

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Please provide information on the Gurung ethnic minority. Is the Gurung an ethnic group and a caste?**
- 2. Please provide information on the Newar caste in Nepal.**
- 3. How prevalent is intercaste marriage? Is there any information suggesting that persons belonging to different castes who marry or have relationships suffer discrimination or more serious mistreatment for reason of their intercaste relationship?**
- 4. Since the establishment of new constitutional arrangements in Nepal has there been a change in social attitudes to the caste based system? Does the state now provide greater protection for persons who fear harm for reasons of caste based discrimination or persecution?**
- 5. Is there any evidence to suggest that there is greater freedom of religion in Nepal since the beginning of 2007? Is there any information on whether converts to Christianity would suffer harm for reasons of their conversion? Would the state authorities provide protection to converts who might be threatened by members of their family or members of the community who oppose their conversion?**

**RESPONSE**

- 1. Please provide information on the Gurung ethnic minority. Is the Gurung an ethnic group and a caste?**

According to the available information, the Gurung are an indigenous people of Nepal numbering around half a million, one of the more than 100 different ethnic and caste groups which constitute Nepal's population of 28 million. Nepal's Central Bureau of Statistics (CBS) includes the Gurung in the "Janajati" group. Janajatis are defined as indigenous groups

who have their own language and traditional culture, existing in Nepal before the Indo-Aryans brought with them the Hindu caste system. According to descriptions of Nepal's societal composition, the Hindu caste system permeates all areas of Nepalese society, and even those non-Hindu ethnic groups such as the Gurung are assigned a caste status. The Gurung appear to occupy a middle position in Nepal's hierarchical caste structure. According to some sources, there are also various "castes" (or subgroups) within the Gurung ethnic group (for introductory information on the Gurung, see: 'Gurung' (undated), Nepal Federation of Indigenous Nationalities (NEFIN) website <http://www.nefin.org.np/content/view/38/42> – Accessed 9 January 2008 – Attachment 1; for Central Bureau of Statistics information on the Gurung and other groups, see: Dahal, D.R. 2003, 'Chapter 3: Social Composition of the Population: Caste/Ethnicity and Religion in Nepal' in *2003 Population Monograph Volume I*, Nepal Central Bureau of Statistics website <http://www.cbs.gov.np/Population/Monograph/Chapter%2003%20%20Social%20Compositi%20of%20the%20Population.pdf> – Accessed 7 May 2007 – Attachment 2; for information on Nepal's caste system and ethnic diversity, see: Pradhan, R. & Shrestha, A. 2005, *Ethnic and Caste Diversity: Implications for Development*, Asian Development Bank website. June <http://www.adb.org/Documents/Papers/NRM/wp4.pdf> – Accessed 16 January 2008 – Attachment 3).

This response first provides a brief description of Nepal's complicated caste system and its diverse population, followed by background information on the Gurung specifically.

### **Caste system**

According to US Department of State background information on Nepal, caste and ethnicity are often used interchangeably. An issues paper produced by RRT Country Research on the Nepalese caste system provides a description of the various divisions making up the caste hierarchy in Nepal, noting sources which indicate that the traditional Hindu middle and lower caste levels have in practice been replaced in Nepal by ethnic and indigenous groups (called *matwali* – "alcohol drinkers"). In Nepal, as elsewhere, Dalits occupy the lowest rung of the hierarchy (US Department of State 2007, 'Background Note: Nepal', May <http://www.state.gov/r/pa/ei/bgn/5283.htm> – Accessed 16 July 2007 – Attachment 4; for more information, see the sources in: RRT Country Research 2000, *Nepal: The Caste System*, March – Attachment 5).

