



The Declining State of Religious Freedom in Nepal

JAY CHURCH AND ICC'S SOUTH ASIA FIELD TEAM
NOVEMBER 2023





Table of Contents

Executive Summary	3
Introduction	4
Christianity in Nepal	4
History	4
Modern Political Context	5
Laws Impacting Religious Freedom	5
Government Action	5
Social Pressure	6
Attacks	6
Boycotts	6
Interfaith Civil Society Action	6
U.S. Policy Stance	7

Executive Summary

Living in the shadow of its hegemonic neighbors, China to the north and India to the South, the world frequently overlooks the small South Asian nation of Nepal in conversations around geopolitics and human rights. Nepal is not without geopolitical importance, though, and carries a long history of religious majoritarianism that has long impacted the country's minority Buddhist, Muslim, Kirat, and Christian populations.

Through a combination of legally repressive laws and social norms that sideline minority communities, Nepal is a difficult place for persons outside of the Hindu faith. The U.S. and others in the international community must remember their situation while considering how to support Nepal's young democracy as China and India move away from democratic norms toward authoritarianism.

Introduction

Religious minorities in Nepal face the combined threat of social attack and legal ostracization in a system that fails to treat them as equal members of society. In August and September 2023, a series of attacks against Christian pastors and churches – described in more detail below – swept through the country, deepening rifts between religious groups and creating questions about how the government responds to violence against minorities.

Nepal's Muluki Ain, or General Code, contains strict prohibitions against proselytization, an act punishable by up to six years imprisonment and deportation in the case of a foreigner. The National Penal Code of 2017 similarly criminalizes the sharing of one's faith and the Nepalese Constitution, passed in 2015, says that "no person shall ...

convert a person of one religion to another religion" or, in a vaguely worded clause, "disturb the religion of other people."

A 2023 report from the U.S. Department of State repeated accusations against Hindu nationalist groups in India of fomenting nationalist sentiment in Nepal. The accusation was met with indignation by the governments of Nepal and India, but civil society groups in Nepal confirmed to ICC that money is indeed flowing to Hindu nationalists in Nepal from India where radical Hindu nationalism is leading the national political discourse. India is currently headed by Prime Minister Narendra Modi of the avowedly nationalist Bharatiya Janata Party. Hindus make up about 80% of the population of both countries.

Despite the social and legal pressure against them, religious and civil society organizations in Nepal are actively working with friendly government officials to advance religious freedom in the country. In June 2023, a coalition of Nepalese Christian societies organized a large interfaith gathering in Kathmandu composed of representatives from the Hindu, Buddhist, Kirat, and Christian faiths among others. The seminar gathered hundreds of civil society actors and government officials to discuss the importance of interfaith tolerance and religious freedom in the country, with various government officials speaking to the need for continued engagement to protect the rights of religious minority communities.

Christianity in Nepal

About 81% of Nepal's 30.8 million citizens are Hindu, with the remaining number largely split between Buddhism, Islam, Kirat Mundhum, and Christianity, the latter with 2.3% of the population, or 700,000 adherents per official estimates. Christian civil society leaders, however, contest these numbers and believe the real number to be between two and three million.

Religious minorities, including Christians, are generally able to gather in public places of worship and officially register their groups with the government. However, various Christian NGOs do report government barriers to operation, including issues registering or renewing their registration with the government. In recent years, these barriers have grown to the point of interfering with some organizations' operations. At the community level, differences between Christian and Hindu burial practices have made it difficult for Christians to bury their dead in a longstanding social and legal tension discussed further below.

The Nepalese government funds registered religious schools at the same level as it funds public schools, but only permits Hindu, Buddhist, and Muslim groups, leaving Christian schools unregistered and unable to access public funding.

