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**Submission by:**

ADF International  
Rue du Pré-de-la-Bichette 1  
1202 Geneva, Switzerland

Web: [www.ADFinternational.org](http://www.ADFinternational.org)  
Email: [UN@ADFinternational.org](mailto:UN@ADFinternational.org)

## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the situation of freedom of religion and the protection of persons belonging to religious minorities in Nepal. In particular, it documents the adverse impact of laws prohibiting 'outraging religious feelings' as well as peaceful proselytism and other forms of religious expression deemed disruptive to social harmony. It further addresses the targeting of minorities by extremist groups and barriers to the conduct of religious practices, including access to land grants for burial sites.

### (a) Freedom of Religion or Belief and Expression

3. According to the latest national census, in 2021, Nepal had a population of around 29 million, comprising roughly 81% Hindus, 8% Buddhists, 5% Muslims, 2% Christians, and 4% other religions. The census did not include a category for non-religious persons.<sup>1</sup> Other sources indicate a higher proportion of minority groups, with as many as 12% Buddhists, 4% Muslims, 5% Christians, and 14% ethnic and other minority religions as of 2024.<sup>2</sup> Many Christians and other minorities belong to Dalit and other socially disadvantaged groups.
4. The latest Pew Research Center report, based on 2022 data, marks Nepal as 'high' on government restrictions and social hostilities towards religion, respectively, with the latter worsening from the previous year.<sup>3</sup>
5. The increased social hostility is at least partially attributable to socio-political shifts in the country, particularly the rise in Hindu nationalist movements which have incited opposition to the secular model of governance in favor of a narrative that frames Muslims and Christians as hostile actors that pose an existential threat to the Hindu majority.<sup>4</sup>
6. In the previous cycle of the UPR, Nepal received three recommendations urging the government to guarantee freedom of religion or belief, including the freedom to choose or change one's religion or belief, in law and in practice, including by amending its Constitution and Criminal Code.<sup>5</sup> Nepal accepted one of these but merely noted the recommendations to amend its laws, claiming their existing compatibility with international obligations.<sup>6</sup>

## Legal Framework

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<sup>1</sup> National Statistics Office 'National Population and Housing Survey 2021' (May 2023) <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity?type=data>.

<sup>2</sup> Open Doors 'Nepal: Persecution Dynamics' (January 2025) *World Watch Research*, <https://www.opendoors.org/research-reports/country-dossiers/WWL-2025-Nepal-Persecution-Dynamics>, 6.

<sup>3</sup> S. Majumdar 'Government Restrictions on Religion Stayed at Peak Levels Globally in 2022' (18 December 2024) *Pew Research Center*, <https://www.pewresearch.org/religion/2024/12/18/government-restrictions-on-religion-stayed-at-peak-levels-globally-in-2022/>.

<sup>4</sup> K. Man Rai 'The Hindu Nationalist Campaign Against Secularism and Christians in Nepal' (20 March 2025) *Center for the Study of Organized Hate*, <https://www.csohate.org/2025/03/20/hindu-nationalist-campaign-in-nepal/>.

<sup>5</sup> Human Rights Council 'Report of the Working Group on the Universal Periodic Review: Nepal' (30 March 2021) UN Doc A/HRC/47/10, 159.80, .86, .87.

<sup>6</sup> Human Rights Council 'Report of the Working Group on the Universal Periodic Review: Nepal, Addendum' (28 April 2021) UN Docs A/HRC/47/10/Add.1.

