

Legal framework

Freedom of religion or belief (FoRB) is of particular importance in light of Nepal's transition from a Hindu monarchy to a secular democratic republic, which was completed with the new constitution promulgated in 2015.

While Article 26 of the Nepali Constitution states that 'each person shall be free to profess, practice and preserve his religion according to his faith,' Article 26(3) states that to 'convert another person from one religion to another or any act or conduct that may jeopardise others' religion is punishable by law.' These clauses endanger both FoRB and freedom of expression.

Although the constitution recognises Nepal as a secular state, the current definition of secularism is restrictive, inconsistent with the international human rights framework, prejudiced against minority religions, and legitimises discrimination on the basis of religion. Article 4 of the constitution explains 'secular' as 'religious, cultural freedoms, including protection of religion, culture handed down from time immemorial.' A past Supreme Court judgement has interpreted this to mean protection of Hinduism.

Nepal's Penal Code contains provisions that severely restrict FoRB:

- Section 155 concerns 'damaging or injuring or, in any way, defiling, destroying or polluting any place of religious worship with the intent of insulting the religion or religious feeling.' Local sources report that in incidents where unidentified perpetrators damage shrines in Hindu temples, Christians are blamed, leading to negative feelings towards Christians.
- Section 156 criminalises the 'outraging' of religious sentiments. This is poorly defined and widely misused to settle personal scores, target religious minorities or to further extremist agendas.
- Section 157 states that 'no one should create obstacles knowingly in the religious tradition of other faith being practiced since ancient times', which can be interpreted as referring to Hinduism, considered by many to be the oldest religion.
- Section 158 criminalises 'conversion.' This could be invoked against a wide range of legitimate expressions of religion or belief, including the charitable activities of religious groups, or merely speaking about one's faith.

In April 2024 Nepal's Ministry of Home Affairs issued a directive to 77 district administration offices instructing heightened surveillance of Christian activities - particularly gatherings, conversion efforts and foreign involvement. The circular explicitly called for tracking Christian conferences, preaching, and engagement by foreign nationals, labelling them as potential illegal religious activities. There are concerns that the measure will lead to the systematic targeting of Christians and infringe their constitutional right to FoRB.

Baha'is, Buddhists, Christians, Jains, Muslims and other religious minority groups cannot register their places of

worship as religious organisations. They are obliged to register the buildings either as non-governmental organisations (NGOs) under the Associations Registration Act, 2034 (1977), or as individually owned properties, which restricts activities in those buildings. On the recommendation of municipality offices, the Chief District Officer (CDO), which reports to the Home Ministry is empowered to grant NGO registrations and renewal of licences. However, local sources report the Social Welfare Council and CDO offices continue to discriminate in their determination of applications from Christian groups. Many churches, register as Guthi (trusts) with the Land Office to be able to operate legally.

Rising Hindu nationalism

In March 2025 a coalition of conservative and royalist forces formed the Joint People's Movement Committee for the Restoration of Monarchy, which has been active ever since. The coalition is led by former minister and pro-monarchy leader Nawaraj Subedi and demands the reinstatement of the Hindu state of Nepal and its monarchy.

On 28 March 2025 protests organised by Hindu extremists and pro-monarchy groups in Kathmandu resulted in the deaths of two people, including a video journalist, and injuries to over 100 others. Several vehicles and two buildings, including a herbal production and drug processing centre and a government-owned medicine production factory, were also burned by the protesters.

Video journalist Suresh Rajak was killed while filming a video inside a private building that was set on fire by protesters in Tinkune area, the epicentre of the protest. Similarly, hundreds of protesters broke into Bhatbhateni Supermarket, Nepal's largest grocery shopping mall, and looted a large amount of fruit, alcohol and clothes.

Six Christians who had been preaching in the Jadibuti area of the capital before the protests began were arrested, reportedly for their own safety, during the demonstrations. The group was held in custody from 28 March to 1 April and released following appeals from Christian leaders and activists. They were not physically harmed during their detention.

The March 2026 general election represented a decisive rejection of aggressive Hindu nationalism. The right-wing Rastriya Prajatantra Party (RPP) which actively campaigned to end secularism suffered a major defeat, secured only five seats. In contrast the secular and reformist Rastriya Swatantra Party (RSP), led by Prime Minister Balen Shah, secured a landslide majority. While this outcome effectively neutralised immediate political threats to constitutional secularism, religious minority communities, including Christians, view the shift with cautious optimism.