HISTORY

The Catholic church in Nepal is, today, relatively small with an estimated 10,000 adherents according to a 2011 AsiaNews article on religious conversion that interviewed officials in the Nepalese Catholic church. Though the exact number of Catholics today is not known, the Catholic church introduced Christianity to Nepal initially when a group of Catholic Capuchin friars established a mission in what is now known as the Kathmandu Valley in 1715, then composed of several independent kingdoms ruled by various dynasties.

In 1768, the various kingdoms of Nepal were conquered and united by Prithvi Narayan Shah, a Khas ruler. Shortly

thereafter, he expelled the Catholic mission and its followers, who relocated to northern India. Though some evangelistic efforts were made in the ensuing decades, Nepal remained closed to Christianity until 1951 when the totalitarian rule of the Ranas – a hereditary line of ministers and other officials – was overthrown, and the Nepalese monarchy regained ascendancy under King Tribhuvan.

Christianity was more tolerated under Tribhuvan and successive rulers of Nepal, though prohibitions on both proselytization and conversion remained in place until the transition to a constitutional monarchy in 1990 when the ban on conversion was struck down. The ban on proselytization remains enshrined in the Nepalese Constitution and penal code to this day.

Leaders in the Nepalese Christian church estimate that the church is growing 12-14% annually, with the average size of a Nepalese church being about 150 persons.

Modern Political Context

After transitioning from absolute to constitutional monarchy in 1990, Nepal has gone through many distinct political turning points. Most notably, Nepal decided to eliminate the monarchy in December 2007, with a May 2008 vote led by the Unified Communist Party of Nepal making the decision official.

The country operated on an interim constitution promulgated in 2007 for eight years, repeatedly extending it as the Constituent Assembly worked on drafting a new guiding document. The process was finally completed in 2015, and the new constitution has held since then.

The constitution does contain some language protecting religious freedom but with contradictory limits on religious freedom in vague enough terms to allow a law today that criminalizes proselytization.

LAWS IMPACTING RELIGIOUS FREEDOM

The U.S. Department of State highlighted its concerns with Nepal's anti-conversion and anti-proselytization laws in a report published in May 2023. "Multiple religious groups in the country," the report stated, "[continue] to reiterate that the constitutional and criminal code provisions governing religious conversion and proselytism [are] vague and contradictory and [open] the door for prosecution for actions carried out in the normal course of practicing one's religion."

The 2015 constitution, as mentioned above, makes some effort to protect religious minorities. These protections, a member of the drafting committee told ICC in 2023, were heavily encouraged by American diplomats. However, Article 26(3) prohibits acting "or mak[ing] others act in a manner which is contrary to public health, decency, and morality ... or convert[ing] a person of one religion to another religion."

Article 26(3)'s language around decency and morality gives authorities broad leeway to harass and arrest members of minority religious groups, whose actions are sometimes seen as inherently antithetical to the majoritarian Hindu identity.

Chapter 19 of the Muluki Ain, or General Code of Nepal, states that "no one shall propagate any religion in such manner as to undermine the religion of others nor shall cause others to convert to his or her religion." Religious minorities are repeatedly arrested and charged under this law, which goes beyond its neighbor India's bans on forcibly converting another to criminalize participation in the act of conversion in any way at all.

Under the Muluki Ain, one attempt at conversion is punishable by three years imprisonment. Subsequent attempts at converting another are punishable by six years in prison and deportation if the accused is a foreign national.

Finally, the National Penal Code of Nepal, Section 158 establishes another prohibition on conversion and proselytization, stating that "no person shall convert anyone from one religion to another or make attempt to or abet such conversion." The penal code carries with it up to five years imprisonment and a fine of up to 50,000 rupees.

These statutes run contrary to international human rights standards such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights (UDHR), which each extend explicit protection to the right of religious conversion. Additionally, both standards protect the right of every person to share their faith, as enshrined in UDHR Article 19 enumeration of the "freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

GOVERNMENT ACTIONS

Christians and other Nepalese religious minorities, such as the Jehovah's Witnesses, are frequently harassed by authorities and regularly face criminal charges of proselytization. Though those facing prosecution are often released on bail and later acquitted, this is not always the case. Even when positively resolved, these cases have a dampening effect on religious minorities and their right to share their religion. Some accused report being held for months while their cases pro-

gressed slowly. Many cases stretch on for years before being decided.

