

Local Perspectives on Religious Freedom in NEPAL



Photo by Shiva Hari Gyawali

This brief provides program designers, implementers and evaluators in the Religious and Ethnic Freedom space with practical insights and examples of locally developed indicators, aligned with the Grounded Accountability Model (GAM). It outlines the various ways representatives of local organizations and religious minorities perceive religious and ethnic freedom. The subsequent sections provide an action-oriented discussion of the indicators that emerged.

Introduction

The USAID approach to promoting sustainable development prioritizes local ownership, participation, and capacity strengthening. By applying this approach to the Asia Religious and Ethnic Freedom (REF) program, the significance of engaging and collaborating with local stakeholders, including religious leaders and communities, in the development of indicators for Freedom of Religion or Belief (FORB) projects is emphasized. The process of localizing indicators aims to honor and recognize local cultural specificities, preferences, and practices; and understand the local context and the complexities of religious practices, beliefs, and dynamics in the region. It also can strengthen the capacity of local actors and institutions to take the lead in promoting FORB, ensure the relevance and effectiveness of projects, and promote sustainability.

In order to determine how local actors and final beneficiaries define “religious freedom”, Search facilitated a participatory process that engages community members to generate local indicators based on their everyday experiences of the concept, aligned with the Grounded Accountability Model (GAM). GAM is a participatory research approach designed to inform

interventions and drive greater accountability to the communities served by those interventions, and can be incorporated into monitoring and evaluation, project activities, and overall design. The data was collected with the support of a local organization Samari Utthan Sewa by conducting a workshop with civil society members, minority religious groups, and majority religious groups in Nepal. The process generated a list of co-created and localized indicators, and participants voted for the top indicators that resonated most with them.

Limitations: It should be recognized that the data presented below represent the experiences of a limited number of people. Although they are representatives of religious groups and local actors working in the field of religious freedom, they may not provide a detailed picture of every community in the country. Therefore, each intervention should ideally be preceded by a similar exercise with its beneficiaries. It is important to recognize that when dealing with religious groups, there may be risks of relativism. To avoid this, our team used several approaches. First, we were guided by a human rights and do no harm approach to ensure the results are aligned with these principles. The second was to create a comfortable space for participants. To do so, we invited the religious minority separately and listened to the majority opinion separately and recognized that there may be representatives of minorities in the majority. Third, during the discussion we did not touch upon doctrinal theological issues, only experience related to ‘secular’ life. Fourth, we cross-checked with other existing sources of data to enhance the validity and credibility of findings and mitigate the presence of any biases. In this case, triangulation of literature review, FGD with religious actors, and the workshop with civil society organizations working in the field were used.

Country Background

Nepal is a diverse country with over 29 million people and more than 120 mother tongues. Similarly, the population is religiously diverse (Hindu: 81.2%, Buddhist: 8.2%, Islam: 5.1%, Kirant: 3.2%; Christian: 1.8%) including Sikh, Jain and Bahai¹ and more than 126 ethnic groups, Hill Kshetri and Brahman (16.4% and 11.3% respectively) in majority and the rest being in minority. Similarly, there is approximately a 13.2% Dalit population. Nepal practiced a Hindu monarchy system from 1768; however, Nepal was declared a Hindu nation only in the constitution of 1962. Later, Nepal adopted secularism in its constitution in January 2007 by ending the country's status of a Hindu state and recognizing the country's commitment to religious freedom and separation between religion and state. In the constitution promulgated on 20 September 2015, Nepal was changed to a federal democratic republic nation.

Despite the present constitution not formally favoring any one religion over another, Hinduism remains influential in Nepali society. Through the National Penal (Code) Act of 2017, cow slaughter, being the religious practice of some religions, has been made a criminal act that violates protection for the right to freedom of religion under international human rights law.² This provision in the National Penal (Code) Act is against the constitution, Article 18 that prohibits state and non-state actors from discriminating on the basis of religion.³ Similarly, Article 26(1) provisions that "who has faith in religion shall have the freedom to profess, practice and protect" his or her religion. It is worth noting that there have been debates and discussions regarding the implementation and enforcement of these provisions in practice, and there is a rise in addressing challenges related to religious and ethnic tensions in Nepal.