7. Nepal's Constitution recognizes the Nepalese people to comprise 'multiethnic, multilingual, multi-religious, multicultural characteristics'.<sup>7</sup> At the same time, the State is declared to be secular, defined as 'religious, cultural freedoms, including protection of religion, culture handed down from the time immemorial'.<sup>8</sup> The formulation 'Sanatan Dharma', meaning 'eternal tradition/religion', is broadly understood to refer to the Hindu religion and highlights the special emphasis given to it in contrast with what are perceived as *newer* religions.<sup>9</sup>
8. Article 17 of the Constitution guarantees all citizens' freedom of opinion and expression, freedom to peaceably assemble, and freedom of association. However, reasonable restrictions on these freedoms are permitted 'on any act which may undermine', inter alia, 'the harmonious relations between [...] the people of various castes, tribes, religions or communities' or 'any act which may be contrary to public decency or morality'.<sup>10</sup>
9. Article 18 guarantees equality before the law and equal protection under the law. It further prohibits discrimination in the application of general laws on grounds of, inter alia, religion.<sup>11</sup>
10. Article 26 establishes every religious person's 'freedom to profess, practice and protect his or her religion according to his or her conviction', as well as religious denominations' right to operate and protect religious sites. However, the provision further asserts that:
 

'No person shall, in the exercise of the right conferred by this Article, do, or cause to be done, any act which may be contrary to public health, decency and morality or breach public peace, or *convert another person from one religion to another or any act or conduct that may jeopardize other's religion.*' (emphasis added)
11. The 2017 Penal Code articulates various 'Offences Relating to Religion' in Chapter 9.<sup>12</sup>
12. Article 156 prohibits 'outrag[ing] religious feelings of any caste, race, community or class by words, either spoken or written, by visible representation or signs or otherwise', with a penalty of up to two years' imprisonment and a fine.<sup>13</sup>
13. Article 158 of the Penal Code explicitly prohibits proselytism, punishable by up to five years' imprisonment and, in the case of foreigners, deportation within seven days thereafter. Specifically:
 

'(1) No person shall convert any one from one religion to another or make attempt to or abet such conversion.

(2) No person shall do any act or conduct which undermines the religion, opinion or faith of any caste, race, community or convert any one into another religion, whether by inducement or not, in a manner to so undermine or

<sup>7</sup> Constitution of Nepal (2015), [https://ag.gov.np/files/Constitution-of-Nepal\\_2072\\_Eng\\_.www.moljpa.gov\\_.npDate-72\\_11\\_16.pdf](https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_.www.moljpa.gov_.npDate-72_11_16.pdf), art. 3.

<sup>8</sup> Id., art. 4.

<sup>9</sup> ACN International 'Nepal'(2023) <https://acninternational.org/religiousfreedomreport/reports/country/2023/nepal>.

<sup>10</sup> Constitution of Nepal, art. 17.

<sup>11</sup> Id., art. 18.

<sup>12</sup> Nepal Penal Code (2017) <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/106060/NPL106060.pdf>.

<sup>13</sup> Id., art. 156.

propagate such religion or opinion with the intention of making such conversion.’<sup>14</sup>

14. In January 2025, Bill 2081 ‘Related to Operation, Use, and Regulation of Social Media in Nepal’ was proposed in the National Assembly. It threatens to further expand restrictions on freedom of expression by granting authorities sweeping powers to mandate online platform registration, block content deemed ‘indecent’ or ‘misleading,’ and impose heavy fines or prison terms.<sup>15</sup> The Bill has faced significant scrutiny from national and international actors, including UNESCO, expressing concern at the Bill’s vague terminology and opaque enforcement mechanisms which pose a disproportionate threat to marginalised voices, including religious minorities.<sup>16</sup>

### *Targeting of Persons Belonging to Religious Minorities*

15. In November 2021, Nepalese Christian pastor Keshab Acharya was charged with ‘outraging religious feelings’ and ‘proselytizing’ for distributing religious leaflets and offering prayer for the sick. In October 2022, several UN Special Rapporteurs issued a communication on this case to the Nepalese government, alleging violations of freedom of religion or belief and possible arbitrary detention.<sup>17</sup> The government responded, insisting that the arrest and sentencing had been lawful in accordance with Article 158 of the Penal Code.<sup>18</sup> In January 2024 the Supreme Court rejected the pastor’s appeal and he was sentenced to one year imprisonment.<sup>19</sup>
16. In 2016, Pastor Hari Tamang was arrested after hosting a group of children at his church at the request of their caregiver. He was accused of exploitation and forced conversion of the children, despite this being denied by all parties involved. He was convicted and sentenced to three years’ imprisonment. Pastor Tamang subsequently appealed. After several years of delays, in March 2025, the Supreme Court upheld the judgment but reduced his sentence to one year and allowed for a fine instead of imprisonment.<sup>20</sup>
17. In March 2024, seven Australians were arrested for alleged proselytism while taking a walk after attending a Christian gathering in the town of Bara in Eastern Nepal. Four Nepalese Christians in the same town were also apprehended while visiting a non-Christian family on the basis that they were carrying Bibles and other religious

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<sup>14</sup> Id., art. 158.