In one famous case, Christian pastor Keshav Raj Acharya was sentenced to two years in prison in November 2021 for proselytizing. Acharya's trouble with the law stems back to 2020, when Acharya was arrested three times for an online video in which he appears to claim that God could heal COVID-19, then a relatively new worldwide phenomenon. In addition to COVID-related charges, authorities charged him with attempted religious conversion and offending the religious sensibilities of others – both crimes under Nepalese law as detailed above.

Immediately upon posting a 500,000 rupee bail on May 12, 2020, authorities rearrested him and transferred him some 400 miles away to face additional religious charges, making visitation from his family and legal team nearly impossible given lockdown restrictions in place at the time. Reports indicate that Acharya was forced to undertake the 72-hour journey with his hands cuffed behind his back for long periods of time.

Then, in March 2021, according to ADF International, a D.C.-based legal advocacy group, Acharya invited a man requesting prayer to his house. Instead of a man in need of prayer, however, four police officers appeared shortly after and arrested him on similar charges.

After being sentenced to two years in prison in November 2021, Acharya was released on bail in December of that year and appealed his conviction to the Supreme Court of Nepal in early 2023. In October 2023, however, he lost the case and was sent back to prison for one year, civil society leaders told ICC.

Years of legal pressure have not succeeded in diminishing the Christian church in Nepal, which is growing rapidly by all accounts. Still, the country's legal structure and everyday practices are discriminatory from their constitution down to the local police. Nepal's legal structure and governmental practices require significant reform to realign with international human rights standards.

Social Pressure

Christians and other religious minorities face not only government pressure but also pressure from their communities. Though many in Nepal's Hindu majority are tolerant and accepting of their minority neighbors, others feel that Christians and Muslims do not deserve the same rights and privileges as Hindus, leading to violent attacks on pastors and places of worship. At other times, differing religious practices create strife between Hindu and non-Hindu communities, with Hindu burial practices and reverence for cows causing particularly widespread tension across Nepal.

ATTACKS

Late 2023 saw a concerning spate of physical attacks on Christian pastors and places of worship across Nepal. At least seven attacks occurred between August 20 and September 4, 2023, in locations across the country. Photos and videos reviewed by ICC revealed broken windows and other destruction around church properties.

Content shared on social media after one incident in early September

showed angry members of the community assaulting two men, identified as pastors, on the street and smearing their faces with a sticky black substance in an act described to ICC as a cultural sign of hatred and disrespect. In the videos, the pastors remained calm and did not fight back. The incident, in Nepal's southern Lumbini Province, was the seventh attack on Christians in two weeks and one of two incidents to happen in the same town that weekend.

Even as news of the incident in Lumbini spread in early September, a similar incident occurred to the east in Madhesh Province, and two men were reportedly arrested in the national capital Kathmandu for preaching on the street.

SOCIAL PRESSURE

Though attacks do occur, an even bigger problem for the Christian community in Nepal is the matter of community-level ostracism pushing Christians to the margins. Boycotts of Christians' businesses by their neighbors can have a devastating impact, especially in remote areas where one's identity is known to everyone and the only poten-

tial customers are local to that town or village. In some cases, the only option is to relocate.

In Hinduism, the body after death is considered a hindrance to the soul's progress toward freedom and is therefore cremated to prevent the soul from lingering near the body. Nepalese Christians tend to bury their dead without first cremating, creating discomfort among their Hindu neighbors who believe that this practice creates haunted areas. Consequently, Christians in certain areas – especially in the Kathmandu Valley – face difficulties accessing land to bury their dead.

