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## Nepal

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **July-December, 2010 International Religious Freedom Report**

Report

**September 13, 2011**

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The interim constitution protects religious freedom and, in practice, the government generally enforced these protections. However, the constitution prohibits proselytizing. The Constituent Assembly recently extended to May 2011 the deadline for drafting the new constitution.

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. On a few occasions, the government interfered with the practice of a religious group. The interim constitution officially declared the country a secular state; however, the president, in his capacity as head of state, attended major Hindu religious ceremonies over which the king previously presided. Members of minority religious groups occasionally reported police harassment; it was not always clear if the harassment was for political or religious reasons. Authorities stopped Tibetan Buddhist religious gatherings, especially those with perceived political overtones, and arrested some participants. There was often substantial police presence at religious gatherings. The United Nations High Commissioner for Refugees documented the forcible return of three Tibetans, including one Buddhist monk, in June 2010. According to a report by an international nongovernmental organization (NGO), two of the three were sent to prison following their return to China.

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship, although there were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Those who converted to a different religious group occasionally faced violence and were ostracized socially, but some individuals were willing to make their conversion public.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. embassy maintains regular contact with Hindu, Buddhist, Muslim, Christian, Jewish, Sikh, and other religious groups.

## Section I. Religious Demography

The country has an area of 54,363 square miles and a population of 30 million. According to the government, Hindus constitute 80 percent of the population, Buddhists 9 percent, Muslims (the majority of whom are Sunni or Sufi) 4 percent, and Christians and others 1 to 3 percent. Members of minority religious groups believe their numbers were significantly undercounted. The National Churches Fellowship of Nepal reported that almost 400 Christian churches operated in the Kathmandu Valley alone. According to a Jamia Masjid (mosque) official, there were at least 3,600 madrassas, most of which were associated with a mosque.

## Section II. Status of Religious Freedom

### Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The interim constitution protects religious freedom and, in practice, the government generally enforced these protections; however, it specifically prohibits proselytizing. The interim parliament declared the country a secular state in the 2007 interim constitution.

The interim constitution maintains the stipulation from the 1990 constitution that no one shall be discriminated against based on caste. In 2002 the government constituted a National Dalit Commission charged with protecting and promoting Dalit (formerly called "untouchable") rights and ensuring active participation of the Dalit community in the country's development. The Ministry of Local Development allocated money to the National Dalit Commission to cover daily administrative costs and to launch programs in the 75 districts. The commission has branches in all districts. In each district a local development officer chairs the meetings of the local commissions. The commission also coordinates with local NGOs involved in Dalit issues. The commission submits an annual progress report to the Ministry of Local Development. Despite the commission's awareness programs, Dalits continued to face discrimination and were often prevented by local villagers and Hindu priests from performing their religious rites or participating in cultural and religious festivals.

There were no specific laws favoring the Hindu majority, nor did the government control the expression of Hinduism.

Civil servants were 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. In contrast to previous reporting periods, the Jewish community indicated that they did not face challenges in registering or operating in the country.

Proselytizing was illegal. There were officially no foreign missionaries; however, dozens of Christian missionary hospitals, welfare organizations, and schools have operated for decades. These organizations did not proselytize and otherwise operated free of government interference. Missionary schools were among the most respected institutions of secondary education; many members of the governing and business elite graduated from Jesuit high schools. Foreign workers in the missionary hospitals and schools entered the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools. The government enforced the immigration laws that provide for expelling any foreign workers found proselytizing; however, there were no expulsions during the reporting period. Many foreign Christian organizations had direct ties to local churches and sponsored pastors for religious training abroad.

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

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The government has no formal policy on interfaith understanding. A local NGO, the Interreligious Council of Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Catholic, Protestant, and Bahai communities, was active in promoting peace in the country.

The government observed 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).

#### Restrictions on Religious Freedom

Tibetan Buddhists faced various restrictions, including direct interference and often an intimidating police presence during their religious celebrations. The Government of China reportedly pressured the government to prevent Tibetan Buddhists' protests against China's policies in Tibetan areas, including religious restrictions. Local authorities tolerated celebration of Tibetan religious festivals only on private property. Intimidation against the Tibetan community continued, although at lower levels than during the immediate aftermath of the 2008 protests. The government canceled or limited numerous Tibetan gatherings, including those commemorating religious events.