Focus Group Discussions

Two FGDs were conducted, representing both minority and majority ethno-religious groups from 7 provinces of Nepal. A total of 18 individuals from 8 religious minority groups participated in the focus group discussion (FGD) with religious minority groups. Of the participants, 35 percent were Christian, 18 percent were Buddhist, 12 percent were Muslim, 12 percent were from low-caste Hindus, and 6 percent were from the Bon, Jain, Sikh, and Kirat religious communities. Likewise, 53 percent of the participants were female, and 6 percent identified as members of the LGBTIQ+ communities.

Similarly, a FGD was conducted with the majority ethno-religious group. Altogether, 19 individuals from the majority Hindu religious group participated in the FGD. Of these participants, 11 percent were from the Tribal community, 11 percent were from the Madhesi Dalit community, 26 percent were from the hill Dalit community, and 21 percent were from the Hill Brahmin and Ethnic communities. Additionally, 5 percent were from the Madhesi Brahmin community and 5 percent were from the Madhesi OBC community. Altogether, 42 percent of the participants were female, including survivors of caste-based discrimination and gender-based violence.

A day-long consultation workshop was conducted with representatives from NGOs/CSOs working on FORB and caste issues in Nepal. A total of 22 representatives from various organizations, such as CSOs, academia, legal service providers, and journalists, participated in the consultation workshop. Altogether, 36 percent of the participants were female, while 64 percent were male.

¹ <https://censusnepal.cbs.gov.np/results/cast-ethnicity>, downloaded on 18 September 2023

² United States Commission on International Religious Freedom, Country Update: Nepal, August 2023.

³ *ibid.*

Local Understanding of Religious Freedom

The analysis reveals a spectrum of interpretations regarding religious freedom in Nepal. While the religious minority emphasizes individual freedoms, the civil society representatives highlight the importance of coexistence, and the religious majority extends the concept to encompass communal and social dimensions.

The religious minority participants primarily associate religious freedom with the ability to express their religious practices and worship freely. Interestingly, a substantial portion emphasizes the freedom to change one's religion, reflecting an understanding of personal autonomy in matters of faith. However, the majority does not see religious freedom as including the right to accept the existence of certain religions and beliefs. This suggests a potential tension between the desire for individual freedom and the acceptance of religious diversity within the minority community.

The religious majority participants' responses revolve around the right to follow the traditions and rituals of their community. This perspective extends beyond individual rights to community-level considerations, such as representation in religious institutions and social equality. The experiences shared by different community representatives, including the challenges faced by Hindu women in practicing their faith, highlight the complex intersection of religion and social dynamics. This suggests that religious freedom, for the majority, is not solely a matter of personal belief but also involves communal rights and social equality within religious practices.

On the other hand, civil society representatives view religious freedom in the context of coexistence and emphasize the importance of practicing one's faith without hindrance while respecting others' beliefs. The data reveals a more inclusive perspective, with CSOs acknowledging that religious freedom does not entail the authority to recognize a single religion.

FORB in Everyday Life

The religious minority participants expressed a sense of exclusion and discrimination in various aspects of life, including education, employment, and social interactions. Most of the representatives from the Dalit community stated that they are being treated inhumanely by the high-caste individuals and denied the right to practice their religious worship. Similarly, participants shared that they have a lack of engagement with other caste and religious groups at the community and family levels. Some participants stated that the religious minority community would never experience peace without access to education, healthcare, employment, and income-generating programs. One of the participants said, "I have started a meat shop in the village. However, no one came into my shop because I belong to a low caste and follow Christianity, showing a clear discrimination and prejudice. It is very difficult for Dalit community to sustain any income-generating activities because when people know about their caste, they stop visiting their shops and purchasing the products."

The Brahmin Christian's unique perspective revealed that even within the majority group, those belonging to religious minorities may face discrimination. The further discussion underscored the pervasive sense of insecurity among the religious minority, with a majority not feeling safe conducting religious activities publicly, and a significant percentage experiencing caste and gender-based discrimination.

