

NEPAL

OTHER COUNTRIES AND REGIONS MONITORED

KEY FINDINGS

In November 2016, USCIRF staff travelled to Nepal for the first time to assess religious freedom conditions in the country. Historically, religious minority communities—including Christians, Muslims, and Buddhists—faced few governmental restrictions on freedom of religion or belief in Nepal, and societal harassment was rare. However, the new constitution, promulgated in September 2015, criminalizes the act of converting a person to a different religion. It also declares the cow the national animal, which some officials have interpreted as enshrining in the constitution an existing penal code provision criminalizing the slaughter of cows or the consumption or sale of cow-derived items. Both constitutional provisions have raised significant concerns for Christian and Muslim communities. Additionally, Christians, Muslims, and Buddhists are increasingly concerned that political pressure from the governments of India and China is negatively influencing the government of Nepal's actions

BACKGROUND

Nepal's population is estimated at 30 million. The country's 2011 national census reports that 81.3 percent of the total population is Hindu; 9 percent is Buddhist; 4.4 percent is Muslim; 1.4 percent is Christian; and the remaining 3.9 percent comprises Kirats (followers of an indigenous religion with Hindu influences), Bon (followers of a Tibetan religious tradition), Jains, Baha'is, Sikhs, and others.

Unlike much of South Asia, Nepal was never colonized, and was a sovereign Hindu monarchy for 240 years. After a 10-year civil war between Hindu royalists and Maoist rebels ended in 2007, the country has been a federal and secular republic since 2008. The current constitution, adopted in September 2015, upholds the country's federal and secular identity. It protects each person's right to profess, practice, and preserve his or her religion, and each religious community's right to maintain and manage its religious places and trusts in accordance with the law.

During and after the constitutional drafting process, neighboring countries India and China both sought to influence Nepal, including on political and religious issues. The Indian government, led by the self-professed Hindu nationalist Bharatiya Janata Party, has advocated that Nepal have a strong Hindu identity, with some Hindu nationalists from India and within Nepal calling for a

RECOMMENDATIONS TO THE U.S. GOVERNMENT

In its engagement with Nepal, USCIRF recommends that the U.S. government should urge the government of Nepal to (1) repeal or amend its constitutional and legal provisions on religious conversions and the criminalization of the treatment of cows to bring them into compliance with international religious freedom standards, and (2) provide Tibetan Buddhists fleeing religious persecution in China a safe haven in Nepal, as well as allow Tibetan Buddhists to travel freely through Nepal en route to India for religious practice and worship.

concerning religious freedom and human rights. Moreover, religious minority communities, as well as Hindu Dalits, are concerned about growing Hindu nationalism in the country, which they perceive as a threat to religious and communal harmony.

theocratic Hindu state. Hindu nationalists subscribe to the ideology of Hindutva ("Hinduness"), which seeks to make Nepal a Hindu state based on Hinduism and Hindu values. Some individuals and groups adhering to this ideology are known to use violence, discriminatory acts, and religiously motivated rhetoric against religious minorities, creating a climate of fear and making non-Hindus feel unwelcome in the country. Additionally, China has advocated for a communist or secular state and has pressured Nepal to disavow the Dalai Lama and to prohibit Tibetan Buddhists from immigrating or travelling to Nepal or through the country to India.

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RELIGIOUS FREEDOM CONDITIONS 2016–2017

Concerns for Christians

As previously noted, the 2015 constitution includes a provision criminalizing "any act to convert another person from one religion to another or any act or

behavior to undermine or jeopardize the religion of another,” with the country’s criminal law stipulating a punishment ranging from a fine to up to five years in prison. International standards of freedom of religion or belief protect the freedoms to choose, change, and express publicly one’s religion or beliefs, which includes expression intended to persuade another person to voluntarily change religion. Christian minority communities reported to USCIRF in November 2016 that local government and police officials have interpreted the constitutional provision as criminalizing noncoercive proselytization. Christian communities also noted that since the constitution’s enactment, they have been increasingly harassed—and in some cases detained by local governmental officials—due to allegations they were converting Hindus, especially Dalit Hindus. For example, in June 2016 eight Christians were arrested for proselytizing in Dolakha in northern Nepal. After the accused spent nearly six months in jail, charges against them were dropped.

Christian interlocutors also reported increasing concerns about rising anti-Christian sentiment in Nepal, including from Hindu nationalist political parties—such as Rastriya Prajatantra Party Nepal—seeking a Hindu theocratic state. These fears were heightened by the September 2015 bombing of three Protestant churches in Jhapa District, for which three self-professed Hindu nationalists were arrested and charged. The community also noted that in April 2016, pressure from Hindu nationalists led the government to cancel Christmas as a national holiday. However, after considerable domestic and international outcry, on December 23, 2016, the government reinstated Christmas as a national holiday.

Concerns for Muslims

The Muslim community, as well as Hindu Dalits, raised with USCIRF their concerns regarding the interpretation that the constitution criminalizes the slaughter, consumption, or sale of cows and products derived from their hides. The current criminal code also prescribes up to 20 years in prison for slaughtering a cow, a practice

many Muslims believe is required of them during Eid al-Adha (Festival of the Sacrifice). The Muslim community reported that while historically they have had few problems in Nepal and largely are able to practice their faith freely, they are increasingly concerned about growing Hindu nationalist influence and spreading anti-Muslim sentiment. The Muslim community also reported they believe the government of Nepal has been monitoring their activities more closely in the past year than in previous years.

Concerns for Buddhists

Buddhists in Nepal reported that historically they have been able to practice and worship freely without governmental interference or societal harassment. Nevertheless, the community noted that in deference to China’s position on Tibetan issues, the government treats Tibetan Buddhists—who have fled or are fleeing China for Nepal or who travel through Nepal en route to India for religious practices—differently than it treats Nepali Buddhists. The Buddhist community also noted that China exerts significant pressure on Nepal to disavow the Dalai Lama and deny access to Tibetan

Buddhists who wish to immigrate to Nepal or travel to or through the country to reach India for religious practices. For example, in November 2016 the government of Nepal arrested 41 Tibetan

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Buddhists as they travelled through Nepal en route to India, and deported them to China. Additionally, the Buddhist community reported that the Nepali government has increased checks on Tibetan Buddhists entering the country, and in some cases has denied them entry.

Concerns for Hindu Dalits

Despite constitutional provisions that make it illegal for one Hindu caste to discriminate against another and that ensure education is free and open to all castes, Hindu Dalits continue to suffer from significant societal discrimination, ostracism, and harassment by higher-caste individuals and Hindu nationalists, especially in rural areas of Nepal.