

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB).
2. This submission, prepared ahead of Nepal's fourth Universal Periodic Review (UPR), outlines critical human rights issues, including on FoRB, the rights of ethnic and caste minorities, the protection of human rights defenders (HRDs), the strengthening of the National Human Rights Commission (NHRC) and adherence to international human rights obligations. Although Nepal accepted 197 out of 262 recommendations and noted 65 during the third UPR cycle,¹ substantial shortcomings persist in the effective implementation of key human rights commitments.
3. Additionally, Nepal has yet to ratify several key international human rights instruments. These include the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention Against Torture (OPCAT).

Recommendations to the government of Nepal:

4. **Ratify and fully implement the Rome Statute, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention Against Torture.**
5. **Extend a standing invitation to all UN Special Procedures and give priority to the implementation of recommendations from previous Universal Periodic Review cycles.**

Freedom of religion or belief

6. During the third cycle, Nepal accepted recommendation 159.80 from Haiti, pledging to take legislative steps to safeguard the rights of persons from religious minorities and uphold FoRB in accordance with international human rights law.²
7. However, Nepal declined to support key recommendations that called for the alignment of its national laws with Article 18 of the International Covenant on Civil and Political Rights (ICCPR), specifically recommendations 159.76 (Denmark) to repeal or revise its Penal Code provisions 155, 156 and 158 to ensure compliance with international obligations; 159.86 (Netherlands) to amend Article 26 of

the constitution to explicitly affirm the right to choose or change a person's religion or belief; and 159.87 (Norway) to eliminate legal restrictions on FoRB, which are found in the Criminal Code.³

8. Nepal's justifications for noting recommendations 159.76, 159.86 and 159.87 were that its constitutional provisions already align to Article 18 of the ICCPR, the fact that Nepal is a secular state in which discrimination on the basis of religion or belief is prohibited, that 'every person is free to choose, adopt, profess or practice religious belief', and that conversion by force or undue influence or inducement is prohibited to ensure full enjoyment of religious freedom by every religious denomination.⁴
9. However, this rationale fails to address the contradictions within Article 26(3) of Nepal's constitution, which criminalises religious conversions and enshrines 'Sanatana Dharma' (Hindu faith) to be protected by the state. Furthermore, Article 26 (3) of the constitution restricts religious conversion and the free expression of one's faith and has been used to fuel religious tension and target religious minorities.
10. Religious minorities continue to be denied full access to their legal and constitutional rights, amid the growing influence of political movements driven by Hindu nationalist ideologies. 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.⁵ 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.
11. In April 2024 the Bara District Court presided over a widely publicised case in which 11 individuals, comprising seven foreign nationals and four Nepali Christians were arrested on accusations of engaging in forced religious conversions. The foreign nationals were subsequently deported, while the Nepali citizens secured their release by posting bail of NPR 150,000 each. To date, and to CSW's knowledge, there has been no progression in the case and there is no public record of any additional conditions attached to the four Nepali Christians' bail, such as travel restrictions or reporting requirements.

1 Report of the Working Group on the Universal Periodic Review* Nepal: Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/47/10/Add.1, 24 June 2020 <https://docs.un.org/en/A/HRC/47/10/Add.1>

2 United Nations, 'Report of the Working Group of the Universal Periodic Review: Nepal, A/HRC/47/10, 30 March 2021 <https://docs.un.org/en/A/HRC/47/10>; Report of the Working Group on the Universal Periodic Review* Nepal: Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/47/10/Add.1, 24 June 2020 <https://docs.un.org/en/A/HRC/47/10/Add.1>

3 Ibid.

4 Ibid.

5 Nepali News Hub, 'Circular issued by the Ministry of Home Affairs, Government of Nepal: Restrictions on freedom of religion or belief', 19 April 2024, https://nepalnewshub.com/?p=980&utm_source

Recommendations to the government of Nepal:

- 12. 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.**
- 13. Repeal Penal Code Sections 155, 156, and 158 to remove criminal sanctions related to proselytization and align domestic law with international standards on freedom of religion or belief.**
- 14. Enact legislative and institutional measures to ensure the protection of religious minorities from harassment, discrimination and rights violations.**

Ethnic, caste minorities and Tibetan refugees

15. Nepal expressed support for recommendation 159.220 (Portugal), committing to protect ethnic and caste minorities from police abuse and torture, during its last UPR. Despite this, discrimination and violence against Dalits, indigenous groups, and Tibetan communities remain ongoing concerns. However, Nepal noted recommendation 159.218 (Czechia), which called for concrete measures to end segregation and systemic discrimination against minority populations.⁶
16. Furthermore, Nepal noted recommendations concerning the protection of refugees (159.229 to 159.233),⁷ despite its long-standing role in hosting Bhutanese and Tibetan refugee populations.
17. Caste-based discrimination and abuse remain pervasive in Nepal despite legal safeguards. In February 2025 Dalit youth Satyendra Ram and his wife Neha Rauniyar faced 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.
18. Other recent incidents further underscore the depth of exclusion. 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.

