**Summary**

1. An international delegation of parliamentarians traveled to Katmandu, Nepal, week beginning 31 July to use a recently published ICJ report on the legislative challenges facing freedom of religion or belief in Nepal to engage with a range of stakeholders on the recommendations arising from that report. This was the second such visit by IPPFoRB to Nepal, the first taking place 9-12 October 2017, and occurred at a delicate juncture in Nepal’s constitutional and political life.
2. The delegation met with government and nongovernment representatives, including Nepalese federal and provincial parliamentarians as well as the Speaker of the Parliament, to build relationships following the federal elections in December 2017 and to discuss ways to avert the enactment of legislation to give effect to Article 26(3) of the constitution or, if enacted, to press for its narrow interpretation at a provincial level in order to mitigate its discriminatory effect.
3. The delegation also met with religious leaders and civil society organisations to hear their anxieties regarding presenting challenges. Meetings with representatives from the diplomatic community provided an opportunity to better understand what is driving the legislative changes in Nepal and the prospects of securing a more benign environment for freedom of religion or belief in the future.
4. Shortly following the visit, the secondary legislation giving effect to the constitutional changes came into force. IPPFoRB remains concerned that Nepal, despite an impressive history of religious tolerance and a reputation for respecting diverse religious traditions and belief systems, is entering a new political chapter where growing Hindu nationalism is providing an enabling environment for more discriminatory practices. IPPFoRB are concerned that these developments will, amongst other things, invite heightened societal hostility towards religious minorities.
5. IPPFoRB recognises that with the necessary political will progress can and should be made quickly in some areas, but other issues – such as changing the constitution or even repealing secondary legislation - will take longer to resolve. Making meaningful and real progress towards upholding the right to freedom of religion or belief as set out in Article 18 of the Universal Declaration of Human Rights will require not only constitutional, legislative and policy changes, but also a change of behavior and mindset.
6. Nepal’s parliamentarians have an important and, as yet, unexplored role to play in this process, but they are unlikely to do so without long-term support and training. The federal elections in December 2018 decimated the IPPFoRB Nepal Chapter. Engaging with a new parliamentary intake will take time. A collaborative relationship, strengthened cooperation and closer engagement with the IPPFoRB network could be an important contribution to this process and needs to be explored further.
7. In taking forward any future engagement, IPPFoRB needs to be cogniscant of the fact that the levels of religious freedom literacy amongst Nepalese parliamentarians, and even amongst religious leaders and civil society organisations, is low. Without a more secure knowledge basis it is difficult to see how the potential of parliamentarians can be unlocked and harnessed to act as a counterbalance to governmental action.
8. The unwillingness of the Government of Nepal to engage with the delegation is a timely reminder that the Government’s focus is on wealth creation with a particular emphasis on developing the country’s infrastructure. Human rights general and freedom of religion or belief in particular are seen as unnecessary distractions to the wider process of rebuilding the country following a protracted civil war and years of under-development.
9. IPPFoRB needs to be alert to the risks that further advocacy initiatives that approach this issue head on are likely to prove counter-productive and provoke an entrenched and defensive response from the Government. An alternative strategy would be to make the case that countries that respect freedom of religion or belief are more prosperous and stable.

**About IPPFoRB**

1. The IPPFoRB is an informal network of parliamentarians and legislators from around the world committed to combatting religious persecution and advancing freedom of religion or belief, as defined by Article 18 of the UN Universal Declaration for Human Rights. At a time of rising violations of freedom of religion or belief around the globe, the IPPFoRB seeks to advance this fundamental freedom for everyone everywhere.
2. The work and activities of the IPPFoRB are grounded in the Oslo Charter for Freedom of Religion or Belief.  The Oslo Charter was signed in November 2014 by nearly 30 parliamentarians from around the world at the Nobel Peace Center in Oslo, Norway. All participating parliamentarians are committed to accomplishing shared goals of advancing freedom of religion or belief, as outlined below in the Oslo Charter:

* Promote freedom of religion or belief for all persons through their work and respective institutions;
* Enhance global cooperation by endeavoring to work across geographical, political, and religious lines; and
* Undertake efforts to jointly promote freedom of religion or belief, share information, and mobilize effective responses.

1. The Oslo Charter guides the work of parliamentarians joining the IPPFoRB and commits them to action. Towards this goal, the IPPFoRB:

* Responds to cases where religious freedom is threated. To date the IPP has written 24 letters to Heads of State to raise concerns about religious freedom issues in a wide range of coutnries such as Burma, Pakistan, and North Korea.
* Encourages the formation of national and regional groupings of parliamentarians committed to combatting religious persecution and advancing freedom of religion or belief. To date the IPPFoRB has assisted the efforts of parliamentarians in Brazil, Pakistan, Denmark, Southern Africa and Latin American.
* Supports parliamentarians around the world who stand up for religious freedom often at significant personal risk to themselves. The IPPFoRB’s website provides a secure space for parliamentarians to seek support and advice in the area of freedom of religion or belief.

