

NEPAL 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The 2007 interim constitution protects religious freedom and, in practice, the government generally respected religious freedom. The interim constitution officially declares the country a secular state, but prohibits proselytizing. On at least one occasion, the government interfered with the practice of a religious group. Members of minority religious groups complained about the dominance of Hindus in prominent political and government positions. The trend in the government's respect for religious freedom did not change significantly during the year.

There were some reports of societal discrimination based on religious affiliation, belief, or practice, but adherents of the country's religious groups generally coexisted peacefully and respected places of worship. Caste-based discrimination was illegal and temple access for "lower castes" improved in some areas. However, caste discrimination continued at some Hindu temples, where Hindu priests forbade members of the Dalit (formerly called "untouchable") community from entering.

U.S. embassy representatives discussed religious freedom with government officials. Embassy staff encouraged leading parliamentarians to include provisions in the new constitution respecting the freedom of religion. The U.S. embassy maintained regular contact with Hindu, Buddhist, Muslim, Christian, Jewish, Sikh, and other religious groups.

Section I. Religious Demography

According to the 2011 census, the population is 26.5 million. Hindus constitute 81.3 percent, Buddhists 9 percent, and Muslims (the majority of whom are Sunni) 4.4 percent. Groups constituting less than 5 percent of the population include Kirats (an indigenous religion with Hindu influence) and Christians. Members of minority religious groups have asserted that their numbers were significantly undercounted. Many Nepalis adhere to a syncretic faith that encompasses elements of Hinduism, Buddhism, and traditional folk practices and is not easily captured by the census data. The National Churches Fellowship of Nepal reported that more than 1,000 Christian churches operate in the country. Christian groups state that the number of Christians increased significantly over the past several years, as borne out by the community's nearly three-fold increase over the past

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decade, from 0.5 to 1.4 percent of the total population. According to a Jamia Masjid (mosque) official, there are at least 3,600 madrassahs, most of which are associated with a mosque.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The 2007 interim constitution provides for religious freedom; however, it specifically prohibits proselytizing. It also declares the country a secular state. On May 27, the Constituent Assembly dissolved without drafting a new constitution.

The interim constitution maintains the stipulation from the 1990 constitution that no one shall be discriminated against based on caste. The 2011 Caste-based Discrimination and Untouchability Act criminalizes acts of caste-based discrimination in public and private spaces, including places of worship.

The National Dalit Commission (NDC), established by the government in 2002, protects and promotes Dalit rights, ensures active Dalit participation in the country's development, and coordinates with local nongovernmental organizations (NGOs) involved in Dalit issues.

There are no specific laws favoring the Hindu majority, nor does the government control the expression of Hinduism. The law prohibits the killing or intended killing of cows. Penalties for violating this law include twelve years in prison. Non-Hindus viewed as discriminatory the legal prohibition on killing cows.

The law allows personal conversion to a different religion, but the interim constitution and criminal code prohibit proselytizing, which is punishable by fines, imprisonment, or, for foreigners, expulsion. NGOs or individuals may report individuals or organizations engaged in proselytism for the government to investigate, but none were reported during the year.

The government does not require mosques to register, but madrassahs seeking government funding must 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, citing the difficulty of the registration process and the general lack of resources from the government. According to the Department of Education, approximately 835 madrassahs are legally registered with district education offices, an increase of 25 during the year. The government allocates to each registered madrassah 26,000 Nepali Rupees

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(\$300) per year per teacher to cover teacher salaries. The Department of Education also prepares curricula for the registered madrassahs. Muslims may freely participate in the Hajj; the government does not subsidize the pilgrimage.

