Prior to a civil war between Maoist rebels and the government in 2006, the country was officially a Hindu state. In 2008, Nepal became a secular democratic republic. The new constitution as of 2015 retains “secularism” but places restrictions on freedom of religion or belief.

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**Constitution and government**

In 2015, a new “secular” constitution was announced, replacing the 1990’s monarchical constitution. However, various issues of religious privilege remain, including a stipulation that ‘Sanatana Dharma’ (Hindu faith) will be specially protected by the state.

This came after a comprehensive peace agreement between democratic parties and a belligerent Maoist-led party. The interim constitution established Nepal as a secular state, but there was significant social and political debate about what that should mean, or whether Nepal should revert to a “Hindu state”. In October 2014, the Prime Minister, Sushil Koirala’s, made a commitment that the new constitution would guarantee freedom of religion or belief.

The new constitution finally came into force in September 2015, establishing that Nepal will remain a “secular state”, despite significant pressure from Hindu nationalists to revert to a Hindu state. There were mixed messages about whether religious minorities, in particular Christians, were happy with the move, on the one hand welcoming the retention of secularism in order to ensure state neutrality, but on the other hand, objecting that the ban on encouraging “religious conversion” was a restriction on specifically religious freedoms. This has been evident in new criminal cases such as in June 2016 where 8 Nepali Christians were charged with attempting to convert children through the distribution of a ‘religiously themed’ comic book.  
<reuters.com/article/us-nepal-protests-secularism>
Despite this new constitutional secularity, the government has reportedly continued to invest heavily on religion as such. Hindu institutions, such as the Kumari Cult, organized ceremonies and temples, such as the Pashupati Temple, are prioritized in the allocation of funds. Local municipalities have dedicated portions of their budget to the promotion of Hinduism. In addition, the government has invested on the Muslims annual pilgrimage to Haj and on the protection of Buddhism.

The new constitution does protect equality. Article 11.3 reads:

“The State shall not discriminate among citizens on grounds of religion, race, sex, caste, tribe, or ideological conviction...”

However, various forms of discrimination do persist, including in law.

**Ban on religious conversion**

Religious conversion is further criminalised in Nepal under the ‘Bill designed to amend and integrate prevalent laws relating to Criminal Offence’ signed into law on 18 October 2017 by Nepali President Bidhya Devi Bhandari. Clause 160 section 9 of the Bill states that:

“Nobody should indulge in any act or conduct so as to undermine the religion, faith or belief that any caste, ethnic group or community has been observing since sanatan (eternal) times or to jeopardise it with or without any incitement to convert to any other religion, or preach such religion or faith with any such intention.”

Offences under this clause is punishable by imprisonment for up to five years as well as a fine of up to fifty thousand rupees.<http://www.csw.org.uk/2017/10/20/news/3762/article.htm>

Nepal’s Central Bureau of Statistics does not collect census data on population levels of atheism, humanism and the non religious. Therefore, the government is not taking non believers into consideration, in a country where more than half of the 601 parliamentarians are members of the Communist Party of Nepal (Maoist Centre). Recent campaigns by Society for Humanism Nepal (the country’s sole Humanist organization and a member organization of IHEU) have been criticised by right wing political parties such as the Rastriya Prajatantra Party (RPP).

**Education and children’s rights**

Religious Education is not part of the public school curriculum. Nevertheless, Hinduism is taught at schools under the name of Dhyana, or meditation, and many schools have a statue of Saraswati, the Hindu goddess of learning, on school grounds. Children attending public schools are also taught ethics.

Hindu, Buddhist, and Muslim groups are allowed to establish and operate their own schools. Registered religious schools and public schools receive the same level of funding from the government.

Christian schools are not able to register as community schools and thereby they are not eligible for government funding.<state.gov/documents/organization/256525.pdf>
Family, community and society

Just over 80% of the Nepalese population is identified as Hindu; the rest made up of Buddhists, Muslims, Kirat, Christians and non-religious. It has been estimated that those without any religious affiliation constitute just under 1% of the population (but no census data is taken on the non-religious).

Caste-based discrimination is criminalised in Nepal, although it continues to be practiced in society.

LGBT rights

In August 2018, Nepal introduced a new Civil Code. Based on a ruling of the Supreme Court in 2007, there was widespread expectation from LGBT communities that same-sex marriage would be legalized. However, Section 3-1-67, which addresses the topic of marriage, only recognizes heterosexual marriage.