1. There is no formal membership, but the IPPFoRB welcomes parliamentarians from around the world committed to combatting religious persecution and advancing freedom of religion or belief for all, as defined by UDHR Article.  The IPPFoRB is committed to regional, political, and religious diversity. There is no official IPPFoRB office.  Parliamentarians participate as individuals not representing their parliament or government.  Meetings occur on an ad hoc basis, subject to funding.  The IPPFoRB is led by an informal steering committee and a volunteer secretariat of advisors.

IPPFoRB’s prior concern for freedom of religion or belief in Nepal

1. Since its establishment in 2014 IPPFoRB has repeatedly expressed concern about religious freedom violations in Nepal and warned of the dangers of persisting with constitutional measures that, in its opinion, would seriously impair the right to freedom of religion or belief in Nepal. Nepalese parliamentarians attended international gatherings of IPPFoRB in New York (2015) and Berlin (2016).
2. Awareness of these concerns led IPPFoRB to organize a delegation visit to Nepal, 9 – 12 October 2017. The delegation met with representatives of ethnic and religious groups, representatives of non-governmental organizations, representatives of political parties, parliamentarians and religious leaders. The planned meetings with government representatives had to be cancelled due to the unstable political situation.
3. Following the IPPFoRB’s visit in 2017 a joint Op-ed underlying the risks that the Criminal Bill provisions might bring in terms of restrictions upon legitimate expressions of freedom of religion or belief was written by David Anderson (MP, Canada) and Lokmani Dakal (MP, Nepal) and published in the Nepali paper *Ratiopati.*
4. In February 2018 David Anderson (MP, Canada) wrote a further opinion piece for the Katmandu Times setting out the hopes that the recent federal elections in Nepal might provide an opportunity for a fresh start for the new government in Nepal.
5. In 2017 IPPFoRB provided funding to the International Commission of Jurists to produce a report setting out the legislation challenges facing freedom of religion or belief in Nepal. This report, *Challenges to Freedom of Religion or Belief in Nepal: A Briefing Paper*, was published in July 2018 and served as a reference point throughout the IPPFoRB visit, 31 July-2 August 2018.
6. In April 2018, IPPFoRB allocated a small grant to IPPFoRB Nepal to assist it to develop its administrative capacity following the December 2017 federal elections.

**An Overview of the ICJ Report**

1. The ICJ Briefing Paper, *Challenges to Freedom of Religion or Belief in Nepal: A Briefing Paper,* notes that while the Constitution guarantees the rights of individuals to “profess, practice and preserve” their religion and prohibits discrimination on the basis of religion, the Constitution’s enabling legislation does not adequately safeguard the fundamental rights of the Nepali people. Indeed, it identifies several key elements that inhibit the ability of individuals to enjoy the fundamental right of religious freedom, including:

* the prohibition and criminalization of “proselytism”;
* criminal offences related to “blasphemy” and “hurting religious sentiment”;
* discrimination against religious minorities arising from denial of use of burial grounds and cemeteries in and around Kathmandu;
* Tibetan Refugees’ exercise of their right to freedom of religion or belief.

1. Specifically, the report draws conclusions on:

* Elements of the new Penal Code that prohibit “proselytism”, such as Section 158 (1) and (2) of the Penal Code, which criminalize religious conversion and other legitimate forms of religious expression. This section is absent of any express or implied mention of force or coercion as a means for conversion;
* Sections 155 and 156 of the Penal Code, which criminalizes the ‘hurting of religious sentiment’ or any action that “damages”, “defiles”, or “outrages” religious feelings of any person. These laws are similar to ‘blasphemy’ laws that are used and abused elsewhere in the region.

1. There are other issues of obvious importance to religious minority communities, including:

* The denial of burial grounds and cemeteries to Christian, Muslim, and Baha’i communities, particularly in Kathmandu;
* As a result of “surveillance and intimidation by the police”, the inability of religious minorities, particularly Tibetan refugees, to conduct religious ceremonies.

1. The report concludes with several key recommendations for Nepal’s authorities. IPPFoRB believes that these recommendations must be achieved if the people of Nepal, regardless of their faith, are to fully enjoy their fundamental human rights.

