs) involved in Dalit issues. When members of the Dalit community have filed cases of societal discrimination regarding prohibitions on access to temples, the commission has assisted in protecting these individuals' rights to religious practice.

There are no specific laws favoring the Hindu majority, nor did the government control the expression of Hinduism. Buddhists complained about the legal prohibition on killing cows, which they view as discriminatory. The country's general code prohibits the killing or intended killing of cows. Penalties for violating this law include twelve years imprisonment.

Civil servants are permitted to take religious holidays and celebrate them on private property without government interference.

Although there are no registration requirements for religious groups, there are annual registration requirements for NGOs. Christian, Muslim, and Jewish religious organizations claimed that, unless registered, they were prevented from owning land, an important step for establishing churches, mosques, synagogues, or burial sites.

The country's interim constitution and criminal code prohibit proselytizing, which is punishable by fines, imprisonment, or, for foreigners, expulsion. Personal conversion is, however, allowed. There were no reports of criminal prosecutions for proselytizing during the past year.

There are officially no foreign missionaries; however, dozens of Christian missionary hospitals, welfare organizations, and schools have operated for decades. These organizations do not proselytize and otherwise operate free of government interference. Missionary schools are among the most respected institutions of secondary education; many members of the governing and business elite graduated from Catholic high schools. Foreign workers in the missionary hospitals and schools enter the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools. The government's immigration laws provide for expelling any foreign workers found proselytizing; however, there were no expulsions during the year. Many foreign Christian organizations have direct ties to local churches and sponsor pastors for religious training abroad.

Although public schools do not teach religious beliefs, most have a statue of Saraswati, the Hindu goddess of learning, on their grounds. Some begin the day with a Hindu prayer to the goddess.

Madrassahs, but not mosques, are required to register with local district administration offices (part of the Home Ministry) and supply information about their funding sources. Some Muslim leaders criticized the policy as discriminatory; however, in practice the registration requirement was not enforced. According to the country's Department of Education, approximately 810 madrassahs are legally registered with the District Education Offices (DEOs); the DEOs provide a minimum of financial support annually to

those legally registered. Madrassahs having up to 50 students are registered as formal schools. Registered madrassahs are allocated approximately 26,000 Nepali Rupees (\$346) per year by the government to cover teachers' salaries. The department also prepares curricula for the registered madrassahs. Muslims are not restricted from participating in the Hajj, and the government does not subsidize the pilgrimage.

There were no restrictions on the sale or possession of religious literature.

The government has no formal policy on interfaith understanding.

The government observes the following religious holidays as national holidays: Mahashivaratri, Falgun Purnima, Krishna Asthami, Dashain, Tihar, Maghi, Chhath, Lhosar (a Buddhist new year celebration observed on different dates by the Gurung and Tamang/Sherpa communities), Buddha Jayanti, Eid (Eid-al-Fitr), Christmas, and Ughauli (a Kirant ethnic/religious festival the Rai and Limbu communities celebrate).

Government Practices

There were reports of abuses of religious freedom.

Local authorities detained a number of Tibetan Buddhists throughout the year who were celebrating religious events and protesting Chinese policies in Tibet, including restrictions on religious freedom. In April, May, June, and November government officials interfered with peaceful Tibetan protests, which were organized in solidarity with protests by monks in China. At two separate protests, as many as 70 Tibetans were detained, although released soon thereafter. Government officials prevented a number of Tibetans from participating in a celebration of the Dalai Lama's birthday on July 6 and arrested two Tibetans attempting to attend the event.

Some Christian and Muslim groups were concerned that the ban on proselytism limits the expression of non-Hindu religious belief. NGOs or individuals were allowed to file reports of individuals or organizations engaged in proselytism, and the government investigated these reports.

Some Buddhists raised concerns about the dominance of Hindus on a new government committee to develop Lumbini, the Buddha's birthplace.

Religious minorities complained about the dominance of Hindus in prominent political and government positions.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship. Hindus generally respected the many Buddhist shrines located throughout the country; Buddhists accorded Hindu shrines the same respect. Buddha's birthplace at Lumbini, in the southern part of the country, is an important pilgrimage site, and his birthday is a national holiday.

Some Christian groups reported that Hindu extremism continued, especially after the 2007 parliamentary declaration of the country as a "secular state" rather than a "Hindu Kingdom." Of particular concern was the Hindu extremist group the Nepal Defense Army (NDA), which was reportedly involved in setting a bomb outside the Christian United Mission to Nepal in November. No one was injured in that incident.

Some citizens were wary of suspected Christian proselytizing and conversion, and viewed the growth of Christianity with concern.

Those who chose to convert to other religious groups, in particular Hindu citizens who converted to Islam or Christianity, were sometimes ostracized. They occasionally faced isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly were forced to leave their villages. This prejudice was not systematic, and

there were no reports of violence against converts in 2011. Converts generally were not afraid to state publicly their new religious affiliations.

Although it is prohibited under the interim constitution, and despite the government's efforts to protect the rights of disadvantaged castes, societal discrimination against members of lower castes, including Dalits, remained widespread and had an impact on their religious freedom. Dalits were often prevented by local villagers and Hindu priests from performing their religious rites or participating in cultural and religious festivals, including entrance to temples. Other religious communities did not practice caste discrimination. However, better education and higher levels of prosperity, especially in the Kathmandu Valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups.

A local NGO, the Interreligious Council of Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Catholic, Protestant, and Baha'i communities, was active in promoting peace in the country.

Section IV. U.S. Government Policy

The U.S. embassy engaged leading parliamentarians, who are drafting a new constitution, to encourage them to include provisions respecting the freedom of religion. The embassy closely monitored religious freedom and raised the issue with the government. The embassy also repeatedly protested the government's refusal to allow peaceful protests by Tibetans, as well as the disproportionate response to those protests. The U.S. embassy maintained contact with Hindu, Buddhist, Muslim, Christian, Jewish, Sikh, and other religious groups.