Conversely, the religious majority participants, largely representing the Hindu community, emphasized concerns about the erosion of their traditional religious identity due to perceived intrusions and religious conversions. This points to a complex dynamic where both majority and minority groups feel their identities are under threat, emphasizing the need for nuanced dialogue and understanding. The majoritarian participants, while acknowledging issues of discrimination, seem to draw on religious scriptures to assert the inclusive nature of Hinduism. A religious leader from the Brahmin community stated that there is no caste-based discrimination in Hindu scriptures such as the Veda or Geeta. He also emphasized that these scriptures are to be included in school curriculum. He further stated, "If we want to make change, we should start from the very beginning from the school education. The political leaders are only interested in the votes. So, we need to come forward to bring about changes."

Civil society representatives, as advocates for religious and ethnic freedom, highlighted the legal and institutional challenges faced by religious minorities in Nepal. The restrictions on establishing religious institutions and the lack of legal provisions for funeral and burial rites create tangible barriers for religious communities outside the Hindu and Buddhist traditions. The participants from CSOs asserted that the government's restrictions on proselytism and blasphemy are incompatible with international standards, emphasizing the need for legal reforms to align with principles of freedom of religion.

FORB and the State

Almost all participants highlighted complex issues related to religious freedom and state involvement in Nepal. The religious minority representatives expressed concerns about the state's involvement in vandalizing ethno-religious sites and the lack of consent in national development projects, leading to forced displacement. They stressed the need for equal respect, protection, and recognition of ethno-religious institutions. Looking at history, the participants cited that the customary land entitlements of ethno-religious minority communities were taken by the ruling class, who were from the majority groups. The minorities have been driven off their ethnic lands and ancestral domains and their language and their cultural heritage has been destroyed. And now, the communities whose land, language, and cultural assets were captured by the dominant group, are reclaiming them. Also, currently, indigenous people are being displaced in the name of development. One of the participants mentioned, "If we are being displaced in the name of development, how can we imagine peace and harmony?" Therefore, without respecting the rights of the ethno-religious communities, religious harmony and peace cannot be established.

The participants claimed that the Nepali government supports the Hindu, Buddhist, and Muslim communities through financial, administrative, and legislative support. However, there are not any formal or informal government agencies to address the issues encountered by Christian groups. On the other hand, the religious majority participants acknowledged instances of discrimination based on caste and religion. However, the focus is on ethnic and religious minorities experiencing social stigma, prejudice, and exclusion. The majority group, primarily Hindu, claims government support in financing the construction of religious facilities. The findings also suggest a disparity in NGO engagement, with minority religious groups receiving less involvement compared to majoritarian organizations.

The civil society representatives echoed concerns about the government imposing illegitimate limits on religious freedom through laws on “proselytism” and “blasphemy”, which they argued are inconsistent with international norms. The lack of appropriate actions by government officials to uphold the right to freedom of religion or belief was emphasized. The discussion points to a disconnect between legal principles, such as those outlined in the 2015 Constitution, and the actual implementation influenced by individual biases.

Comparing these perspectives, a common thread emerges regarding the need for equal treatment, recognition, and protection of religious and ethno-religious communities. The religious minority participants emphasized the challenges they face, including discrimination, lack of recognition, and unequal support from the government. The majority group acknowledged instances of discrimination but focused more on government assistance in building religious facilities. Civil society representatives, meanwhile, highlighted the legal limitations on religious freedom imposed by the government.

FORB, Community, and Caste Discrimination

The participants’ responses/analyses in the context of FORB, community dynamics, and discrimination in Nepal reveal challenges and instances of discrimination based on caste and ethno-religious identity. The narratives underscore the multifaceted nature of these issues, encompassing both historical legacies and contemporary manifestations.

Participants from religious and ethnic minority groups, particularly Christians and Dalits, emphasized the prevalence of discrimination and humiliation in public and private spheres. The denial of permission to construct a cemetery for the Christian community illustrates institutional and social barriers that infringe on religious practices. They must therefore hide their religious affiliation in order to perform the rites of passage for their loved ones.