**Timing of the visit**

1. After a fierce civil war, Nepal has recently transitioned from a Hindu monarchy to a secular democratic republic. While the new constitution, promulgated on 20 September 2015 established Nepal as a secular state, there are certain provisions such as Article 26(3) that criminalizes the act of converting a person to a different religion. Another provision declares the cow the national animal, which some officials have interpreted as enshrining in the constitution an existing penal code provision criminalizing the slaughter of cows or the consumption or sale of cow-derived items. Both provisions have raised significant concerns for Christian and Muslim communities.
2. The Nepalese Parliament has recently passed secondary legislation to give effect to Article 26(3). The legislation has been signed into law by the President, but at the time of the IPPFoRB visit it had not yet been enacted. Reversing or even amending this legislation is unlikely over the short term, but how this law is interpreted, nationally and provincially, will have a significant bearing on whether the legislation becomes a blasphemy law in all but name. There is a legitimate concern that the growing Hindu nationalism in the country, will provide an enabling environment that legitimates discriminatory practices and the shrinking of civil society space critical to these developments.
3. The visit of a diverse delegation of international parliamentarians provided an opportunity to engage with key stakeholders and to make the case that the secondary legislation should be interpreted narrowly in such a way that the risk of new discriminatory practices is minimized. The visit, following on from the federal elections in December 2017, provided an opportunity to engage with a new parliamentary intake and to discuss with IPPFoRB Nepal its plans going forward.

**Aims of visit**

1. The visit had four overarching aims:

* meet with Nepalese parliamentarians following the federal elections in December 2018 and to support the Secretariat of IPPFoRB Nepal in its efforts to re-constitute the Nepal Chapter;
* meet with key stakeholders and make the case that the secondary legislation should be interpreted narrowly in such a way that the risk of new discriminatory practices is minimized.
* strengthen the wider IPPFoRB network by providing an opportunity for parliamentarians to visit and learn about religious freedom in a different context.
* take part in a public event to mark the publication of the ICJ commissioned report.

**Composition of delegation**

1. The delegation consisted of 5 parliamentarians, 1 observer, 1 consultant and 3 IPPFoRB support staff.
2. Parliamentarians were drawn from five continents and included David Anderson (Canada), Sibusiso Mncwabe (South Africa), Fernanda San Martin (Bolivia), Nay Myo Kyaw (Myanmar) and Tina Bokuchava (Georgia).
3. Eva Sundari (MP, Indonesia) was scheduled to join the delegation, but had to send her apologies at the last moment.
4. Steven Selvaraj from CSW joined the delegation as a consultant. Desi Hanara from Asean Parliamentarians for Human Rights joined the delegation as an observer.
5. Mar’yana Haydanka, Patrice Quinlan and Dr Charles Reed provided logistical and administrative support.

**Schedule**

1. The IPPFoRB delegation visited Nepal from 31 July – 2 August 2018. During its time in the country the delegation stayed in Katmandu where it met with federal and provincial parliamentarians, religious leaders and civil society representatives. A detailed schedule of meetings is set out in Appendix 1 to this report.
2. A scheduled meeting with the Minister of Law was cancelled due to his resignation from the Government. Scheduled meetings with the Minister for Foreign Affairs and the Minister for Culture failed were cancelled following the referral of these meetings to the Office for Protocol.

**Output**

*Social media*

1. Parliamentarians shared insights during the visit via their own twitter and facebook accounts.

*Dissemination of ICJ report*

1. David Anderson (MP, Canada) wrote as chair of the IPPFoRB Steering Group to relevant Nepalese Government Ministers enclosing a copy of the ICJ paper, *Challenges so Freedom of Religion or Belief in Nepal: A Briefing Paper*. Copies of the ICJ report were circulated to the IPPFoRB network.

*Advocacy*

1. In September 2018 the IPPFoRB Secretariat facilitated an advocacy initiative on Nepal that involved mobilising the wider IPPFoRB network writing to the Ambassador of Nepal in their host country expressing concern on recent developments.

**Next steps**

1. IPPFoRB is part of a consortium, consisting of Harris Manchester College in Oxford and the Church of England, that has secured funding to set up 3 regional hubs (South Asia, West Africa and East Africa) to build a network of parliamentarians and religious leaders across 9 countries (Bangladesh, Pakistan, Nepal, Gambia, Kenya, Sierra Leone, Tanzania and Uganda) to champion freedom of religion and belief nationally and regionally. This is a 3-year project that is scheduled to start in October 2018.
2. The project provides an opportunity for IPPFoRB to work with others in building the capacity of Nepalese parliamentarians and religious leaders to act as advocates of freedom of religion or belief. A key aspect of this capacity building will involve equipping parliamentarians with basic levels of literacy regarding freedom of religion or belief.
3. Although a full scoping study has yet to be completed it is anticipated that the South Asia Hub will be based in Katmandu, Nepal, which should also indirectly help to strengthen the presence and profile of the IPPFoRB Nepal Chapter.

**IPPFoRB Secretariat**

**August 2018**