Discrimination against Dalits, ethnic and religious minorities, and refugees

Caste-based discrimination and abuse remain pervasive in Nepal despite legal safeguards. In February 2025 Dalit youth Satyendra Ram and his wife Neha Rauniyar were subjected to repeated police harassment for their inter-

caste marriage, reportedly under the influence of the Home Minister. Although the Supreme Court upheld their right to live together, the police forcibly separated them, triggering nationwide protests demanding political accountability.

Such incidents are part of a broader pattern of systemic violence and impunity: since the enactment of the Caste-Based Discrimination and Untouchability Act (CBDU) in 2011 at least 17 Dalits have been killed for transgressing caste boundaries, while authorities register only a small fraction of such cases each year. Police often refuse to file complaints, especially when caste or gender bias is involved, reinforcing a climate of fear and injustice.

In February 2025 local authorities and villagers in Siraha district bulldozed a Dalit family's home under the pretext of a religious ritual, forcing the family to relocate with little initial response from the police. In another emblematic case, the judiciary failed to recognise caste-based discrimination as a motive in the 2020 Rukum massacre, in which six Dalit youths were murdered.

Ethnic and religious minorities also face discrimination. In early June 2025 three Tibetan monks fleeing China-occupied Tibet were detained in Kathmandu under diplomatic pressure and released only after intervention from the UN Office of the High Commissioner for Refugees (UNHCR). In addition, over 6,500 Nepali-speaking Bhutanese refugees continue to live in legal limbo, with recent deportees facing detention upon return.

Burial rights

There is no burial land specifically allocated to Christian, Muslim and Kirat communities in Kathmandu. In some rural areas Christians seeking to bury their dead have been forced to travel large distances in order to do so, in other cases Christians have even been forced to dig up and rebury bodies or faced violence from local Hindus, who have seized and forcibly cremated bodies.

Human rights defenders and civil society

Since 2024 Nepal has witnessed a series of concerning incidents targeting human rights defenders, lawyers and journalists. In early December 2024 journalists Gopal Dahal and Janak Rishi Rai received threats after exposing irregularities within the Dharan local government. Similarly, Shova Gyawali, director of Nepal Republic Media, was threatened by Nepal's Foreign Minister in June 2025 in response to critical editorials regarding high profile corruption scandals involving her family.

In January 2025 prominent lawyer Dinesh Tripathy was physically assaulted by affiliates of political figures during a sensitive embezzlement trial at the Kathmandu District Court.

In April 2025 Right to Information activist Ishwara Tiwari from Jhapa was subjected to threats and online harassment

after seeking information on land misuse involving local authorities. Meanwhile, in Siraha District, a women's rights NGO advocating for Dalit communities endured escalating intimidation, including office raids, verbal abuse and rape threats, with minimal police intervention.

In 2026 civil society leaders, legal advocates and human rights defenders faced state pressure, criminalisation and systematic intimidation while advocating for transparency and governance accountability. Surrounding the March 2026 general elections, civil society watchdogs and digital rights coalitions faced coordinated online harassment from political cadre groups after pushing back against state directed internet controls and election misinformation. State-backed pressure on media defenders escalated significantly later in the year. In April 2026 Sudip Bishwakarma, the Editor-in-Chief of Diyopost.com, faced threats and pressure to reveal confidential sources after exposing a money laundering probe involving former Prime Minister Pushpa Kamal Dahal.¹

Nepal's legal framework for NGOs, which is primarily governed by the Associations Registration Act, 2034 (1977), the Social Welfare Act, 2049 (1992), and oversight by the Social Welfare Council (SWC), has become increasingly restrictive, particularly for organisations engaged in human rights, governance or FoRB. NGOs must register annually through district administration offices and obtain project approval from the SWC, especially when receiving foreign funding. These processes are often opaque, excessively bureaucratic and subject to delays or rejections without clear justification. Requirements such as detailed audits, tax clearances and endorsements from local authorities have been used to restrict or burden NGO activities, especially those critical of government policies or addressing sensitive issues.

Additionally, the government imposes strict limitations on NGO objectives, prohibiting vaguely defined 'political' or 'religious' activities, which are often used to target advocacy groups. NGOs working on issues like Dalit rights, minority rights or FoRB frequently face surveillance, harassment, or the risk of deregistration. The SWC holds wide discretionary powers, allowing it to block projects or deregister NGOs for alleged activities 'against national interest,' without due process. These restrictions undermine the right to freedom of association and expression, contradicting Nepal's constitutional guarantees and its obligations under international human rights law.