A 2005 Asian Development Bank (ADB) paper on ethnic and caste diversity states: "Nepal is populated by 103 caste and ethnic groups who are largely Hindus, Buddhists, Animists, some Muslims, and in some cases a combination of two or more of these. The 2001 census records 106 languages and dialects". The ADB paper gives an introduction to the complexities of Nepal's diverse population, including the geographical, linguistic, cultural, ethnic, and religious elements involved in categorizing various groups. The paper also provides the following background information:

Nepal is, in essence, a cultural mosaic comprising different caste and ethnic groups belonging to the Tibeto-Burman and Indo-Aryan linguistic families, which is indicative of the waves of migrations that have occurred for over 2000 years from the north and south respectively. Although intermingling between the various groups has occurred, they differ widely in the details of cultures and adaptations, combining elements of Animism, Buddhism, and Hinduism picked up through cultural contacts over the years. In addition, resettlement of the hill and mountain people into the tarai since the 1960s has added a new dimension to the social landscape resulting in an extremely heterogeneous and complex tarai population. Further, a porous border with the south has facilitated populations to move freely between

Nepal and India for centuries. As a result, small distances have created wide differences in social situations – so that while some pockets may have homogenous populations belonging to one or another group, making a local majority but a national minority, in other areas the populations may be totally heterogeneous. Cross cutting this diversity is gender relations, which vary across caste and ethnic groups (Pradhan, R. & Shrestha, A. 2005, *Ethnic and Caste Diversity: Implications for Development*, Asian Development Bank website. June, p. 1 <http://www.adb.org/Documents/Papers/NRM/wp4.pdf> – Accessed 16 January 2008 – Attachment 3).

A 1987 article by Professor Nancy Levine in *The Journal of Asian Studies* provides historical background on ethnicity, caste and the Nepalese state. According to this article, the national caste system was created and codified into law as a way to unify the ethnically and religiously diverse Nepalese society and to legitimate Nepal's separate political identity. Along with the territorial unification of the country in 18<sup>th</sup> century,

The government also had to unify Nepalese society, which consisted of three historically and regionally autonomous caste hierarchies [the Parbatiya, Newar and Terai caste systems]..., culturally distinctive Tibeto-Burman-speaking populations (many from remote areas little known in the capital city), and peoples of Tibetan ethnicity on the northern border. The response to this was to create a national caste system that stipulated a place for each of these groups, guided, as would be expected, by the rulers' own notions about caste (Levine, N. 1987, 'Caste, State, and Ethnic Boundaries in Nepal', *Journal of Asian Studies*, vol. 46, no. 1, February, pp. 71-88 – Attachment 6).

According to Professor Levine “the caste structure reinforced the cultural dominance of Hindu groups and disadvantaged those groups that conformed least to Hindu norms”. She writes further that “state policies have influenced ethnicity throughout Nepal, motivating disaffiliation within some groups and unity among others and prompting attempts to improve status within the national caste system” (Levine, N. 1987, 'Caste, State, and Ethnic Boundaries in Nepal', *Journal of Asian Studies*, vol. 46, no. 1, February, pp. 71-88 – Attachment 6).

### **Ethnic groups (*janajatis*)**

According to CBS information, the Gurung are a “Hill Janajati” group. As noted above, Janajatis are defined as indigenous groups who have their own language and traditional culture. Professor Levine states that “the Nepalese hierarchy placed the non-Hindu middle hills and mountain groups in a middle-ranking position... They were well above the low Hindu service castes, although below the Parbatiya, or Nepali-speaking Hindus of the hill regions, and similarly below high-ranking Terai and Newar castes.” A World Bank study on social exclusion in 2006 includes Janajatis and Dalits among the most disadvantaged groups in Nepal. However, it should be noted that, according to the CBS information, there are 59 distinct cultural groups, including the Gurung and the Newar, which are defined as Janajati (“indigenous nationalities”) and the term applies to both advantaged and marginalized indigenous groups (Dahal, D.R. 2003, 'Chapter 3: Social Composition of the Population: Caste/Ethnicity and Religion in Nepal' in *2003 Population Monograph Volume I*, Nepal Central Bureau of Statistics website

[http://www.cbs.gov.np/Population/Monograph/Chapter%2003%20%20Social%20Compositi on%20of%20the%20Population.pdf](http://www.cbs.gov.np/Population/Monograph/Chapter%2003%20%20Social%20Compositi%20of%20the%20Population.pdf) – Accessed 7 May 2007 – Attachment 2; Levine, N. 1987, 'Caste, State, and Ethnic Boundaries in Nepal', *Journal of Asian Studies*, vol. 46, no. 1, February, pp. 71-88 – Attachment 6; World Bank 2006, *Unequal Citizens: Gender Caste and Ethnic Exclusion in Nepal – Summary* (Part 1), World Bank website <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394->

[1168615404141/NepalGSEASummaryReport-part1.pdf](http://1168615404141/NepalGSEASummaryReport-part1.pdf) – Accessed 16 January 2008 – Attachment 7; World Bank 2006, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal – Summary* (Part 2), World Bank website <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part2.pdf> – Accessed 16 January 2008 – Attachment 8).