The accounts also shed light on the challenges faced by individuals who have converted to Christianity. While the new faith may not discriminate based on caste, the participants highlighted the historical biases ingrained in the society, recounting childhood experiences of discrimination and exclusion based on their caste identity. A participant who had converted to Christianity shared, “The neighborhood where I grew up had Brahmin residents. When I was a child, every time I went into a Brahmin’s yard, I used to get beaten up, humiliated and chased out. Today, however, I am able to stay at a Brahmin’s home, eat with them, and participate fully in all other events as a member of the Christian community.”

Some of the *Madhesi* Dalit leaders spoke about how they were still suffering from the trauma of the caste discrimination they had experienced. Due to their social exclusion, they had to deal with discrimination in schools and other social settings, still experiencing lack of access to land or temples. A participant said, “Since we practice Hinduism, we cannot enter temples. We are Hindus, but we are not allowed to celebrate our festivals together with higher caste people.” They contend that the caste system that has been passed down through government institutions has established a power structure. They highlighted the government’s ignorance of their challenges and problems.

Since parents are responsible for selecting a compatible spouse for their children, traditionally most marriages in Nepal are arranged. Every group of people has a unique culture and traditions. Participants cited difficulties finding a mate because of their caste and religious affiliation. Some had

gone through family division, which caused them to leave their home. "I am Newar, but I married a Brahmin, which has caused further chaos in my life," said one participant. She continued, "My inter-caste marriage felt like an earthquake to my mother. My father has yet to accept me." Participants shared that they would experience external peace if their families and communities accepted them.

Instances of discrimination against Dalits were articulated, pointing to the violation of legal provisions prohibiting caste-based discrimination. The imposition of new names on individuals from lower castes and restrictions on language use exemplify the deep-seated prejudices that persist despite legal prohibitions. A respondent from Karnali Province shared his experience: "We are not allowed to use respectful words and names. My name was originally Mangal. When I was admitted to the school, the principal forcefully changed my name...because his name was also Mangal, and he belonged to a higher caste." Furthermore, participants detailed cases where government officials were implicated in criminalizing ethnic and religious minorities, exemplified by a troubling case involving a Dalit boy accused of rape and subsequently imprisoned for a love marriage with a girl from the higher caste. This underscores the urgency for accountability mechanisms within the government to address and rectify such abuses.

Lastly, the recent social media publicity of butchering a bull/bullock by *Janajatis* (ethnic groups), and subsequent strong protests by Hindu groups in Dharan, highlights the current wave of intolerance and the potential threat to religious freedom and social harmony. The clash between cultural practices such as Kirati death rituals (claimed) that involve offering beef, the reverence accorded to the cow as the national animal and mother (for Hindus), and legal provisions banning killing of a cow/bull exemplifies the complex interplay between cultural practices and legal frameworks.

FORB and Media

While recognizing the media's potential to facilitate interfaith discussions and promote understanding, participants expressed concerns about its current impact on religious discourse and the potential for exacerbating tensions. The fear articulated by participants revolved around the tendency of media outlets to sensationalize and exaggerate situations when targeting specific religions. This sensationalism, they argued, not only fails to provide the necessary time and space for interfaith dialogue to flourish but also contributes to the escalation of debates and the perpetuation of prejudice. The rise in anti-ethnic and anti-religious bigotry, coupled with marginalized groups' limited access to social media and the internet, paints a concerning picture of the unequal representation and potential for misinformation. Participants drew attention to the fact that historically dominant groups often control social media and internet content, disseminating disparaging content against minority groups. The impact is particularly pronounced for Muslims and Dalits, who are frequent targets of intolerance and bigotry. The participants' observation of right-wing organizations using social media to marginalize individuals aligns with broader concerns about the weaponization of online platforms to stifle dissenting voices.

In light of these challenges, participants highlighted the need for responsible and sensible media practices. They underscored the importance of media outlets refraining from exaggerations, practicing responsible journalism, and avoiding the spread of hate speech. The condemnation of government agencies for their perceived lack of effectiveness in minimizing hate speech on social media points to the need for regulatory measures to ensure accountability in the digital space. CSOs complement these concerns by emphasizing the need for media sector capacity building. The

transformation of media houses into profit-centric entities prompts a call for a mandatory 'code of conduct' to curb misinformation and rumors that can contribute to societal tensions. The CSOs advocate for regulating and fact-checking initiatives in the age of digital media, recognizing the importance of these measures to mitigate tensions and foster coexistence in society.