<sup>15</sup> S. Satgainya ‘Bill to regulate social media raises risk of free speech and free press being casualty in Nepal’ (13 February 2025) *The Hindu*, <https://www.thehindu.com/news/international/bill-to-regulate-social-media-raises-risk-of-free-speech-and-free-press-being-casualty-in-nepal/article69176319.ece>.

<sup>16</sup> See e.g. UNESCO ‘Legal Analysis: Social Media Bill 2081’ (7 March 2025) <https://articles.unesco.org/sites/default/files/medias/fichiers/2025/03/SM%20bill%20legal%20Analysis%20%2829.pdf>;

Centre for Law and Diplomacy ‘Nepal: Analysis Shows Social Media Bill Highly Problematical’ (13 February 2025) <https://www.law-democracy.org/nepal-analysis-shows-social-media-bill-highly-problematical/>.

<sup>17</sup> UN Special Procedures ‘Allegation Letter to Nepal’ (7 October 2022) AL NPL 5/2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27595>.

<sup>18</sup> Permanent Mission of Nepal to the UN Geneva ‘Allegation Letter to Nepal - Response’ (13 January 2023) <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37320>.

<sup>19</sup> ADF International ‘Pastor must begin prison term for praying after Nepali Supreme Court denies his appeal’ (25 January 2024) <https://adfinternational.org/news/pastor-must-begin-prison-term-for-praying-after-nepali-supreme-court-denies-his-appeal>. Further information on file with author.

<sup>20</sup> Information on file with author.

documentation. While the Australian group was promptly deported, the four local individuals were kept in police detention for 24 days before being ordered to face trial.<sup>21</sup>

18. In February 2025, 17 U.S. citizens were detained and questioned in southeastern Nepal after being found assisting in the construction of a building in the city of Dharan. They were accused of sharing their Christian faith with locals. They were ultimately released but warned of deportation if they were found to be proselytizing.<sup>22</sup>

### *Social Hostility and Mob Violence Against Religious Minorities*

19. Beyond government officials, reports indicate a rise in mob harassment and violence perpetrated by radical actors, including Hindu nationalist groups.<sup>23</sup>
20. In August 2023, the construction of a new church near a Hindu temple in Dharan, eastern Nepal, sparked protests, ultimately resulting in the church being closed by local authorities. In the same month, a Hindu nationalist rally in southern Nepal resulted in riots, vandalizing seven churches and attacking congregants with stones and black paint. Some Christian leaders reportedly have been unable to return to their homes due to fear of further violence.<sup>24</sup>
21. In early October 2023, the village of Nepalgunj witnessed escalating Hindu–Muslim tensions triggered by a social-media post, prompting Muslim protests, a Hindu rally, and stone-throwing clashes that injured several before authorities imposed a lockdown and heightened security to prevent widespread violence.<sup>25</sup>
22. The rise in social hostility corresponds to similar radical movements in neighboring countries.<sup>26</sup> In 2025, Indian-based nationalist groups publicly claimed to have ‘reconverted’ 2,000 individuals to Hinduism through public rituals performed in Nepal’s south-eastern Sunsari and Morang districts. Because the underlying narrative falsely assumes all Nepalese Christians to be former Hindus, such actions are not regarded by local authorities as violating anti-conversion laws.<sup>27</sup>

### *Discrimination in Religious and Cultural Practice*

23. In addition to arrests and mob violence, religious minorities also face discrimination in their religious and cultural practice. Notably, Muslims, Christians and other minorities have long been deprived of cemeteries to bury their dead, with the government instead

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<sup>21</sup> UCA News ‘Nepali Christians face trial under stringent anti-conversion law’ (5 April 2024)

<https://www.ucanews.com/news/nepali-christians-face-trial-under-stringent-anti-conversion-law/104688>.

