Executive Summary

The constitution establishes Nepal as a “secular state” but defines secularism as “protection of the age-old religion and culture and religious and cultural freedom.” It provides for the right to profess and practice one’s own religion. The constitution prohibits converting persons from one religion to another, and bans religious behavior disturbing public order or contrary to public health, decency, and morality. In August the parliament passed a new criminal code, signed into law by the president on October 16, that reduces the punishments for “convert[ing]… the religion of another person” or for engaging in any act that undermines the religion, faith, or belief of others from six to five years’ imprisonment. The new criminal code, which is scheduled to be fully implemented in August 2018, also criminalizes the harming of the “religious sentiment” of any caste, ethnic community, or class, either in speech or writing. The law does not provide for registration or official recognition of religious organizations as religious institutions, except for Buddhist monasteries. All other religious groups must register as nongovernmental organizations (NGOs) to own land or operate legally. In at least two locations, police arrested individuals from indigenous communities accused of slaughtering cows or oxen. Christian groups continued to report difficulties registering or operating NGOs, citing a 2016 directive by the Ministry of Federal Affairs and Local Development instructing officials to deny the registration of NGOs that promote religious conversion. Christian and Muslim groups continued to face difficulties in buying or using land for burials. The government placed restrictions on Tibetans’ ability to celebrate the Dalai Lama’s birthday in July. Tibetan community leaders said government authorities generally permitted them to celebrate Buddhist holidays in private ceremonies. Muslims said they were able to participate in the Hajj. In March the government announced it would no longer recognize Christmas as a public holiday, a decision Christian groups said they interpreted as a reflection of anti-Christian sentiment. In November the government reversed the decision and reinstated the Christmas holiday for the year. Christian groups also reported Christian missionary hospitals and welfare organizations generally continued to operate without government interference.

An unknown assailant shot a Christian on April 16 (Easter Sunday) while the latter was returning home from his job at the Federation of National Christians Nepal (FNCN). Although FNCN concluded the attack was religiously motivated, the police stated they had not determined a motive for the attack or named any
suspects as of September. On April 18, arsonists attacked the Assumption Roman Catholic Cathedral and the residence of its priests in Lalitpur. The residence, which housed several priests, sustained significant damage, but there were no injuries. As of the end of the year, police had not made any arrests, leading Christian leaders to question law enforcement’s willingness to conduct a thorough and fair investigation. Police filed charges against 28 individuals accused of participating in interreligious clashes during which two Muslims in the Banke District were killed in December 2016. Muslim leaders, however, expressed disappointment at the district court’s decision to grant the arrested individuals bail at a low amount. Christian leaders expressed concern about the emphasis placed by some politicians on the re-establishment of the country as a Hindu state, which they said had a negative impact on public perception of Christians. According to NGOs, Hindu priests and other high-caste individuals continued to prevent persons of lower castes, particularly Dalits, from accessing Hindu temples and performing religious rites.

Throughout the year, the U.S. Ambassador, embassy officers, and other government representatives met with government officials to express concern over restrictions on freedom of religion posed by provisions in the constitution and the new criminal code, including the continued criminalization of conversion and new measures to criminalize proselytization. They also met with representatives of civil society groups and religious groups to discuss concerns about access to burial grounds, public celebrations of religious holidays, potential enforcement of the ban on conversion, and verbal attacks on Christian communities by Hindu politicians. Following the shooting of the FNCN employee and the arson attack on the Assumption Cathedral, U.S. embassy officers met with police to urge them to investigate the cases thoroughly. 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 29 million (July 2017 estimate). According to the 2011 census, the most recent taken, Hindus constitute 81.3 percent of the population, Buddhists 9 percent, Muslims (the vast majority of whom are Sunni) 4.4 percent, and Christians (the vast majority of whom are Protestant) 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, Bahais, 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 7 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, and defines secularism as “protection of the age-old religion and culture and religious and cultural freedom.” 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 which “disturb the public law and order situation.” It also prohibits persons from converting other persons from one religion to another or disturbing the religion of others, and states violations are punishable by law.