19. 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). At the same time, over 6,500 Nepali-speaking Bhutanese refugees continue to live in legal limbo, with recent deportees facing detention upon return. These cases illustrate the urgent need for structural reform to protect marginalised groups in Nepal.

Recommendations to the government of Nepal:

- 20. 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.**
- 21. Amend the Caste-Based Discrimination and Untouchability (Offense and Punishment) Act (2011) to strengthen protections for victims, expand the definition of caste-based offenses to reflect emerging forms of discrimination, and ensure that investigations and prosecutions proceed without requiring formal complaints from victims. These legal reforms must be aligned with international human rights obligations, particularly the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which Nepal has ratified.**
- 22. 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.**
- 23. Guarantee the religious and cultural freedoms of Tibetan Buddhists and other religious minorities, in line with Article 18 of the ICCPR, and improve transparency by publishing regular data on the treatment of refugees and stateless persons while ensuring compliance with Nepal's human rights obligations.**
- 24. Uphold the principle of non-refoulement in law and practice, especially safeguarding Tibetan refugees from arbitrary detention or forced return under external diplomatic pressure.**
- 25. Provide a clear legal pathway for Nepali-speaking Bhutanese refugees to access permanent residency,**

⁶ United Nations, 'Report of the Working Group of the Universal Periodic Review: Nepal, A/HRC/47/10, 30 March 2021 <https://docs.un.org/en/A/HRC/47/10>; Report of the Working Group on the Universal Periodic Review* Nepal: Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/47/10/Add.1, 24 June 2020 <https://docs.un.org/en/A/HRC/47/10/Add.1>

⁷ Ibid.

citizenship, or third-country resettlement in consultation with UNHCR.

26. *Cease the practice of arbitrary detention of stateless persons and deportees, ensuring lawful procedures, legal aid and access to documentation.*
27. *Strengthen institutional capacity, such as establishing an independent refugee commission and enhancing the NHRC's mandate is essential for monitoring refugee protection and coordinating durable solutions.*

Protection of lawyers and human rights defenders

28. Recommendations 159.83 (Latvia) and 159.85 (Netherlands), accepted during the last UPR, urged Nepal to take concrete steps to ensure a safe, respectful and enabling environment for civil society actors and HRDs, particularly women, by addressing persecution, intimidation and harassment.⁸ They also called for the easing of restrictive registration requirements on non-governmental organisations (NGOs), and for effective measures to protect lawyers and human rights defenders, including the investigation and prosecution of all forms of attacks against them.
29. From 2024–2025, Nepal witnessed a series of concerning incidents targeting HRDs, lawyers and journalists. In April 2025 Right to Information activist Ishwara Tiwari from Jhapa faced 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.
30. In another incident, 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, highlighting risks faced by legal professionals handling high-profile cases.
31. Press freedom has also come under severe strain. Journalists Gopal Dahal and Janak Rishi Rai received threats after exposing irregularities in Dharan's local government. In a more alarming development, Shova Gyawali, director of Nepal Republic Media, was threatened by Nepal's Foreign Minister in June 2025 in response to critical editorials. These incidents, ranging from threats to physical violence and censorship, underscore the deteriorating safety and climate of impunity faced by civil society actors and media professionals in Nepal.
32. Nepal's legal framework for NGOs, which is primarily governed by the Association Registration Act (1977), the Social Welfare Act (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.

33. 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 religious freedom 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, such as Article 22 of the ICCPR.

Recommendations to the government of Nepal:

34. *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.*
35. *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.*
36. *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.*
37. *Engage civil society organisations meaningfully in policy dialogue and safeguard their ability to function without interference.*

Strengthening the National Human Rights Commission (NHRC)

38. Nepal demonstrated support for recommendations 159.22 to 159.25.8 during the third UPR cycle, which

⁸ Ibid.

called for strengthening the National Human Rights Commission (NHRC), particularly its independence, mandate and institutional capacity.⁹

39. However, recent legislative amendments and judicial developments in Nepal have raised serious concerns about the autonomy and effectiveness of the 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 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.

40. 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:

41. 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.

42. Guarantee the NHRC's financial and administrative autonomy by securing dedicated budgetary provisions and minimising executive control.

43. Establish a legal framework requiring timely state responses to NHRC recommendations, with mechanisms for public reporting on follow-up actions to ensure accountability and implementation.

⁹ Ibid.