<sup>22</sup> International Christian Concern ‘Nepalese Government Detains, Questions 17 U.S Citizens on Proselytization Charges’ (10 February 2025) <https://www.persecution.org/2025/02/10/nepalese-government-detains-questions-17-u-s-citizens-on-proselytization-charges/>.

<sup>23</sup> S. Kaur ‘Make Nepal Hindu Again: Christians Concerned by Rising Religious Nationalism’ (12 April 2024) *Christianity Today*, <https://www.christianitytoday.com/2024/04/nepal-christians-hindutva-hindu-nationalism-india-rss-hss/>.

<sup>24</sup> Christian Solidarity International ‘Churches targeted as Nepal’s Christians come under renewed attack’ (12 October 2023) <https://www.csi-int.org/news/nepal-churches-targeted-as-christians-come-under-renewed-attack/>

<sup>25</sup> AP News ‘A Nepal town imposes a lockdown and beefs up security to prevent clashes between Hindus and Muslims’ (3 October 2023) <https://apnews.com/article/nepal-lockdown-nepalgunj-hindu-muslim-protests-67d33b313237d757ad8e5fb7f21ec81e>.

<sup>26</sup> Nepali Times ‘Nepal’s religious leaders urge harmony’ (5 February 2024) <https://nepalitimes.com/news/nepal-s-religious-leaders-urge-harmony>.

<sup>27</sup> Christian Solidarity International ‘India’s Hindu nationalists fuel anti-conversion drive in Nepal’ (19 June 2025) <https://www.csi-int.org/news/indias-hindu-nationalists-fuel-anti-conversion-drive-in-nepal/>.

insisting that they cremate them in line with traditional Hindu practice.<sup>28</sup> In 2011, the Nepalese Supreme Court reversed a ban on non-Hindu burials. However, the Court failed to establish an obligation on the government to provide land grants for this purpose.<sup>29</sup> Thus, in practice, many persons belonging to religious minorities continue to lack burial places.<sup>30</sup>

### *Freedom of Religion or Belief and Expression in International Law*

24. Nepal acceded to the International Covenant on Civil and Political Rights (ICCPR) on 14 May 1991 without reservations.<sup>31</sup>
25. Article 18 of the ICCPR guarantees the right to the 'freedom to have or to adopt a religion or belief of his choice' as well as the 'freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching'.<sup>32</sup> Article 19 protects the right to freedom of opinion and expression, including the right to seek, receive, or impart information and ideas of 'all kinds'.<sup>33</sup>
26. Nepal's criminalization of peaceful proselytism does not constitute a permissible limitation on the exercise of these rights in line with the narrow scope outlined in Articles 18.3 and 19.3 of the ICCPR, respectively, failing to adhere to the principles of legality and necessity as well as the permissible grounds for limitation.<sup>34</sup>
27. Furthermore, the vague wording and subjective interpretation of the provisions criminalizing 'outraging religious feelings' opens the door to arbitrary and unjustified restrictions and penalties, while also creating a chilling effect on the expression of ideas or beliefs. As articulated by the Human Rights Committee, the principle of legality implies that legislation establishing a restriction be formulated with 'sufficient precision to enable an individual to regulate his or her conduct accordingly' and 'may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution'.<sup>35</sup>
28. Additionally, while Article 20 does require States Parties to proscribe 'advocacy of national, racial, or religious hatred', that obligation only encompasses expression that

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<sup>28</sup> A.J. Paz 'Denied the Right to Rest: Nepali Christians Struggle to Find Burial Grounds for Their Deceased Loved Ones' (30 March 2023) *Christianity Today*, <https://www.christianitydaily.com/news/denied-right-rest-nepali-christians-struggle-find-burial-grounds-deceased.html>.