In 2015, Nepal became one of the world’s few countries to recognize a “third gender” in citizenship documents, thereby establishing self-determination as the sole criterion to identify one’s gender. <aljazeera.com/indepth/features/2014/03/nepal-third-gender-201431181229222617.html>

Travel bans

There have been a number of episodes where the government has prevented certain individuals from travelling abroad, for conferences or seminars, without prior notice on apparently arbitrary grounds. <thehimalayantimes.com/nepal/nepal-sanskrit-university-vice-chancellor-kul-prasad-koirala-didnt-get-leave-approval-government/> <thehimalayantimes.com/nepal/former-maoist-child-combatant-lenin-bista-barred-from-flying-to-bangkok/>

The politics of the cow

Although Nepal was pronounced a secular state in 2007 and ceased to be the “only Hindu nation in the world”, Hinduism still influences many aspects of Nepalese culture.

The killing of cows is banned throughout Nepal for all people, regardless of their beliefs (it was illegal according to the previous ‘Hindu state’ constitution, although the ‘secular republic’ constitution that followed continued the ban, explaining that the cow is the country’s “national animal”). Those caught killing cows can be punished with a 12-year prison sentence. In July 2013, six people were sentenced to six years imprisonment for eating cow meat. <state.gov/documents/organization/222549.pdf>

In October 2012, Pastor Chhedar Bhote Lhomi was arrested after a mob attacked and burned down his home in north-eastern Nepal. He was accused of consuming beef, and of having slaughtered the cow himself. The pastor was later sentenced to 12 years in prison but was released two years later, thanks to the work carried out by several NGOs. <freethinker.co.uk/2014/09/01/freed-nepal-pastor-jailed-for-eating-beef/>

Freedom of expression, advocacy of humanist values

Freedom of the press, opinion, and expression are guaranteed and direct censorship is unlawful. Nevertheless, in practice freedom of the press has not been consistently protected.
‘Hurting religious sentiments’ law

A Criminal Code bill signed into law 16 October 2017 criminalizes not only religious conversion but “hurting of religious sentiments” (Clause 158 section 9).
<csw.org.uk/2017/10/20/news/3762/article.htm>

Demonstrations ban

In 2018, the government issued a ban against protests and demonstrations in various public places in Kathmandu, but it was stayed by the Supreme Court.
<thehimalayantimes.com/kathmandu/sc-continues-stay-order-against-protest-ban/>

In April 2018, the Maitinghar Mandala, one the most common venues for protests and demonstration, was declared a “no protest zone” and the government allocated seven open spaces in Kathmandu for public protests, in apparent violation of the right to peaceful assembly and freedom of expression.
<nepalireporter.com/protest-ban-on-maitighar-mandala-to-be-strictly-implemented-from-july-15/#.W6Dk3pNKg0o>

Media and online censorship

Although the constitution promulgated in 2015 assures “complete press freedom” and prohibits censorship of any print, broadcast, or digital media, Nepalese Media is nevertheless restricted. The constitution allows “reasonable restriction” of media content which has the potential to undermine national unity, stoke ethnic tension, or damage public morality.
<freedomhouse.org/report/freedom-press/2016/nepal>

The 2015 Online Media Operations Directive includes provisions to impose blocking of online news sites based on decisions of the Department of Information which can be justified in very broad terms, including failure to register, the publication of immoral or illegal content, or publication “without authoritative source or creating misconceptions among the public”.
<samsn.ifj.org/nepal-introduces-repressive-directives-for-online-media/>

In 2015, the general secretary of the Nepal Federation of Indigenous Nationalities, Ang Kaji Sherpa, posted on Facebook photos which depicted a clash between protesters and security forces and criticized state officials. Sherpa was temporarily detained under the Electronic Transactions Act and was accused of disturbing social harmony and misusing social networking sites. He was freed on bail after several days.
<freedomhouse.org/report/freedom-press/2016/nepal>

Death threats and physical attacks against journalists are common. In August 2015, Singh Rokaya, a reporter for radio, was shot in the leg by police while covering a protest in Surkhet district against the new constitution. In November, Radio Parasi’s office was bombed after receiving threats for what was defined as pro-government reporting.

Nepal’s criminal code, introduced in 2018, includes a number of alarming articles on the protection of privacy. According to Article 294, the release of any confidential information without explicit permission represents an offence which could result in a prison sentence. The law caused widespread concern as it poses a serious threat to journalistic practices.
In August 2018, a man named Homnath Sigdel shared a morphed image on Facebook of the Prime Minister KP Sharma Oli as a monkey. Sigdel could face up to five years in jail and a fine of £900.

<politics.com.ph/man-arrested-over-facebook-post-depicting-nepal-pm-as-monkey/>