On August 8, the parliament passed a new criminal code, signed into law by the president on October 16, which reduces the punishment for converting – or encouraging the conversion of – another person or for engaging in any act, including the propagating of religion, that undermines the religion, faith, or belief of any caste, ethnic group, or community, from six years to five years’ imprisonment. The law is scheduled to take effect in August 2018. It also stipulates a fine of up to Nepali Rupees (NPR) 50,000 ($490) and subjects foreign nationals convicted of these crimes to deportation. The new criminal code also imposes punishments of up to two years’ imprisonment and a fine of up to NPR 20,000 ($200) for harming the religious sentiment of any caste, ethnic community, or class, either in speech or writing.

The legal code 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, but 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 Federal Affairs and Local Development oversees the registration process. Requirements for registration include furnishing a recommendation from a local government body, information about the members of the monastery’s own management committee, a land ownership certificate, and photos of the premises.
Aside from Buddhist monasteries, all religious groups must register as NGOs or nonprofit organizations in order to own land, 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 nonprofits, including preparing a constitution and furnishing information on the organization’s objectives, as well as details on its executive committee members. To renew registration, which must be done annually, organizations must submit annual financial audit reports and activity progress reports.

The law prohibits the killing, attempted killing, and instigation of killing of female and male cattle. Violators are subject to 12 years in prison for killing, and six years for attempted killing or instigation.

A 2011 ruling by the Supreme Court requires the government to provide protection for Christian groups carrying out funeral rites in the exercise of their constitutional right to practice their religion, but 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 law 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 Hindu, Buddhist, and Muslim religious schools must register as religious educational institutions with local district education offices (part of the Ministry of Education) 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. Christian schools are not able to register as public/community schools and are not eligible for government funding. Hindu, Buddhist, and Muslim groups may also register as NGOs to operate private schools, but are not eligible for funding in that case.

The law criminalizes acts of caste-based discrimination in places of worship. Penalties for violations are three months to three years’ imprisonment, a fine of 1,000 to 25,000 NPR ($10 to $240), or both.

The country is a party to the International Covenant on Civil and Political Rights.
Government Practices

In February the District Police Office in Parbat arrested five individuals for allegedly slaughtering an ox. A sixth accused person remained at large, according to police. The accused – all of whom are Dalit – said they did not kill the ox, and that the animal was dead when they found it. Police held the accused for 25 days during the initial investigation period before bringing the case to court. On March 8, the district court approved the police request for an extension of the period of legal custody and ordered the accused to return to jail pending further investigation. At year’s end, the individuals remained in custody awaiting trial. Dalit rights activists said they believed the accused were targeted because of their social status as Dalits.

According to press reports, the District Police Office in Gorkha arrested four persons in August for slaughtering a cow. At year’s end the accused – three of whom are from the Chepang indigenous community and one from another indigenous Janajati community – remained in detention.

The government did not enforce the ban on converting others, according to Christian groups and legal experts. Christian groups have interpreted this ban as including a prohibition on proselytizing. Human rights lawyers and leaders of religious minorities expressed concern that the constitution’s and new criminal code’s continuation of the ban on conversion could make religious minorities subject to legal prosecution for actions carried out in the normal course of their religious practices, and also vulnerable to persecution for preaching, public displays of faith, and distribution of religious materials. Human rights experts also expressed concern that a provision in the criminal code banning speech or writing harmful to others’ religious sentiments could be misused to settle personal scores or target religious minorities arbitrarily.

On September 22, a high court annulled the conviction of four Christians who had been sentenced in December 2016 to five years in prison and fined 50,000 NPR ($490) for “witchcraft” and “violence.” The group had been praying for a mentally troubled woman and allegedly holding her against her will, although the woman testified that she had not been mistreated or held captive.

