



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: NEPAL

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Religious Freedom Conditions in Nepal

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Overview

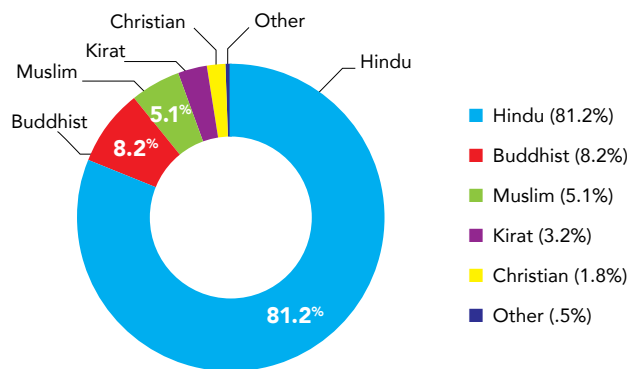
Nepal’s 2007 constitution formally established the country as a secular state and ended the country’s centuries long rule by a Hindu monarchy. It enshrined some protections for religious minorities while simultaneously creating new challenges for religious freedom. Although the constitution does not formally favor any one religion over another, Hinduism remains influential in Nepali society, sometimes to the exclusion of those adhering to other religions. Nepal’s National Penal (Code) Act criminalizes proselytism, blasphemy, and cow slaughter, disproportionately impacting the country’s Buddhist, Christian, and Muslim populations.

This country update provides an overview of religious freedom conditions in the country by examining how Nepal’s criminalization of proselytism, blasphemy, and cow slaughter violate protections for the right to freedom of religion or belief under international human rights law. It also examines how legal impediments outside of the constitution and National Penal (Code) Act, 2017, violate the right to freedom of religion or belief under international human rights law.

USCIRF’s Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Nepal’s Religious Demography



Nepal’s population is approximately 31 million



Nepal's Legal Framework

Nepal's legal framework provides only limited protections for the right to freedom of religion or belief. Article 4(1) of Nepal's [constitution](#) establishes the country as secular. [Article 18](#) prohibits state and non-state actors from discriminating on the basis of religion, and [Article 26\(1\)](#) further provides that every individual "who has faith in religion shall have the freedom to profess, practice, and protect" his or her religion. However, Nepal's legal framework also violates international human rights law's protections for the right to freedom of religion or belief by criminalizing proselytism, blasphemy, and cow slaughter.

Anti-Proselytism Law

The Nepalese constitution qualifies an individual's right to freedom of religion or belief. Article 26(3) provides that no person shall "convert another person from one religion to another." [Articles 158\(1\)](#) and [158\(2\)](#) of Nepal's National Penal (Code) Act, 2017, effectuate Nepal's constitutional prohibition on proselytism. Article 158(1) criminalizes converting "any one from one religion to another" and attempting or abetting a conversion. Article 158(2) criminalizes the conversion of "anyone into another religion, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion." Violations of Articles 158(1) and 158(2) are punishable by imprisonment for up to five years and a fine of up to 50,000 Nepalese rupees (\$375).

Nepal's prohibition on proselytism violates international human rights law's guarantee that individuals have the right to change their religious beliefs. [Article 18](#) of

the Universal Declaration on Human Rights (UDHR) provides that every individual has the right to freedom of religion or belief including "freedom to change" his or her religion or belief. [Article 18\(1\)](#) of the International Covenant on Civil and Political Rights (ICCPR) provides that every individual has the "freedom to have or to adopt a religion or belief" of the individual's choice. Article 18(2) of the ICCPR further provides that no individual "shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." [General Comment 22](#), the United Nations Human Rights Committee's (UNHRCtee) interpretive guidance to Article 18 of the ICCPR, affirms that the right to freedom of religion or belief does "not permit any limitations whatsoever...on the freedom to have or adopt a religion or belief of one's choice." Exposing individuals to criminal sanctions if they persuade or support another individual to convert, as Nepal's National Penal (Code) Act, 2017, does, is a limitation on the freedom to have or adopt a religion or belief of one's choice. Individuals will be deterred from converting to a religion of their choice if those who have persuaded or supported them to convert will be fined or imprisoned as a result.

These prohibitions also violate the rights of individuals who seek to persuade or support another individual to convert. The United Nations Special Rapporteur on freedom of religion or belief [notes](#) that Article 18 of the ICCPR protects "non-coercive attempts to persuade others" to convert. The Special Rapporteur also states that Article 19 of the ICCPR protects "communicative outreach activities aimed at persuading others, including religious discourse."