FORB and Gender

The participant responses shed light on the intersectionality of FORB and gender issues in Nepal, revealing how religious beliefs and practices contribute to the oppression and discrimination faced by women and LGBTIQ+ individuals. The narratives illustrate the complex web of cultural, religious, and societal norms that influence women's lives, restricting their choices and perpetuating gender-based discrimination.

One significant aspect highlighted was the role of religious superstitions in motivating oppressions against women and girls. Discouragement from pursuing higher education due to the fear that educated women may face difficulties in finding suitable partners reflects deep-rooted gender stereotypes rooted in cultural and religious beliefs. Similarly, the personal experience of a woman facing exclusion from her family after converting to Christianity underscores the intersection of religious conversion, caste bias, and gender discrimination: "After I converted to Christianity, my family refused to enter and live in the house." She was accused of belonging to a lower caste religion that consumes cows.

The accounts from Muslim women reveal how religious practices, such as wearing a hijab, can lead to discrimination and restrictions, even in educational settings. Another female participant from the majority group expressed that there is no value and respect for them even though they believe in Hinduism. She further expressed that even if there is no discrimination in the texts of Hinduism, women are not allowed to read the religious texts in practice. Another instance the participants shared was that a woman is not allowed to enter into the temple during her menstruation period because of the fear of curse by God.

The majority group acknowledged the existence of the LGBTIQ+ community and were of the opinion that they should also be allowed to exercise their rights, just like everyone else. It is therefore the responsibility of the state to ensure that everyone can exercise their rights without fear. These days, they can get the citizenship certificate by mentioning 'third gender' on it, however they still face social stigma in their families and society at large.

The CSOs emphasized the historical roots of gender discrimination, with religion and culture playing significant roles in reinforcing women's inferior status. The urgency expressed by CSOs to work tirelessly for positive changes in the realms of gender and religious freedom highlights the need for comprehensive efforts to dismantle discriminatory practices and beliefs.

Indicators

Overall, the representatives from civil society, religious minority groups, and religious majority groups co-created 130 everyday indicators of religious freedom. These are the **top positive and negative localized indicators**, co-generated, voted, and selected from this discussion:

Religious minorities shared that they would take the following 10 signals/indicators as signs of religious freedom:

When the LGBTIQ+ community feels that they are accepted by society or are given inclusive and dignified rights.

When the state provides that every ethno-religious group has freedom to do their cultural practices.

When people from ethnic and religious minorities believe that the state provides equal opportunity for all ethno-religious groups to protect and preserve their cultural and ethnic knowledge.

When the constitutional rights of Article 40 (right to land) is practically respected by the state in favor of the Mushahar and Dalit community.

When religious preachers spread positive messages based on their religious scriptures.

When people do not spread false information about other religions and cultures.

When people in this country respect each other's religion.

When the government allocates land/space for graveyards or burial places for all religions.

When Dalit members of Nepali society feel that they are given a dignified life as human beings.

When the education system is supportive of eliminating discrimination based on religion, ethnicity, and caste.

Religious majorities shared that they would take the following 10 signals/indicators as signs of religious freedom:

When the proportionate and meaningful participation of Dalits and marginalized communities at every structure of the state is ensured.

When all religious and ethnic communities have legal protection to practice their faith and belief freely.

When people from marginalized communities feel or believe that they live in an equitable society without discrimination.

When non-discrimination is promoted within educational institutions.

When the legal system of the state is not influenced by any religion.

When the academic curriculum of the educational institutions is non-discriminatory.

When there are no killings or violence against people in the name of caste and religion.

When all religious communities feel free to manifest religion or belief in teaching, practice, worship, and observance.

When the discriminatory legal provisions against ethnic and religious minorities are amended.

When the caste discrimination within the Hindu community is reduced/eradicated in practice.

Civil society representatives shared that they would take the following 10 signals/indicators as signs of religious freedom in their communities:

When the state treats all religious and ethnic communities equally and there is no state involvement in the religious affairs.

When the economic, educational, and political empowerment of ethnic minority communities is ensured.