According to the Jhapa district attorney’s office, the criminal case against four suspects accused of detonating small homemade explosive devices at three churches in Jhapa District in September 2015 continued. All four suspects were
released on bail and remained free while the criminal case was pending. Police continued to search for three additional suspects; there were no additional arrests made as of year’s end.

According to legal experts and leaders of religious minority groups, the constitutional language about protecting the “age-old religion” and the prohibition on conversion were intended by the drafters to mandate the protection of Hinduism. Minority religious leaders said that some politicians’ emphasis on re-establishing the country as a Hindu state continued to negatively affect public perception of Christians and Christianity. (The country was a Hindu monarchy until 2007 when the interim constitution established a secular democracy.)

Throughout the year, political leaders and members of the parliament, including senior members of the Rastriya Prajatantra Party (RPP), the country’s fourth largest political party, made speeches calling for the re-establishment of the country as a Hindu state. In April the RPP leadership released its election manifesto, which called for strong legal action to be taken against those accused of killing cows. The party leadership also stated its intention to ban forced, organized, and planned religious conversion achieved by financial rewards or false promises.

In March the Election Commission of Nepal (ECN) rejected the inclusion of a call for a return to a Hindu state in the RPP’s party statute. In response, the RPP launched a series of public protests and introduced a constitutional amendment bill on March 9 demanding the word “secular” in the constitution be replaced with the words “Hindu state with complete religious freedom.” Christian leaders privately stated the RPP-led protests and proposed amendment aimed to influence the ECN to retract its decision on the RPP’s party statute and to gauge broader political support for abandoning secularism. In April the ECN reversed its decision on the RPP’s party statute, and the RPP ended its protests. The RPP never formally brought up the amendment bill for parliamentary discussion due to a perceived lack of support in the parliament, according to some RPP politicians, but Christian leaders expressed concern that support for a return to a Hindu state was gaining momentum.

Some Muslim leaders continued not to accept converts to Islam, saying it would violate the law according to their interpretation. Instead, they continued to recommend that individuals who sought to convert travel to India to do so.
The Ministry of Federal Affairs and Local Development continued to implement its June 2016 directive to all District Development Committees to deny the registration of any NGO that preaches or promotes religious conversion. Christian groups reported the directive has limited their ability to register and operate as NGOs or nonprofits. Christian groups said District Development Committees continued to occasionally ask organizations to remove religious words from their entity names and advised religious leaders registering organizations to remove their religious titles (e.g. Father, Reverend) from registration documentation to secure registration. Christian leaders expressed fears the new guidelines could potentially limit the establishment of churches, which must be registered as NGOs. Some Christians interpreted the directive as an attempt to push Christian NGOs out of the country.

In March the government led by then-Prime Minister Pushpa Kamal Dahal ("Prachanda") announced it would no longer recognize Christmas as a public holiday. In November the government reversed the decision and reinstated the Christmas holiday for this year, reportedly under pressure from religious minorities. The government had made the same announcement in March 2016, which it stated was part of an effort to reduce the large number of public holidays, but reversed the decision on Christmas Eve under pressure from Christian groups. Although the government said it would continue to provide holiday leave for Christians working in the government, those working in the private sector would not be entitled to the day off as in some past years. Christian groups noted that the government continued to recognize dozens of Hindu holidays and a number of Muslim and Buddhist holidays, and stated they interpreted the decision as a reflection of growing anti-Christian sentiment in the country.

The government placed restrictions on Tibetans’ ability to celebrate the Dalai Lama’s birthday in July. Tibetan community leaders said government authorities generally permitted them to celebrate Buddhist holidays in private ceremonies and conduct other private ceremonies with cultural/religious significance, such as Losar, the Tibetan New Year. Tibetan leaders said they continued to mark certain anniversaries considered politically sensitive, such as Tibetan Uprising Day, with small, quiet prayer ceremonies within Tibetan settlements. Abbots of Buddhist monasteries reported monasteries and their related social welfare projects generally continued to operate without government interference.

