



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Jubilee Campaign, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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\* Issued as received, in the language(s) of submission only.



## **Human Rights and Freedom of Religion or Belief in Nepal**

Jubilee Campaign would like to draw the Councils attention concerning the religious freedom situation in Nepal. Human Right violations have been enabled by the enactment of laws that severely regulate religious practice, conversion, and proselytization. We also highlight the numerous accounts of acts of violence against religious minorities perpetrated by radical Hindu nationalists in the form of violence and oppression.

In 2008 the Hindu monarchy yielded power to federalism and democracy, paving the way for secularism and religious freedom. However, Nepal is a complex nation with religion deeply interwoven in its political and social infrastructure. Nepal's social structures remain dominated by Hinduism as Hindus constitute 81.3 percent of the population, Buddhists 9 percent, Muslims 4.4 and Christians 1.4 percent. Such reality coupled with radical nationalism has allowed for a number of instances of violence against minority religious groups.

### **Proselytization and Property Rights**

The Nepali Constitution enacted in 2015 declared Nepal a secular state and provided protection for the rights of persons to profess, practice, and preserve his or her religion. However, the provision was enacted along with concerning exceptions. According to the Constitution, persons are not allowed to propagate any religion in such a manner that may undermine the religion of another and in August 2017, Parliament passed a bill criminalizing religious conversions.

This provision has come to be interpreted as criminalizing non-coercive proselytization. In June 2016, eight Christians were arrested for proselytizing in Dolakhna in northern Nepal, charges against them were dropped but not before the accusers spent nearly six months in jail. The broad language of this law in effect bans all conversions, rendering the spirit of their Constitutional enactment meaningless.

Furthermore, Christians and other minority religious organizations are prevented from owning land. There have been several reported cases of Christians struggling to obtain rights for burial grounds which forces many of them to bury their loved ones in forests. There are cases in which radical Hindus have dug up the bodies of Christian families and have left them on the streets.

### **Weakness in implementation**

Nepal's law is also inconsistently implemented throughout the country. Arbitrary detention is widely practiced by Nepal. Those of the Hindu religion are able to proselytize without fear of consequences. However, a number of prosecutions have been started against Christians for sharing their faith. In 2016 eight Christian counselors were arrested for providing pamphlets with Christian material to children. Even though the counselors were acquitted, the distribution of pamphlets was considered sufficient to prosecute the Christian counselors, and the orphanage and other schools were warned of the serious consequences they could face if they continued distributing pamphlets with Christian content. Six Christians were arrested for sharing their testimony in public in Teherathum and were imprisoned on the charge of preaching their religion, and two Christians were arrested for sharing about Jesus inside their own homes. These arrests for conduct which by in each of the incidents the accused were expressing their freedom of speech and freedom of religion in a non-violent and non-coercive manner reveals the arbitrary and capricious application by authorities of restrictions to the right of expression possessed by religious minorities.

## Societal Response

Communal violence has long occurred between ethnic groups in Nepal, but in recent years violence between communities has become increasingly one-sided with a sharp increase in well-planned, deadly attacks by radical Hindu nationalists. Reports of arson, arrests, and shootings have been reported. For example, a church in Dhading District was set on fire by Hindu radicals, after the Christian church was rebuilt radicals burned the church to the ground again. This kind of violence has rapidly spread. In the year 2018 four churches were attacked and set on fire in one week.

Furthermore, cases of false accusations have been recognized by the government. In April 2018, a Hindu cleric, Laskhmi Raj Achya, forced a follower to shoot him and Christians were falsely blamed. The follower later confessed that he was coerced to shoot the cleric. The Nepali government is unable or unwilling to curb the continuous and sustained attacks across the country. Appointed federal officials filling positions in the education, security, justice and other internal affairs departments are overwhelmingly Hindu, which suggests a bias in the refusal or inability to stop this continued and sustained violence against the armless, law-abiding minority citizens of Nepal.

Nepal's legislated exceptions to its Constitutional freedom of religion provision constitutes a violation of the most basic human rights for Nepali citizens—the rights to freedom of religious choice, freedom of expression, and freedom of assembly which are enshrined in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights. There is an increasing amount of concern for Christians in Nepal as Hindu nationalist political parties continue to harass minority religious groups and trample on these universally recognized rights. These crimes enabled by the manner in which the government interprets both the Constitution and the restrictive provisions on the freedom to express one's faith have the potential to create deep religious divides in the country between its religious and ethnic populations.

## Recommendations to the Human Rights Council

1. Nepal must substantially increase law enforcement activity against harassment, oppression, and violence against minority groups.
2. Nepal must take active steps to rid the political and legal system of discriminatory practices and inhumane treatment against individuals of minority religions. Nepal must protect the religious minorities from attacks by extremists.
3. Nepal must respect the due process of law and follow legitimate procedure in enforcing law. Also, Nepal must reduce government official's discretionary power and ensure that they are bound by an interpretation of the law consistent with international freedom norms such as the UDHR and the ICCPR.
4. Nepal must halt the arrest and detainment of those who share their faith in a non-violent and non-coercive manner.
5. Nepal must abolish their broad exceptions to the right of expression and freedom of religious speech.
6. Nepal must provide minority religious groups property rights for the establishment of churches, temples, or mosques.
7. Nepal must provide burial grounds for minority religious groups.
8. Nepal must accept international intervention and supervision in the reformation of its political and security system in order to comply with international standards and prevent future acts of violence against its citizens.