

Institute on Religion and Public Policy Report:

Religious Freedom in Nepal

Executive Summary

Nepal was officially a Hindu nation under the monarchy, but with the development of a secular democratic government, religious freedom is more likely to be protected by the government. Although there are some minor religious freedom issues regarding prohibitions on proselytism by Christians and prohibitions on religious and political activities of Tibetan Buddhists, overall there is not much conflict between religious groups.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal and Political Framework for Religion in Nepal

Nepal's newly formed Constituent Assembly declared that Nepal was a federal democratic republic in April 2008, and the monarchy officially disbanded. The Maoists, previously insurgents, have joined the government and form a plurality of members in the Constituent Assembly. Their conflict with the government from 1996 to 2006 was the source for many human rights abuses by both sides and the 2006 peace agreement forms the basis for the current government. Nepal remains quite poor with a very low per capita income and less than half of Nepalese women are literate.

Nepal is a majority Hindu nation, 81% of the population identifies as Hindu, with substantial Buddhist influence, 11% of the population is Buddhist, and it contains many important holy sites for both religions. Nepal is particularly notable for being the birthplace of the Buddha, Siddhartha Gautama. There is also a small Muslim minority as well as small Christian and other minorities. However Buddhism and Hinduism are often practiced in tandem and in many cases Buddhists and Hindus could be defined as either. In general Hindu-Buddhist

conflict has historically been virtually non-existent due to shared temples and dual faith practices.

As it is still being rewritten, we do not yet know exactly what the Nepalese constitution will say about the issue of religious freedom. However the 2007 interim constitution declared that Nepal is a “secular state.” The prior, 1990, constitution declared it to be a “Hindu Kingdom.” The interim constitution of 2007 states in its eleventh clause, “the state shall not discrimination citizens among citizens on grounds of religion, race, sex, caste, tribe or ideological conviction.” The 19th clause of the interim constitution guarantees the freedom of religion, but limits it so that “no person shall be entitled to convert another person from one religion to another.” It states, “every person shall have the freedom to profess and practice his own religion as handed down to him from ancient times having due regard to traditional practices,” and “every religious denomination shall have the right to maintain its independent existence and for this purpose to manage and protect its religious places and trusts.” It remains to be seen how the 2010 constitution will cover religious freedom issues, but it will likely keep Nepal as a secular state due to the Maoist plurality in the government.

The Nepalese government is responsible for some instances of religious discrimination. In particular the long standing ban on proselytizing is discriminatory against Christians and other groups for whom proselytization is a key element of their faith. Although religious organizations are not required to register with the government, they do have to meet certain requirements to register as NGOs in order to own land. Private conversions have not been prohibited.

Muslim madrassahs are technically required to register with local district administrative offices and supply information about their revenue sources, but this has not been widely enforced. District Education Offices have been providing registered madrassahs with limited financial support and the Department of Education has prepared curricula for them. Overall Muslims are not seriously discriminated against, but some Nepalese Islamic groups have demanded the right to enshrine shariah law as the legal system for Muslims. Whether or not this demand is accepted, it does not amount to significant discrimination against Nepal’s Muslim minority.

Christian groups have complained about government interference, but they have been able to expand their numbers through conversion and generally practice their faith without interference. They have broadly welcomed Nepal’s establishment as a secular rather than Hindu state.

The government is also wary about angering China and as a result, places restrictions on the locations for non-religious Tibetan holidays such as the Dalai Lama’s birthday. While important Tibetan Buddhist celebrations may be held on public property, holidays with more political overtones can only be celebrated

privately. The Supreme Court also upheld the policy to continue refusing to re-register two offices one representing the Dalai Lama and the other serving Tibetan refugees.

Societal Issues

Dalits, or untouchables in the Hindu caste system, are protected by law from discrimination, but they have been subjected to de-facto discrimination anyway. This includes being kept out of some Hindu temples and being subjected to prejudice in secular life. Occasionally they have been persecuted for asserted their rights or barred from schools. This issue is being addressed by the central government, but not always adequately.

Maoist groups have actively engaged in acts of violence and terror against religious institutions, and have been known to demand the use of religious facilities for so-called "People's Courts" and other ideological purposes.

Many Hindus have been very much alarmed by the growth of Christianity and some of them have formed extremist groups and attacked churches. Converts have occasionally had deal with social ostracism and (rarely) violent persecution.

United States Foreign Policy toward Nepal

The United States has provided over \$1 billion in aid to Nepal since 1951. The United States has supported and continues to support peace in the region and the transition to democratic rule as well as development in the areas of agriculture, health, family planning, and environmental protection. Due to the conflict, the Peace Corps suspended their program in Nepal in 2004 and officially closed it down in 2006.

Conclusion

As the situation currently stands, the new Nepalese government will likely be less discriminatory toward religious minorities than the Hindu monarchy was. However, until the 2010 Constitution is finished, how far this tolerance will be extended is uncertain. It will also be important to watch how Tibetan refugees will be treated under the new democratic government.