On June 3, the local ward office in Budhanilkantha, Kathmandu, evicted the tenants of a house from which they had operated the Protestant Shiloam Tupek church for nine years, giving the tenants three days to vacate the government-
owned property. According to Christian leaders, the government had allowed the tenants to use the land for several decades. On June 5, the local ward office destroyed the house, reportedly so the government could construct a public school. Christian leaders demanded the government investigate the incident and provide compensation to the tenants and church management; however, authorities had not investigated or paid compensation by year’s end.

Muslim leaders said Muslims continued to be able to participate in the Hajj. A Central Hajj Committee, made up of representatives of political parties, mosques, and civil society, under the authority of the Ministry of Home Affairs, continued to coordinate and facilitate logistics for the Hajj for all participating Muslims. The government paid for 18 committee members, compared to 10 in 2016, to travel to Saudi Arabia to carry out their work.

Christian leaders said the government-funded Pashupati Area Development Trust continued to prevent Christian burials in a common cemetery behind the Pashupati Hindu Temple in Kathmandu, while allowing burials of individuals from non-Hindu indigenous faiths. According to Christian leaders, the government continued its inconsistent enforcement of the court ruling requiring protection of congregations carrying out burials. Protestant churches continued to report difficulties gaining access to land they had bought six years prior for burials in the Kathmandu Valley in the names of individual church members. They stated 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. As a result, they reported, some Protestants in the Kathmandu Valley continued to travel to the countryside to conduct burials in unpopulated areas.

Catholic leaders reported almost all Catholic parishioners continued to choose cremation due to past difficulties with burials. 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.

Muslim groups stated individuals in the Kathmandu Valley continued to be able to buy land for cemeteries, but local Hindus sometimes refused to sell them land. In the southern Terai region, which is home to many Muslim-majority communities, Muslim groups said they had not encountered such problems.
According to Hindu, Buddhist, and Muslim groups, the government continued to permit them to establish and operate their own community schools. The government provided the same level of funding for registered religious schools as for public schools, but private Christian schools continued not to receive government funding. 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 Department of Education, which is the executive office within the Ministry of Education, 879 madrassahs were registered with district education offices, an increase from 765 from the previous year. The number of gumbas (Buddhist centers of learning) registered with the Department of Education rose from 82 in 2016 to 110 during the year. The Department had 97 gurukhuls (Hindu centers of learning) registered during the year, up from 83 in the previous year.

Some Muslim leaders stated as many as 2,500 to 3,000 madrassahs continued to be unregistered. Some Muslim leaders expressed concern that some unregistered madrassahs are promoting the spread of less tolerant interpretations of Islam. According to religious leaders, a large number of madrassahs as well as Buddhist and Hindu schools continue to be unregistered because school operators hope to avoid government auditing and the Department of Education’s established curriculum. They said some school operators also wished to avoid the registration process, which they characterized as cumbersome.

Many Christian leaders said missionary hospitals, welfare organizations, and schools continued to operate without government interference, although others reported increased scrutiny when registering as NGOs. They said the government usually did not expel foreign workers for proselytizing, but missionaries reported they attempted to keep their activities discreet. Many foreign Christian organizations had direct ties to local churches and continued to sponsor clergy for religious training abroad.

Section III. Status of Societal Respect for Religious Freedom

There were several reports of attacks on religious minorities. On April 16, an unidentified individual shot Santosh Khadka, an employee of the FNCN, while he was driving home from work in Lalitpur in the Kathmandu Valley. The victim survived. FNCN leaders concluded the attack was religiously motivated because it occurred on Easter Sunday, and the organization had received phone calls warning its staff to stop converting persons. The FNCN and other Christian representatives
publicly called on the government to hold the perpetrators accountable and provide adequate security for the country’s Christian population. At year’s end, police continued to investigate the case but had not named any suspects or determined a motive for the attack. Christians said the incident had increased their fears of further attacks.