The National Human Rights Commission

Recent legislative amendments and judicial developments have raised serious concerns about the autonomy and effectiveness of the National Human Rights Commission (NHRC), particularly regarding its compliance with the Paris Principles. A 2019 draft amendment proposed giving the attorney general the authority to determine whether NHRC recommended human rights cases should proceed, thereby undermining the commission's independence

¹ Civicus, 'Nepal: Press freedom at risk under new government while still lack of accountability for protest violations', 10 July 2026 <https://monitor.civicus.org/explore/nepal-press-freedom-at-risk-under-new-government-while-still-lack-of-accountability-for-protest-violations/>

and its capacity to function as an impartial watchdog. The same package of amendments also sought to curtail the NHRC's operational reach by removing its ability to establish regional and liaison offices and by tightening government control over its budget and staffing, effectively weakening its investigative and institutional capacity.

In January 2024 the Supreme Court issued a directive urging the government to revise the NHRC Act in accordance with constitutional and international human rights standards. The court called for transparent and merit-based appointments, operational and financial independence, and mandatory implementation of NHRC recommendations including prosecuting human rights violations and barring violators from holding public office. Despite the formation of a multi-agency committee and the submission of a draft amendment by February 2024, political momentum has stalled. The Global Alliance of National Human Rights Institutions (GANHRI) warned of the NHRC's possible downgrade from its 'A status,' but reform efforts lost traction after the commission narrowly retained its accreditation in mid-2024. In May 2025 GANHRI reaffirmed Nepal's 'A status' accreditation but emphasised the urgent need for additional legal and institutional reforms to ensure the NHRC's independence, transparency and pluralistic representation.

Recommendations

To the government of Nepal:

- Amend Article 26(3) of the constitution to explicitly affirm the right to choose, change, and manifest one's religion or belief in accordance with Article 18 of the ICCPR.
- Repeal Penal Code Sections 155, 156, and 158 to remove criminal sanctions related to proselytization and align domestic law with international standards on FoRB.
- Enact a comprehensive anti-discrimination law that clearly prohibits both direct and indirect discrimination based on caste, ethnicity, religion or belief, while also establishing strong mechanisms for redress and accountability.
- Amend the Caste-Based Discrimination and Untouchability (Offense and Punishment) Act (2011) to strengthen protections for victims, expand the definition of caste-based offences to reflect emerging forms of discrimination, and ensure that investigations and prosecutions proceed without requiring formal complaints from victims.
- Adopt a comprehensive national legal framework on asylum and refugee protection aligned with international standards, including principles from the 1951 Refugee Convention and its 1967 Protocol, to ensure the rights of all refugees and asylum seekers.

- Strengthen the protection of human rights defenders (HRDs), including women HRDs and legal professionals, including enacting dedicated legislation aligned with the UN Declaration on Human Rights Defenders. Such laws must provide clear safeguards against threats, surveillance, harassment and other forms of intimidation.
- In parallel, establish an independent and impartial mechanism to investigate and prosecute all acts of violence or interference against HRDs, including those perpetrated by state actors, to ensure accountability and end impunity.
- Revise current laws governing the registration and operation of non-governmental organisations to eliminate restrictive or arbitrary barriers, particularly those affecting NGOs with foreign funding. The regulatory framework must be brought into alignment with international norms on freedom of association.
- Strengthen the effectiveness and independence of the National Human Rights Commission (NHRC), including by amending the NHRC Act to fully align with the Paris Principles by introducing transparent, inclusive and merit-based appointment processes through an independent selection body.
- Take heed of and implement the recommendations in the country visit report of the UN Special Rapporteur on minority issues following his official country visit to Nepal in December 2025.

To the United Nations and Member States:

- Urge the OHCHR and all relevant UN mechanisms, including Special Procedures and Treaty Bodies, to include the right to FoRB in their monitoring and reporting on Nepal, addressing the specific vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Urge Nepal to issue a standing invitation to UN Special Procedures, with unhindered access to all parts of the country, and ensure that members of civil society can freely meet with them without reprisal.
- Utilise the Universal Periodic Review process, Human Rights Council sessions and other key international human rights instruments to hold Nepal accountable for FoRB violations and to offer recommendations to advance the right to FoRB.
- Urge Nepal to establish an independent complaints mechanism to investigate and prosecute FoRB violations, including arbitrary and unlawful acts by law enforcement officials.
- Urge the government of Nepal, at every appropriate opportunity, to implement the recommendations highlighted in the recommendation section above 'To the government of Nepal'.

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