In one well-known communal cemetery, located behind the Pashupati Hindu Temple in Kathmandu, the court ruled against Christians seeking to bury their dead in what had been their traditional local burial ground. When ICC visited the site in 2023, the area was still closed to Christian burials though the U.S. Department of State noted in a report published in May that authorities were allowing burials of individuals from indigenous faiths.

Interfaith Civil Society Action

Nepalese civil society boasts robust interfaith cooperation, with groups frequently working across religious lines and multiple civil society organizations dedicated to promoting interfaith understanding and cooperation.

An interfaith coalition of civil society leaders gathered in June 2023 in Kathmandu to discuss the state of religious freedom in Nepal and collaborate on next steps. Over 200 people attended the seminar, including attorneys, human rights defenders, and religious leaders from the Buddhist, Christian, Hindu, Kirat, and Muslim communities as well as Dalits and members of many

ethnic minority groups. Members of the Nepalese parliament, representatives from various government agencies dealing with human rights and social issues, attorneys, and officials from all seven of Nepal's provinces also attended and spoke.

Speakers and attendees remarked on the strong turnout and the unusual nature of the event. "This is a historic moment for Nepal," one organizer told gathered journalists. "Never before have we had such a diverse array of civil society leaders and government officials in the same room to talk about religious freedom in our country."

Mukunda Sharma, an organizer of the seminar, said that the government must treat religious freedom as a core human right and urged the Nepalese government to take action against bad actors stirring up animosity between religious groups. "Some extremist groups are targeting minority religious communities using abusive language on various social networks," Ratopati News quoted Sharma as saying. "They are working to spread hate between religious communities that should exist in peace, tolerance, and co-existence."

U.S. Policy Stance

Nepal is often overshadowed by its neighbors India and China in the U.S. foreign policy discussion on Asia, but the U.S. nevertheless has engaged with the country in its transition from monarchy and helped to steer it toward respect for religious freedom. This engagement included support during the constitutional drafting process and is sustained through ongoing bilateral engagement outlined in its annual International Religious Freedom Report.

The U.S. Commission on International Religious Freedom has never recom-

mended Nepal be included on the Department of State's Special Watch list or Countries of Particular Concern. The Department of State has never included Nepal on either list but has consistently highlighted many of the same issues discussed earlier in this report.

ICC recommends that the U.S. continue engaging with the Nepalese government to encourage institutionalized respect for the freedom of religion or belief. Specifically, Nepal should be pressed to repeal its several anti-con-

version laws out of respect for international human rights standards that do not allow for those types of restrictions. Though some of this engagement must necessarily take place behind closed doors, this support for religious freedom must also be made public, and the U.S. should work to support the universe of interfaith civil society groups working to promote harmony and understanding in Nepal through statements of solidarity, engagement at events, and even grants where appropriate.

CONTACT: This report is published by International Christian Concern's Advocacy department. If you would like to get in touch with ICC's Advocacy department, please contact advocacy@persecution.org. All other inquiries, please contact icc@persecution.org.

REPORTS: For the full collection of ICC-published reports, visit www.persecution.org/reports



@Persecuted



@persecutionnews



@internationalchristianconcern



International Christian Concern

OUR MISSION: Since 1996, ICC has served the global persecuted church through a three-pronged approach of advocacy, awareness, and assistance. ICC exists to bandage the wounds of persecuted Christians and to build the church in the toughest parts of the world.

DONATIONS: International Christian Concern (ICC) is a nonprofit 501(c)(3) (all donations tax-deductible). ICC makes every effort to honor donor wishes in regards to their gifts. Occasionally, a situation will arise where a project is no longer viable. ICC will redirect those donated funds to one of our other funds that is most similar to the donor's original wishes.



© Copyright 2023 ICC, Washington, D.C., USA. All rights reserved. Permission to reproduce all or part of this publication is granted provided attribution is given to ICC as the source.

PERSECUTION.ORG
INTERNATIONAL CHRISTIAN CONCERN

