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NEPAL New CSW briefing highlights risks posed by anti-conversion proposals in new constitution and penal code

With only eight days until the latest deadline for the new constitution to be agreed in Nepal, Christian Solidarity Worldwide (CSW) has argued in a new briefing that current proposals on religious freedom are inconsistent with international human rights treaties, and has proposed amendments to the wording.

The briefing, '[Protecting religious freedom for a new Nepal](#)', argues that it is not appropriate for proposed anti-conversion clauses to be incorporated in the new constitution, and that there is a risk that these proposals, which are inconsistent with international human rights framework, may be approved without proper scrutiny.

The briefing also raises concerns about similar anti-conversion clauses proposed for a new penal code.

CSW's briefing supersedes a previous edition, published three months before the first deadline for a new constitution to be drafted, May 28, 2010. The new constitution marks the final stage in Nepal's transition from a Hindu monarchy to a secular democracy.

The briefing states that the proposed provision that "no person shall be entitled to convert another person from one religion to another", carried over from previous constitutions, "leaves no space for interpreting a religious conversion as a positive choice, or taking a rights-based approach, such as that with which the CA [Constituent Assembly] is tasked in Nepal."

The briefing raises concerns that this type of legislation has a record in south Asia for heightening prejudice and violence against religious minorities. "In the report of her 2008 mission to India, the former Special Rapporteur on freedom of religion or belief, Asma Jahangir, indicated that she was 'deeply concerned that laws and bills on religious conversion in several Indian states are being used to vilify Christians and Muslims'. She concluded that these 'should be reconsidered since they raise serious human rights concerns'."

The proposed anti-conversion clauses are also in violation of the international human rights framework, including the International Covenant on Civil and Political Rights (ICCPR), to which Nepal is a state party, and which affords all citizens the freedom "to have or to adopt a religion or belief of his choice".

CSW's South Asia Team Leader David Griffiths said, "Nepal's new status as a secular republic entails a shift in the place of religion in society and politics, and we are encouraging the Constituent Assembly to take this very seriously as they draft a new constitution and penal code. Nepal has a historic opportunity to leave anti-conversion measures behind, and find a new way of promoting a peaceful climate of religious pluralism through dialogue and protecting the rights of all its citizens".

Notes to Editors:

1. The deadline for the approval of the new constitution was extended for a year on 28 May 2010, and on May 28, 2011 another three-month extension was agreed. However, this was contingent on the implementation of a five-point agreement, which also included the integration of a limited number of

Maoist soldiers into the army, and the resignation of the prime minister to pave the way for a government of national unity.