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

The government observes the following Hindu holidays: Mahashivaratri, Falgun Purnima, Krishna Asthami, Dashain, Tihar, Maghi, Chhath, Janaipurnima, Gaura Parba, and Ramnahami. The government observes the following Buddhist holidays: Lhosar and Buddha Jayanti; the following Muslim holidays: Eid al-Fiter and Eid al-Adha; as well as Christmas and Ubhauri (a Kirat ethnic/religious festival the Rai and Limbu communities celebrate) as national holidays. The following official Hindu holidays are for women only: Haritalikajej, Rishipanchami, and Jitiya Parba for women celebrating the Jitiya Festival. Basanta Panchami is an official Hindu holiday for school children and Jatra is an official Hindu holiday in the Kathmandu Valley.

Government Practices

There were reports of abuses of religious freedom, including reports of detention.

Government officials prevented a number of Tibetans and Nepalis from participating in a celebration of the Dalai Lama's birthday on July 6, considered a religious event by Tibetan Buddhists, and detained 17 individuals attempting to attend the event; all were subsequently released. Unlike previous years, there were no cases of alleged preventative detention involving ethnic Tibetans. The Nepal Police Human Rights Unit maintained that any arrests made were for disturbing the peace and not for religious or political reasons.

In March police detained two Buddhist/Hindu Tamang youths in Lalitpur for slaughtering a cow and locals vandalized their home. At year's end, the two remained in custody awaiting trial.

There were no officially-recognized 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 Catholic high schools. Foreign workers in the missionary hospitals and schools entered the country with visas designating them as technical

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workers for local or international NGOs sponsoring the hospitals and schools. The government did not expel any foreign workers for proselytizing during the year. Many foreign Christian organizations had direct ties to local churches and sponsored pastors for religious training abroad.

Members of non-Hindu minority religious groups expressed concern over a perceived lack of representation in top political and government positions and a lack of government resources to support religious sites belonging to minority religious groups. Muslim leaders asserted that their community was among the most marginalized in the country, lacking educational opportunities and insufficiently represented in government.

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

In September activists from the World Hindu Federation reportedly threatened an artist in Kathmandu for “outrageous portrayals” of Hindu gods at an exhibition of his works at a local art gallery. A case was filed at the district administration office accusing the artist of blasphemy and the police responded by padlocking the gallery. The charges were dropped after the gallery removed the exhibition.

There were no registration requirements for religious groups. However, 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. Nevertheless, congregations representing each of these groups, whether registered or not, operated freely and without obstruction.

The government permitted civil servants to take leave on religious holidays and celebrate them on private property without government interference.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. However, adherents of the country’s many religions generally coexisted peacefully and respected places of worship. Hindus generally respected the many Buddhist shrines located throughout the country, and Buddhists accorded Hindu shrines the same respect. Buddha’s birthplace at Lumbini, in the southern part of the country, was an important pilgrimage site.

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Christian groups reported that "Hindu extremism" continued. In July police arrested two individuals from a criminal organization who threatened to bomb churches and kidnap church leaders if the churches did not meet their extortion demands. In August a Catholic church reported threatening phone calls from an alleged radical Hindu group demanding money. Church leaders said authorities were very responsive to their reports of the threat.

Those who chose to convert to other religions, in particular Hindu citizens who converted to Islam or Christianity, as a rule were not afraid to state publicly their new religious affiliations.

Although prohibited under the interim constitution, and despite the government's efforts to protect the rights of disadvantaged castes, societal discrimination against members of lower castes, particularly Dalits, remained widespread and restricted their religious freedom. Local villagers and Hindu priests often prevented Dalits from entering temples, performing religious rites, and participating in cultural and religious festivals. Other religious groups did not practice caste discrimination. Observers noted that better education and higher levels of prosperity, especially in the Kathmandu Valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups.

Section IV. U.S. Government Policy

The U.S. embassy encouraged leading parliamentarians, who were drafting a new constitution, to include provisions respecting the freedom of religion. The embassy closely monitored religious freedom and raised the issue with the government. Embassy officers expressed their concern about the arrest of artists on blasphemy charges to the Nepal Police. The U.S. embassy maintained contact with Hindu, Buddhist, Muslim, Christian, Jewish, Sikh, and other religious groups.