

NEPAL 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution establishes the country as a “secular state” but defines secular as “protection of religion and culture handed down from the time immemorial.” It provides for the right to profess and practice one’s 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. In September, police arrested four Christians, including two Catholic nuns, for religious conversion. They were held in detention until November 18, when they were released on bail; their case continued at year’s end. Proselytizing cases from 2020 against six of seven Jehovah’s Witnesses, including two U.S. citizens, remained pending at year’s end, but none were in custody. Civil society representatives reported that the government deported one Ukrainian and two South Korean families for proselytizing. Multiple religious groups stated 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 January, a group of international and Nepalese Christian organizations submitted a stakeholder’s report to the UN Human Rights Committee, detailing allegations of persecution of Christians in the country, documenting cases of arrests over several years, and criticizing sections of the law they said unfairly favored Hindus or discriminated against non-Hindus. As in prior years, human rights groups reported that police arrested individuals for slaughtering cows or oxen in several districts. Tibetan community leaders again said government authorities generally permitted them to celebrate most Buddhist holidays in private ceremonies but prohibited the public celebration of the Dalai Lama’s birthday and continued to curtail their ability to hold other public celebrations. During the year, police surveillance of Tibetans remained high and, in some cases, the number of security personnel monitoring Tibetans and the scrutiny of Tibetan cultural and religious celebrations, particularly those involving the Dalai Lama, increased. Religious organizations said the government did not enforce COVID-19 restrictions equitably, allowing Hindu groups more leeway. Christian religious leaders continued to express concern about the anti-Christian sentiment of the Hindu nationalist Rastriya Prajatantra Party (RPP), which seeks to reestablish the country as a Hindu state. Christian groups continued to report difficulties operating as NGOs and multiple religiously affiliated organizations reported increased challenges renewing or registering their organizations during

the first half of the year. Christian groups said they continued to face difficulties in 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. While Nepali law prohibits caste-based discrimination, on October 14, a Dalit man was beaten to death for trying to enter a temple during the Dashain religious holiday. According to media reports, Bhim Bahadur Bishwakarma was beaten with a pipe after he questioned neighbors about Dalits not being allowed to enter the temple. On September 25, Hindu nationalist groups demonstrated against a draft provincial bill regulating madrassahs in Province Two along the India border. The groups said the Muslim community was trying to make the country like Afghanistan. Muslim leaders said they interpreted the rally as an attempt to incite violence and a continuation of efforts to reestablish the country as Hindu state. Some Muslim leaders continued not to accept converts to Islam, saying it would violate the law according to their interpretation. Instead, they recommended that individuals who sought to convert travel to India to do so. Catholic and Protestant sources stated discrimination against Christians, including on social media, continued. Local media again published reports of alleged harmful practices by religious minorities that were disputed by local authorities, witnesses, and other media.

The Ambassador and visiting U.S. government representatives met with government officials to express concern regarding restrictions on the country’s Tibetan community. Embassy officials met with civil society groups and government officials to discuss challenges registering and reregistering religiously affiliated NGOs and other NGOs. Embassy officials also met 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, COVID-19’s impact on the ability to worship, and access to burial grounds. 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 30.4 million (midyear 2021). 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 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. It stipulates a fine of up to 50,000 Nepali rupees (\$420) and subjects foreign nationals convicted of these crimes to deportation. The criminal code also imposes punishments of up to two years’ imprisonment and a fine of up to 20,000 rupees (\$170) 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 (\$420) 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 they also are not eligible to receive government funding.

The law criminalizes acts of caste-based discrimination in places of worship. Penalties for violations are three months' to three years' imprisonment and a fine of 50,000 to 200,000 rupees (\$420-\$1,700).

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

Government Practices

According to civil society sources, police arrested four Christians, including two Catholic nuns, on September 14 in Pokhara, Kaski District, for religious conversion. They were held in detention until November 18, when they were released on 100,000 rupees (\$840) bail by the Kaski District Court. The court kept their passports and was collecting witness testimony at the end of the year. Their next court appearance was scheduled for January 18, 2022. Three local staff members working in a tutoring center run by the nuns were also arrested on September 13 for religious conversion but released on September 15.

On November 30, the Dolpa District Court sentenced Christian preacher Keshav Raj Acharya to two years' imprisonment and a fine of 20,000 rupees (\$170) for proselytizing. Acharya's lawyers appealed his conviction to the High Court, and on December 19, the court ordered him released on bail pending a review of the district court's decision. Police arrested Acharya, from the Abundant Harvest Church, in March 2020 for spreading misinformation about COVID-19. He was released after paying a fine but rearrested in May 2020 and charged with religious conversion and offending religious sensibilities. After being released on bail for the latter charges, he was immediately arrested a third time and transported to a neighboring district to face additional charges of conversion. He was released in June 2020 after paying another fine.