International human rights law does, however, prohibit coerced conversions. General Comment 22 states that Article 18(2) of the ICCPR prohibits “coercion” including “the use of threat of physical force or penal sanctions to compel believers or non-believers to...convert.” The UNHRCtee further notes that other policies or practices that intend to or have the effect of compelling believers or non-believers to convert, such as those restricting access to education, medical care, employment, or other rights guaranteed by other provisions of the ICCPR, violate Article 18(2). Yet, Nepal’s legislation does not prohibit only forced conversions; it prohibits all proselytism. In fact, various reports indicate that authorities have arrested individuals under Nepal’s anti-proselytism legislation for engaging in non-coercive missionary activities permissible under international human rights law.

In 2021, two South Korean nuns were [arrested](#) for “illegal conversions” in Pokhara. The two women had distributed food to poor Pokhara residents during the COVID-19 pandemic, an act that some viewed as an attempt to convert individuals to Christianity. After being detained for two months, the nuns were [released](#) on bail by the Nepali High Court. Similarly, in July 2022, 33-year-old Pastor Keshav Acharya was [sentenced](#) to one year in prison for allegedly attempting to convert Hindus to Christianity. The sentence followed the Dolpa District Court’s November 2021 conviction of Acharya under the penal code’s anti-proselytism provisions. Authorities alleged that Acharya violated the anti-proselytism law in March 2020 by spreading false information about COVID-19, based on a YouTube video depicting the Pastor praying to Jesus for an end to the virus. He is considered the first person convicted under the country’s anti-proselytism law. Acharya [appealed](#) his sentence and in January 2023 was released on bail pending a hearing.

Despite Nepal’s anti-proselytism laws, the number of Christians in the country has surged in recent years. While exact figures are difficult to estimate, reports indicate a notable increase over the last decade, with most [converts](#) among [Dalits](#) or indigenous peoples. In Nepal’s Dhading district alone, missionaries have established nearly 70 churches, relative to nearly [8,000](#) throughout the country. Nonetheless, some politicians, including Nepal’s former [deputy prime minister](#), Kamal Thapa, view the proliferation of Christianity as a threat. In January 2023, Thapa publicly described Christianity as “spreading like wildfire,” and continues to urge Nepal to enforce the anti-proselytism law and for the country to return to its identity as a Hindu state.

Blasphemy Law

[Article 156](#) of Nepal’s National Penal (Code) Act, 2017, provides that “no person shall outrage the religious feelings of any caste, race, community or class” through “spoken or written” words or through “visible representation or signs or otherwise.” Violations of Article 156 are punishable by imprisonment for up to two years and a fine of up to 20,000 Nepalese rupees (\$150).

Nepal’s criminalization of blasphemy is inconsistent with international human rights law. [Article 18](#) of the ICCPR protects the right of individuals to “manifest” their religion or belief in “public or private.” This right includes the freedom to express a full range of thoughts and beliefs, including those that others might find blasphemous. In addition, [Article 19](#) of the UDHR provides that every individual “has the right to freedom of opinion and expression,” including the “freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.” [Article 19\(1\)](#) of the ICCPR provides that every individual has the “right to hold opinions without interference.” Article 19(2) of the ICCPR further provides that every individual has the “right to freedom of expression,” including “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media” of the individual’s choice. [General Comment 34](#), the UNHRCtee’s interpretive guidance to Article 19 of the ICCPR, notes that the right to freedom of opinion and expression protects “expression and receipt of communications of every form of idea and opinion capable of transmission to others,” including “religious discourse...that may be regarded as deeply offensive.” The UNHRCtee further notes that “prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”

General Comment 34 does state that if a prohibition on “displays of lack of respect for a religion or other belief system” is consistent with the “specific circumstances envisaged in [article 20, paragraph 2](#), of the [ICCPR],” then such a prohibition might be compatible with the ICCPR. Article 20(2) provides that “advocacy” of “religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” However, Article 156 of Nepal’s National Penal (Code) Act, 2017, does not prohibit advocacy that constitutes incitement to discrimination, hostility, or

violence. Instead, Article 156 impermissibly prohibits offending religious feelings. As the Special Rapporteur on freedom of religion or belief *notes*, “The international normative standard is clear: States may not impose punishment for insults, criticism or giving offence to religious ideas, icons or places, nor can laws be used to protect the feelings of religious communities.”

Cow Slaughter Law

Article 9(3) of the Nepali constitution states that the cow is the country’s national animal. [Article 289\(1\)](#) of Nepal’s National Penal (Code) Act, 2017, further provides that no person shall “do, or cause to be done, any act with the intention of killing, or causing hurt to, any cow or ox.” Violations of Article 289(1) are punishable by imprisonment for up to three years if an individual’s act causes the death of a cow or ox, and imprisonment for up to six months and a fine of up to 50,000 Nepalese rupees (\$375) if an individual’s act causes “grievous hurt to a cow or ox.” Additionally, some local governments have begun incentivizing individuals to report instances of cow slaughter. In May 2023, the Narainapur Rural Municipality *decided* to award 15,000 Nepalese rupees (\$115) to individuals who provide information on anyone they suspect of killing cows.

