

Prospects Dim for Religious Freedom in Nepal

A new constitution that Nepal's parliament is scheduled to put into effect before May 28 may not include the right to propagate one's faith.

The draft constitution, aimed at completing the country's transition from a Hindu monarchy to a secular democracy, contains provisions in its "religious freedom" section that prohibit anyone from converting others from one religion to another.

Most political leaders in the Himalayan country seemed unaware of how this prohibition would curb religious freedom.

"Nepal will be a secular state—there is no other way," says Sushil Koirala, president of the Nepali Congress, Nepal's "Grand Old Party," but he adds that he was not aware of the proposal to restrict the right to evangelism.

"Forcible conversions cannot be allowed, but the members of the Constituent Assembly [acting parliament] should be made aware of [the evangelism ban's] implications," Koirala, a veteran and one of the most influential politicians of the country, told Compass.

Gagan Thapa, another leader of the Nepali Congress, admitted that banning all evangelistic activities could lead to undue restrictions.

"Perhaps, the words, 'force, inducement and coercion' should be inserted to prevent only unlawful conversions," he told Compass.

Man Bahadur Bishwakarma, also from the Nepali Congress, said that of all the faith communities in Nepal, Christians were

most active in converting others, sometimes unethically.

"There are problems in Hinduism, such as the caste hierarchy, but that doesn't mean you should convert out of it," he says. "I believe in reforming one's religion."

Asked if the restriction on converting others violated the International Covenant on Civil and Political Rights (ICCPR), Akal Bahadur of the Unified Communist Party of Nepal (Maoist) says, "It may, but there was a general consensus on it [the prohibition]. Besides, it is still a draft, not the final constitution."

Nepal signed the ICCPR on May 14, 1991. Article 18 of the ICCPR includes the right to manifest one's religion, which U.N. officials have interpreted as the right to evangelistic and missionary activities.

Akal Bahadur and Thapa are members of the Committee on Fundamental Rights and Directive Principles, which was tasked to propose the scope of religious freedom and other rights in the draft constitution. This committee, one of 11 thematic panels, last year submitted a preliminary draft to the Assembly suggesting that a person should be allowed to decide whether to convert from one religion to another, but that no one should convert anyone else.

Binda Pandey, chairperson of the fundamental rights committee and member of the Communist Party of Nepal (Unified Marxist Leninist), told Compass that it was now up to the Assembly to decide whether this provision violates religious freedom.

The Constitution Committee is condensing the preliminary drafts by all the committees as one draft constitution. At least 288 contentious issues arose out of the 11 committees, and the Constitution Committee has resolved 175 of them, Raju Shakya of the Kathmandu-based Centre for Constitutional Dialogue (CCD) told Compass.

The “religious freedom” provision with its ban on evangelism did not raise an eyebrow, however, as it is among the issues listed under the “Area of Agreement” on the CCD Web site.

Once compiled, the draft constitution will be subject to a public consultation, after which another draft will be prepared for discussion of clauses in the Constitutional Assembly; provisions will be implemented on a two-thirds majority, Shakya says.

Thapa of the fundamental rights committee indicated that religious conversion could become a contentious issue if the proposed restriction is removed. Even the notion of a secular state is not wholly accepted in the country.

“If you hold a referendum on whether Nepal should become a secular state, the majority will vote against it,” Thapa says.

Most Hindus see their religion as an essential part of the country’s identity that they want to preserve, he added.

Dr. K.B. Rokaya, the only Christian member of Nepal’s National Commission for Human Rights, says Nepal’s former kings created and imposed a Hindu identity for around 240 years because it suited them; under the Hindu ethos, a king should be revered as a god. Most of the numerous Hindu temples of Nepal were built under the patronage of the kings.

Rokaya added that Christians needed to be more politically active. The Assembly does not have even one Christian member.

According to the 2001 census, over 80 percent of Nepal’s 30 million people are Hindu. Christians are officially .5 percent, but their actual number is believed to be much higher.

Nepal was the world’s only Hindu kingdom until 2006, when a people’s movement led by former Maoist guerrillas and

supported by political parties, including the Nepali Congress and the Unified Marxist Leninist, ousted King Gyanendra.

An interim constitution was enacted in 2007, and the Constituent Assembly was elected through Nepal's first fully democratic election a year later. The Assembly was supposed to promulgate a new constitution by May 28, 2010, but its term was extended by one year.

It is still uncertain, however, whether the approaching deadline will be met due to persistent disagreements among parties. The Maoist party has 220 members, the Nepali Congress 110, and the Unified Marxist Leninist 103 in the 575-member Assembly.

Rokaya, a member of the newly formed United Christians Alliance of Nepal, comprising a majority of Christian denominations, said Christians would continue to ask for full religious freedom. The use of inducement or force for conversions is deplorable, but the right to preach the tenets of one's religion is a fundamental freedom, he added.