



December 8, 2017

His Excellency Dr. Arjun Kumar Karki
Embassy of Nepal
2131 Leroy Place, NW
Washington, DC 20008

Dear Ambassador Karki:

By way of introduction, the ACLJ is a non-profit organization dedicated to the defense of fundamental human rights around the world. Specifically, the ACLJ endeavors to protect freedoms of religion and speech and the dignity of life. ACLJ attorneys have argued before the Supreme Court of the United States in multiple key cases involving these freedoms. Through affiliate offices around the world, the ACLJ has represented many clients in religious persecution cases.

We write this letter to urge the Nepalese government to repeal or amend article 26(3) of its Constitution and clauses 158 and 160 of section 9 of the *Bill Designed to Amend and Integrate Prevalent Laws Relating to Criminal Offense*, which was recently passed by Parliament.

While article 26 of the Constitution guarantees freedom of religion, including the right to profess and practice religion, subsection 3 limits it by stating that “[n]o person shall . . . convert another person from one religion to another or [perform] any act or conduct that may jeopardize other’s religion.” Subsection 3 essentially renders the religious freedom language inoperable. In fact, it has allowed the passing of clauses 158 and 160 that prohibit religious expression and conversion, respectively.

Clause 158 states that “[n]obody should hurt the religious sentiment of any caste, ethnic community or class by writing, through voice/talk or by a shape or symbol in any other such manner.” Subsection 2 punishes this offense with up to two-year-imprisonment. Then, clause 160 states that “[n]obody should convert the religion of another person or indulge in such act or encourage such an act.” Its subsection 2 even prohibits preaching a religion. Finally, subsection 3 punishes this offense with up to five-years-imprisonment.

As is clear from the text, any perceived insult to a religion is actionable under these statutes, especially when a mere innocent expression of one religion can be taken as derogatory by the adherents of another religion. This makes the law too broad and easy to misuse.

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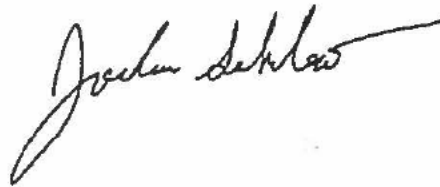
Both Pakistan and India provide ample evidence that such laws do not protect religious sentiments of people, but instead serve as a tool for religious persecution and a means to settle personal disputes through false accusations.¹ Hundreds of innocent Pakistanis, including Hindus, Christians, and Muslims, are serving long prison terms and many have been extra-judicially killed by religious fundamentalists for allegedly hurting religious feelings of others under the blasphemy laws. Similarly, several Indian states have persecuted many Christians under their anti-conversion laws. Nepal's blasphemy and anti-conversion laws will not produce any positive outcome. Instead, religious persecution will increase due to these laws.

Moreover, clauses 158 and 160 also violate Nepal's international commitment under the International Covenant on the Civil and Political Rights (ICCPR) to religious freedom, which includes the right to adopt, change, or manifest one's religion in public.

Therefore, we urge you to bring this issue to the attention of your government in order to protect the lives and freedom of the Nepalese citizens, especially the vulnerable minorities, from persecution, which will certainly increase if these laws are not repealed or amended.

We look forward to hearing a positive response from your office.

Respectfully,



Jordan Sekulow
Executive Director
AMERICAN CENTER FOR LAW & JUSTICE

¹ The Nepali statutes are similar to the Pakistani and Indian statutes. For example, the Pakistani blasphemy law states:

Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Criminal Law (Amendment) Act, § 295-A, ch. XV (XXV of 1927), *available at* <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816797.pdf>. Similarly, the Indian state of Odisha's anti-conversion law states: "No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion." Orissa Freedom of Religion Act, § 3 (Orissa Act 2 of 1968), *available at* http://lawodisha.gov.in/files/acts/act_884132771_1437987451.pdf.