Nepal’s prohibition legally enforces Hindu religious principles on individuals and groups who do not adhere to them. It also is an impermissible limitation of the right of individuals to engage in cow slaughter for religious purposes. Article 18(3) of the ICCPR does permit limitations on the “freedom to manifest one’s religion or belief” but only if the limitations are “prescribed by law” and are “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” General Comment 22 provides that restrictions may only be applied “for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.” General Comment 22 notes that “limitations...for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.” This is particularly relevant when considering Nepal’s criminalization of cow slaughter, given that the Hindu-majority country has designated the cow as its national animal and has *permitted* the *sacrifice* of animals other than cows during religious ceremonies.

Although Nepal’s criminalization of cow slaughter is “prescribed by law” in Article 289(1) of the National Penal (Code) Act, 2017, the state has not met its burden

of justification to show that the limitation on cow slaughter is “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” In fact, Nepal has offered no justification for its limitation on cow slaughter; and, as the Special Rapporteur *notes*, the “burden of justification” falls on the state.

Nepal’s criminalization of cow slaughter violates the right of Nepal’s religious minorities to manifest their right to freedom of religion or belief. For example, the law prevents Muslims from practicing cow slaughter during Eid al-Adha, which is considered an essential ritual. In addition, the religiously inspired restriction on cow slaughter prevents Adivasi-Janajatis from eating beef, which is central to their culture. Examples of enforcement of the cow slaughter law include a 2018 case in which a man was *sentenced* to 12 years in prison for killing three cows. The same year, four men were *arrested* for cow slaughter in Kapilvastu. More recently, in February 2023, three individuals were *arrested* in Rasuwa and charged with cow slaughter. Authorities investigated the case after receiving a tip and found cow meat, an ax, and two machetes at the home of one of the individuals.

Other Legal Impediments

Nepal’s religious minorities face other burdensome legal impediments to their right to freedom of religion or belief apart from the constitution and the Penal Code (Act), 2017. For example, the Supreme Court of Nepal *ruled* in 2011 that the government is under no obligation to provide the Christian community with cemeteries. As a result, Christian groups and churches continue to *experience* difficulty accessing land to conduct burials. Christians tending to their deceased often must choose between traveling long distances to a burial plot or cremation, which many oppose on religious grounds.

Nepal’s legal framework has also burdened Muslims seeking to operate Islamic schools, known as madrassas. In 2004, the government *allowed* the registration of madrassas as government schools but required them to adopt the government-approved curriculum in order to receive *financial aid*. Approximately *1,000* madrassas are registered with the government, but *estimates indicate* that as many as 3,000 are unregistered because the institutions resist adopting the government approved curriculum. This leaves the unregistered madrassas without financial support and weighs on their ability to provide children with formal religious education.



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Finally, the Tibetan Buddhist refugee population has faced continued legal impediments to their right to freedom of religion or belief. Approximately 20,000 Tibetan refugees currently reside in Nepal, which is viewed as the closest destination to escape persecution from Chinese authorities who *engage* in systematic arrests, suppression, and punishment of those protesting against its influence in Tibet. After Tibetans make the treacherous journey across the Himalayas into Nepal, however, the government denies the refugee population *identity cards*, which prevents them from securing work and educational opportunities in the country and abroad. Further, while the government in 2022 did provide the refugees with a two-hour window to celebrate the birthday of their religious leader, the Dalai Lama, the population is generally *prohibited* from displaying public devotion to him. The Nepali government enforces this prohibition through ongoing *surveillance* of refugees, including *home visits and searches*. Fears of surveillance are further compounded by an extradition treaty with China, which would *require* both countries to hand over individuals found crossing the border within seven days of detainment. While Nepal has signed but not yet ratified the agreement, human rights groups *note* that the government

has sent back some Tibetans found near the Nepal-China border. Tibetan refugees returned to China are at a heightened risk of persecution at the hands of the Chinese government, including violations of their right to life and their right to freedom from torture or cruel, inhuman, or degrading treatment. As such, Nepal returning Tibetan refugees to China violates the principle of *non-refoulement* under international humanitarian and human rights law, which provides that no individual shall be returned to a country where they are likely to face persecution.

Conclusion

Nepal's legal framework criminalizes proselytism, blasphemy, and cow slaughter, thereby restricting Nepalis in their ability to adopt, have, or renounce a religion or belief, or to manifest their religion or belief according to their conscience. Nepal's repeal of these prohibitions would comply with international human rights law and would improve the country's religious freedom conditions. At a minimum, Nepal should not enforce these criminal laws against peaceful, non-coercive religious activities and expression that are protected by internationally guaranteed rights.

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