According to a religious leader, the rural municipality of Jhapa paid 50,000 rupees (\$420) to cover the cost of funeral expenses and a government committee recommended the government pay one million rupees (\$8,400) compensation to the family of Rasikul Alam, who was shot by police during an August 2020 confrontation with the Muslim community after two persons were arrested for cow slaughter. According to local civil society organizations, as of October 1, the family had only received 500,000 rupees (\$4,200), half of the recommended

compensation, and the police officer involved in the shooting had not been held accountable.

In January, a group of international and Nepalese Christian organizations submitted a stakeholder's report to the UN Human Rights Committee, detailing allegations of persecution of Christians in the country, documenting cases of arrests over several years, and criticizing sections of the law they said unfairly favored Hindus or discriminated against non-Hindus. The report stated there was growing hostility against Christians and increasing challenges to faith-based operations in the country. On July 7, the NGO Christian Solidarity Worldwide expressed regret that Nepal only noted, instead of supported, the Universal Periodic Review recommendation by the Netherlands to amend Article 26 of the constitution to include the right to choose or change one's religion or belief, in accordance with Article 18 of the ICCPR.

According to civil society representatives, the government deported one Ukrainian and two South Korean families for proselytizing.

Cases against six of seven Jehovah's Witnesses arrested in 2020 remained pending, although none were in custody. On March 16, the Kaski District Court found four who were arrested in Pokhara for proselytizing in February 2020 not guilty, but on September 20, the government attorney appealed this decision to a provincial-level high court where it remained pending as of the end of the year. The hearing for two others – U.S. citizens – who were arrested in March 2020 for proselytizing was delayed several times while the court collected witness statements. The last hearing was scheduled for December 27 in Kaski District Court, after hearings in October and November were postponed, but it did not take place before the end of the year. The seventh case involved a Nepali who was arrested together with the U.S. citizens. He was fined 5,200 rupees (\$44) for indecent behavior by the Kaski District Administrative Office and released.

On January 21, the Surkhet District Administration office acquitted two pastors arrested in March 2020 for holding worship services in contravention of COVID-19 restrictions.

Minority religious organizations stated that COVID-19 restrictions were not uniformly enforced across religious groups and the government allowed Hindu temples to open on days considered auspicious to Hindus, while minority groups feared reprisals and waited for the Ministry of Health and Population to lift restrictions on all gatherings before resuming religious services.

According to the Lawyers' Association for Human Rights of Indigenous Peoples, police arrested 39 Muslim, Dalit, and indigenous persons for cow slaughter in nine separate incidents during the year. The Society for Humanism Nepal reported three additional incidents in which 17 individuals were arrested as of October. On September 19, police in Makwanpur arrested 10 persons who were sharing beef from a recently killed cow. Police opened criminal cases for cow slaughter against these individuals. As of December 31, they were released on bail and awaiting trial.

During the year, police surveillance of Tibetans remained high and, in some cases, the number of security personnel monitoring and the scrutiny of Tibetan cultural and religious celebrations increased, despite Tibetans' compliance with government-imposed COVID-19 restrictions. The government maintained its restrictions on Tibetans' ability to publicly celebrate the Dalai Lama's birthday on July 6, stating the religious celebrations represented "anti-China" activities. For the first time, police blocked all entrances to the Boudhanath Stupa (shrine) complex, a UNESCO World Heritage Site and popular tourist destination, and asked all shops in the area to remain closed for the day to prevent any spontaneous gatherings of Tibetans. As in 2020, Tibetans could conduct other ceremonies with cultural and religious significance, such as Losar (Tibetan New Year) and World Peace Day, which commemorates the Dalai Lama receiving the Nobel Peace Prize, but only in small official ceremonies or in private.

As in prior years, human rights and minority religious groups expressed concern that the constitution and criminal code's ban on conversions made 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 entered political spheres in the country and that those seeking to capitalize on populist sentiments for political advantage manipulated the issue.

According to legal experts and leaders of religious minority groups, the constitutional language on protecting the religion “handed down from the 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 of politicians in the RPP on reestablishing the country as a Hindu state continued to negatively affect public perception of Christians and Christianity. The RPP held one seat in parliament during the year, and civil society sources stated that it used anti-Christian sentiment to garner populist support.

Leaders of the RPP outside of parliament continued their calls for the reestablishment of 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 from 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 for Hindu statehood. According to NGOs and Christian leaders, small numbers of *Hindutva* (Hindu nationalist) supporters were endeavoring to create an unfriendly environment for Christians on social media and at small political rallies and encouraging “upper-caste” Hindus to enforce caste-based discrimination.