The law prohibited proselytizing, which was punishable by fines, imprisonment, or, for foreigners, expulsion. Personal conversion was, however, allowed. Some Christian and Muslim groups were concerned that the ban on proselytism limited the expression of non-Hindu religious belief. NGOs or individuals were allowed to file reports that individuals or organizations were proselytizing, and the government investigated these reports. A Christian radio station launched in June was able to operate without government interference.

In 2008 the Maoist-led government announced its decision to replace the Indian priests at Pashupatinath Temple, one of the largest, oldest, and holiest Hindu temples, with two Nepali priests. Local citizens and Bhandaris (priests) protested, demanding that the government revoke its decision. No ritual ceremonies could be offered at the shrine for two to three days due to the controversy. The Supreme Court issued a stay order, and the government stopped its plans. In September 2009 Prime Minister Madhav Kumar Nepal, in his capacity as the patron of the Pashupati Area Development Trust, appointed two Indian priests to oversee the temple. The positions had fallen vacant for seven months due to the controversy and the Supreme Court's stay order. There were no updates during the reporting period.

Madrassahs, but not mosques, were 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 Department of Education, 810 madrassahs were legally registered with the District Education Offices (DEOs); the DEOs were providing a minimum of financial support annually to those legally registered. Madrassahs having up to 50 students were registered as formal schools. Registered madrassahs were allocated approximately 26,000 Nepali Rupees (\$346) per year by the government to cover teachers' salaries. The department also prepared curricula for the registered madrassahs. Muslims were not restricted from participating in the Hajj, and the government did not subsidize the pilgrimage.

The constitution prohibits discrimination on the basis of caste; however, the caste system strongly influenced society. Although the government has stressed that 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 Dalits from entering.

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

#### Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country.

In June, under general political pressure from the Chinese government to restrict or prevent passage of Tibetan new arrivals through Nepal, three Tibetans, including one Buddhist monk, were forcibly returned to China. According to a report by an international NGO, two of the three were sent to prison following their return to China. Local authorities detained a number of Tibetan Buddhists throughout the reporting period who were celebrating religious events and protesting Chinese policies in Tibet, including the restrictions on religious freedom. Government officials prevented a number of Tibetans from participating in a celebration of the Dalai Lama's birthday on July 6. According to an NGO, in October 2009 authorities detained 70 Tibetans for protesting near the Chinese embassy's visa offices and elsewhere in Kathmandu during the anniversary of the founding of the People's Republic of China. The same NGO reported that on July 14, 2009, police interrupted a demonstration protesting the 2008 protests and riots in Tibet and detained dozens of Tibetans in front of the UN office in Kathmandu. Tibetans were also prevented from gathering on March 10 to commemorate the anniversary of the Dalai Lama's flight into exile.

#### Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship, although there were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. 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 increased in recent reporting periods, especially after the 2006 parliamentary declaration of the country as a "secular state" rather than a "Hindu Kingdom." Of particular concern were the local affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena.

Some citizens were wary of 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. Although this prejudice was not systematic, it was occasionally violent. Nevertheless, converts generally were not afraid to state publicly their new religious affiliations. A report by a Christian organization reported that on October 17 a group of six men beat a Gospel for Asia missionary, accusing him of blasphemy against their gods and forcibly converting their family members to Christianity. Police charged the six men with the attack. Their case is before the court.

Some organizations faced threats and extortion from Hindu extremist groups. Jains and other religious minorities faced abduction and extortion attempts from groups that claimed to be Hindu extremists but possibly were simply thugs and criminal gangs using religious cover for their activities.

Although it is prohibited under the interim constitution, the caste system has deep historical roots in Hinduism and maintained strong influence on society. Societal discrimination against members of lower castes, including Dalits, remained widespread, despite the government's efforts to protect the rights of disadvantaged castes, including intermittent initiatives to pay a grant to those willing to marry a Dalit. Lower castes experienced discrimination in areas including

education, employment, and marriage. Other religious communities did not practice caste discrimination. Entrance into Hindu temples often was restricted for persons not of South Asian ethnicity, who were unlikely to be Hindu. Better education and higher levels of prosperity, especially in the Kathmandu Valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics, as well as senior administrative and military positions, and to control a disproportionate share of natural resources. Resistance to intercaste marriage remained high.

#### Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. embassy maintained contact with Hindu, Buddhist, Muslim, Christian, Jewish, Sikh, and other religious groups. The embassy closely monitored religious freedom and raised the issue with the government when appropriate. The embassy also repeatedly protested the government's disproportionate response to peaceful protests by Tibetans.

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