When coexistence is accepted and ethnic-religious acceptance is increased in society.

When violent behavior and politicization of religion in the name of faith is over.

When there is an end to the discriminatory legal provisions ideologically associated with a particular religion.

When the campaigns about social tolerance are conducted by every religious leader in their faith community.

When the constitutional provision of secularism is practically implemented.

When access to justice for minority religious communities is ensured.

When the environment is created to follow or not follow any religion, ritual, or belief without fear.

When the constitutional rights are implemented properly.

Looking at the indicators for FORB prioritized by three different groups, there are some common indicators either between two or among all. The common indicators from all groups are around 'feeling free to practice religious and ethnic affairs without fear'; 'protection of religious and ethnic minorities by the state by treating all equally and with no state involvement in the religious affairs' and 'proper implementation of constitutional rights to religious and ethnic minorities'. The common indicators between two groups are around 'abolition of caste-based discrimination and dignified life of Dalit is promoted'; 'state regulations are not influenced by any particular religious beliefs and particular faith-based policies/regulation are amended'; 'non-discriminatory education system and curriculum promoted in the educational institutions'. However, there are some important standalone indicators by individual groups: 'acceptance of LGBTIQ+ dignified rights to them'; 'no spread of fake information against any religion', 'dedicated graveyard or burial place for all religious groups', 'ensured economic, political, and educational empowerment to the minorities'; 'religious leaders campaigning about social harmony and dissemination through media'.

Conclusion & Recommendations

The discussion reveals that discrimination, whether based on caste, religion, or gender, serves as a catalyst for various forms of violence in Nepal. Despite the inclusion of non-discriminatory provisions in the current constitution advocating for rights, dignity, and inclusion, their practical implementation remains weak. The analysis elucidates structural violations and cultural narratives that contribute to discrimination and intolerance. These narratives draw strength from historical and cultural practices as well as theological interpretations within Hinduism and the caste system. Permeating various aspects of life, from birth to education, marriage, and funeral rites, these cultural narratives shape societal norms. However, amidst these challenges, participants also identified positive trends, pointing to the impact of globalization and the more open-minded approach of the youth. These trends create opportunities for the promotion of religious freedom through strategic programming.

Therefore, civil society organizations can choose the indicators they feel they can leverage to succeed in the context they operate for their future programs in Nepal dealing with religious and ethnic freedom. Similarly, international organizations and donors can also refer to these indicators for developing programs in Nepal in the field of FORB, either for implementation or funding, as these indicators have been identified by following a locally participatory, and thereby owned, approach.

Taken together, these indicators reflect the local Nepali perspectives on the meaning of religious freedom. Locally developed indicators are a great source for guiding actions and promoting accountability to local communities. Stakeholders such as civil society organizations, program developers, policymakers, government agencies, and local communities themselves can all act on localized indicators. While these indicators may appear broad, they not only measure specific outcomes but also capture shifts in people's attitudes and practices within communities. For instance, when the government provides graveyards or burial places for all religions, it shows that authorities accommodate and respect the needs of religious minorities to honor their deceased.

These indicators not only reveal the existing challenges related to religious freedom, but they also offer insight into potential programmatic interventions in the Nepali context. For instance, the indicators show how provisions in the constitution need to be implemented properly and practically to ensure the rights of all. These mean that there could be a variety of program interventions, including:

- Formulate acts and policies to make the constitutional provisions work in a true sense.
- Increase the presence of minority groups in the legislative, executive, and judicial arenas to remedy the discrimination and violation of rights of the minority groups up to those levels.
- Hold more interfaith and interethnic problem-solving discussions to mitigate tensions caused by legal and institutional instruments.
- Initiate targeted livelihood support programs for minority groups.
- Offer legal literacy programs for women and empathy building sessions with men to empower women and reduce violence against them.
- Create media mobilization campaigns for promoting social harmony and a peaceful society.
- Increase donors' funding portfolio in Nepal to engagements with the government for funding and building capacity of CSOs for religious and ethnic freedom.
- Facilitate donors' support to strengthen CSOs in the areas of resource mobilization, proposal and report writing, program design, monitoring, and evaluation, media mobilization, and policy formulation.