<sup>29</sup> Himal South Asian 'Amish Raj Mulmi: Nepali Hindutva' (July 2011) *South Asian Citizen's Web*, <http://www.sacw.net/article3253.html>.

<sup>30</sup> F. Krishner 'Nepal: Catholics reluctantly accept cremation amid a shortage of burial grounds' (3 November 2021) *Radio Veritas Asia*, <https://www.rvasia.org/church-asia/nepal-catholics-reluctantly-accept-cremation-amid-shortage-burial-grounds>.

<sup>31</sup> United Nations Treaty Collection Depository on the Status of Treaties, Chapter IV: Human Rights 4. International Covenant on Civil and Political Rights (last visited 3 Jul. 2025), [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg\\_no=IV-4&chapter=4&clang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-4&chapter=4&clang=en#EndDec).

<sup>32</sup> International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18.

<sup>33</sup> *Id.*, art. 19.

<sup>34</sup> *Id.* arts. 18(3) & 19(3).

<sup>35</sup> Human Rights Committee, General Comment No. 34: Article 19: Freedom of opinion and expression (CCPR/C/GC/34) (12 Sep. 2011) at para. 25, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGC%2F34&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGC%2F34&Lang=en).

risers to the level of ‘incitement to discrimination, hostility or violence’.<sup>36</sup> Furthermore, this provision cannot be employed to exceed the scope of permissible limitations established by Article 19.<sup>37</sup>

29. Nepal’s laws prohibiting ‘outraging religious feelings’ cannot be seen as an expression of that obligation, as they restrict protected expression that does not attain to the prescribed threshold, including peaceful proselytism.

30. In its General Comment No.34, the Human Rights Committee noted that:

‘Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.’<sup>38</sup>

31. Article 26 of the ICCPR obligates the government to ‘prohibit any discrimination and guarantee to all persons equal and effective protection from discrimination,’ including on the ground of religion.<sup>39</sup> Relatedly, Article 27 ensures that religious minorities ‘shall not be denied the right, in community with other members of their group, [...] to profess and practice their own religion’.<sup>40</sup>

32. In this regard, the Human Rights Committee has emphasized that,

‘The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents of other religions or non-believers.’

33. Despite its constitutional protections, Nepal has not taken adequate steps to ensure the equal enjoyment of rights by members of religious minorities, including in the context of burial sites. Furthermore, failure to address the rising instances of militant violence linked with Hindu nationalism raises concerns about the lack of adequate protection for religious minorities, especially converts.

## **(b) Recommendations**

34. In light of the aforementioned, ADF International suggests the following recommendations be made to Nepal:

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<sup>36</sup> ICCPR, art. 20.2.

<sup>37</sup> Human Rights Committee ‘General Comment No. 34: Article 19: Freedom of opinion and expression’ (12 September 2011) *CCPR/C/GC/34*, 50.

<sup>38</sup> *Id.*, 48.

<sup>39</sup> ICCPR, art. 26.

<sup>40</sup> *Id.*, art. 27.

- a. Guarantee full respect for the right to freedom of religion or belief and expression, in law and practice, without discrimination;
- b. Amend Article 26 of the Constitution in accordance with international obligations, including full respect for the rights to freedom of religion or belief and expression;
- c. Repeal or amend Article 156 of the Penal Code to ensure its compatibility with freedom of expression, including by decriminalizing 'outraging religious feelings';
- d. Repeal Article 158 of the Penal Code to decriminalize peaceful proselytism and ensure that the right of all persons to adopt a religion or belief of their choice is protected;
- e. Amend the Social Media Bill 2081 to bring it into full conformity with international obligations, including full respect for freedom of expression;
- f. Ensure the effective protection of persons belonging to religious minorities from all forms of violence and harassment perpetrated by extremist groups, as well as the prompt and impartial investigation and prosecution of all cases;
- g. Guarantee the right of religious minorities to conduct religious and cultural practices, including by removing barriers to the acquisition of land for burial sites.



**VIENNA**

HEADQUARTERS

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