On April 18, arsonists attacked the Assumption Roman Catholic Cathedral, also in Lalitpur. According to church leaders who reviewed CCTV footage of the attack, several persons entered the church compound carrying containers of gasoline, which they used to set two motorcycles and a sports utility vehicle on fire. Although the building, which housed several priests, sustained significant damage, there were no injuries. Damage to windows and doors indicated the perpetrators—who left a note condemning religious conversion—also attempted to break into the church, but were unsuccessful. Christian leaders stated their belief that the attack, when coupled with the shooting of the FNCN employee, represented an effort to foment panic among the Christian community. They also expressed concern about police willingness to investigate the case thoroughly.

Hindus and Muslims clashed on October 1 in Banke District and on October 2 in Bardiya District, injuring more than 30 persons.

Police in Banke District filed charges in December 2016 against 28 individuals accused of participating in Hindu-Muslim clashes that led to the killing of two Muslims earlier that month. Twenty-five who were apprehended and arrested were subsequently released over the course of several months on bail of between 25,000 and 50,000 NPR ($240 and $490), pending their trial in the district court, which had not started as of the end of the year. Three other accused individuals remained at large. In October police arrested one of the accused, and the court released the individual on bail shortly thereafter. The remaining two fugitives remained at large. Muslim leaders expressed disappointment in the court’s decision to grant what they stated was a low amount of bail for murder charges. Separately, the District Administration Office granted one million NPR ($9,800) to each of the families of the deceased.

Minority religious leaders expressed concern about the rise of Hindu nationalism and its implications for religious harmony.

Some leaders of religious minority groups stated some converts to other religions, including Hindus who had converted to Christianity, remained willing and able to state publicly their new religious affiliation. Christian leaders also reported that a
number of converts to Christianity tried to conceal their faith from their families and local communities, mainly in areas outside of Kathmandu.

According to NGOs, Hindu priests and local high-caste residents continued to prevent Dalits, as members of a lower caste, from entering temples, and sometimes prevented them from performing religious rites and participating in religious festivals. In June media reported an attack on a Dalit for entering a temple in Saptari District. The victim, who suffered a broken arm among other injuries, stated police were slow to investigate the incident and take action against the perpetrators. According to police, the case was ongoing in the district court at year’s end.

Section IV. U.S. Government Policy and Engagement

Throughout the year, the U.S. Ambassador, embassy officers, and other government representatives expressed concerns to senior government officials and political leaders over restrictions on freedom of religion, including the rights to convert and to proselytize, posed by provisions in the constitution and the new criminal code. They continued to highlight the ways in which anticonversion laws could be used to arbitrarily restrict the right to the freedoms of religion and expression. Embassy officers and visiting senior U.S. government officials also raised concerns with government officials about the government’s restrictions on Tibetan Buddhists conducting peaceful religious activities.

Following the shooting of Santosh Khadka of the FNCN and the arson attack on the Assumption Roman Catholic Cathedral, embassy officers met with police to urge them to conduct thorough investigations of both cases. Embassy officers also met with Khadka, leaders from the Assumption Church, and representatives of religious minorities in Kathmandu and throughout the country to discuss challenges they faced in the practice of their religion. Embassy officers and other U.S. government representatives discussed with civil society and religious groups their concerns about access to burial grounds, public celebration of religious holidays, the prohibition against conversion, and verbal attacks on Christian communities by Hindu politicians.

Embassy officers continued to address religious diversity and tolerance in speaking engagements with the general public. The embassy also continued to provide financial assistance for the preservation and restoration of religious sites, including three Buddhist chhortens and several Hindu temples. The embassy also continued
to promote religious tolerance in a program for underprivileged youth, including Muslims and Tibetan refugees, in Kathmandu.