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

Religious leaders said the requirement for 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 first six months of the year, multiple religiously affiliated organizations reported lengthy delays, onerous requests for changes beyond those necessary to meet the requirements of law, and lack of transparency when renewing or registering their organizations.

On December 24, the government declared Christmas a public holiday. The government allowed Christians and Muslims time off from work to celebrate major holidays, recognized Eid al-Adha as a public holiday, and continued to recognize Buddha's birthday as a public holiday.

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 of individuals from other non-Hindu indigenous faiths. Protestant churches continued to note difficulties gaining access to land they 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.

Some religious organizations criticized the government's handling of the bodies of COVID-19 victims. They reported challenges related to burials and death rituals during a second wave of the pandemic, which peaked in May. One civil society organization called the army's cremation of those who died from COVID-19 disrespectful, while another said it was implemented across all religions equally and was necessary to deal with the surge of COVID-19 cases.

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 both registered religious schools and public schools, but Christian organizations stated 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 (previously the Department of Education), which is under the Ministry of Education, Science, and Technology, the number of *gumbas* (Buddhist centers of learning) registered remained the same at 114. There were 105 *gurukhuls* (Hindu centers of learning) registered during the year, compared with 104 in 2020.

According to the Center for Education and Human Resource Development, the number of madrassahs registered with district education offices remained unchanged at 911. 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, albeit in smaller numbers than past years due to COVID-19 travel restrictions.

Section III. Status of Societal Respect for Religious Freedom

According to NGOs, Hindu priests and "high-caste" residents continued to discriminate against Dalits, as members of a "lower" caste. On October 14, Bhim Bahadur Bishwakarma was beaten to death for trying to enter a temple that barred Dalits. The attack took place during the Dashain holiday in the city of Bharatpur, Chitwan District, Bagmati Province. According to media reports, individuals beat Bishwakarma with a pipe after he questioned neighbors about Dalits not being allowed to enter the temple. Police arrested two persons and, after a December hearing, they remained in custody pending trial at year's end.

A police investigation found that the August 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.

Hindu nationalist groups including Vishwa Hindu Parishad Nepal, Bishwo Hindu Mahasangh, and Hindu Swayamsevak Sangh (the Nepalese arm of India's Rashtriya Swayamsevak Sangh or RSS) demonstrated against a draft provincial bill regulating madrassahs. The protests occurred on September 25 in Birgunj, a city near the India border. The groups compared the Muslim Chief Minister of Province Two to the Taliban and said the Nepali Muslim community was trying to make Nepal like Afghanistan. Muslim leaders said they interpreted the rally as an attempt to incite violence and a continuation of efforts to reestablish the country as Hindu state.

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, fearing discrimination. Some Muslim leaders continued not to accept converts to Islam, saying it would violate the law according to their interpretation. Instead, they recommended that individuals who sought to convert travel to India to do so.

Christian religious leaders stated their outreach efforts during the year focused largely on COVID-19 relief; they did not report large, public, anti-Christian disturbances in rural areas where Christianity is spreading. They noted, however, that due to COVID-19 restrictions, there were very few public activities that could have triggered disturbances during the year. Multiple Christian sources again said that inflammatory material appeared on social media, and several Catholic and Protestant sources also noted a rise in what they termed anti-Christian propaganda, misinformation, and discriminatory and divisive religious content on traditional media. For example, on April 6, a press release purportedly from two prominent Christian organizations detailing a fictional strategy to divide Hindu practitioners of different castes into two separate religions became a trending social media topic. Both organizations denounced the document as a fake that was designed to stir anti-Christian sentiment. Local media again published reports of alleged harmful practices by religious minorities that were disputed by local authorities, witnesses, and other media.

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. 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, COVID-19's impact on the ability to worship, and access to burial grounds. Embassy officers continued to

highlight how anti-proselytism 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.

The Charge d'Affaires hosted a Tibetan Losar celebration in February with representatives of the diplomatic and Tibetan communities to promote the protection of Tibet's unique culture and religion, as well as basic human rights of Tibetans, including religious freedom. Embassy officers also visited minority religious houses of worship and met with local religious leaders to discuss religious freedom challenges outside of Kathmandu.

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.

The embassy worked closely with the Diplomatic Security Service, the Nepal Police, the Federal Bureau of Investigation, and the Dallas Museum of Art to facilitate the return of a stolen statue of Laxmi-Narayana, a Hindu deity. The 12th century artifact was worshipped in the city of Patan until it disappeared in 1984. After its return, Hindu priests reconsecrated the temple and individuals from the *Guthi* (trust) that oversees the temple for worship expressed their joy at its return. Hindu religious leaders and cultural and heritage activists also praised the return, which they said they hoped would increase understanding of their faith and pave the way for future repatriations.

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.