Many disparities are found among the different Janajati groups. The National Federation of Indigenous Nationalities (NEFIN) has highlighted this, defining 10 of the 59 Janajati groups as “endangered”, 12 as “highly marginalised”, 20 as “marginalised”, 15 as “disadvantaged” and two as “advantaged” or better off. The 2006 World Bank report includes a table of Janajati groups classified by NEFIN. This shows the Gurung listed as “disadvantaged”. The Newar are included among the two “advantaged” groups (World Bank 2006, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal – Summary* (Part 2), World Bank website, p. 63 <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part2.pdf> – Accessed 16 January 2008 – Attachment 8).

The World Bank paper also includes an ethnographic map of Nepal showing the native regions of the various ethnic/caste groups (World Bank 2006, *Unequal Citizens: Gender Caste and Ethnic Exclusion in Nepal – Summary* (Part 1), World Bank website, p. 19 <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf> – Accessed 16 January 2008 – Attachment 7).

Information on recent ethnic/caste unrest is included in Question 4.

Also see:

- Although dated, the US Library of Congress country study of Nepal contains information on caste systems and ethnic groups in Nepal, including in relation to the Gurung (US Library of Congress 1991, ‘Ethnic Groups’ and ‘The Caste System’ in *Nepal – A Country Study*, September <http://lcweb2.loc.gov/frd/cs/nptoc.html> – Accessed December 1999 – Attachment 9).

### **Gurung**

A 2003 paper found on the CBS website states that there were 543,571 Gurung in Nepal as of the last census in 2001, constituting 2.39% of the total population. According to this information, the Gurung are traditionally Buddhist, although the author notes that “[a]lmost all ethnic/caste groups in Nepal follow Hinduism to an extent”. A 2006 paper on the Newar shows the placement of the Gurung in the Nepalese caste system. This indicates that the Gurung are included in the second tier of the caste hierarchy and are not classed as “untouchables” (Dahal, D.R. 2003, ‘Chapter 3: Social Composition of the Population: Caste/Ethnicity and Religion in Nepal’ in *2003 Population Monograph Volume I*, Nepal Central Bureau of Statistics website <http://www.cbs.gov.np/Population/Monograph/Chapter%2003%20%20Social%20Compositi%20of%20the%20Population.pdf> – Accessed 7 May 2007 – Attachment 2; Bhattarai, S. 2006, ‘Appendix II: The Nepalese Caste Hierarchy according to Law Code, 1854’ in *The Bola or Parma of the Newar in Manamaiju Village: The Significance of a Farm Labor Exchange System among Indigenous Peasants in Nepal*, MPhil Thesis, University of Tromsø, 8 June. <http://hdl.handle.net/10037/154> – Accessed 10 January 2008 – Attachment 10).

The following introductory information on the Gurung people was found on the NEFIN website:

Gurung i[s] one of the major indigenous peoples of Nepal. The indigenous Gurung who live at high altitudes on the foothills of the Annapurna and Machhapuchhre mountains have been called so only after the eighteenth century by the Chhettri and Brahmin (Gurung, 2000). The name, Gurung, is derived from the Tibetan word, Grong, which means farmers (Doherty, 1975). The Gurung call themselves 'Tamu', which means horseman in the Tibetan language. It is said that the Gurung are descended from the historical Hun people of Central Asia. Some researchers are of the opinion that as these people spread and settled in Nepal they came to be known as Gurung. And given that the word, Rong, also occurs in the languages of the Lepcha and Naga, it can be guessed that all these three groups belong to the same tribe (Gurung, 1999).

The main place of settlement of Gurung are the districts of Kaski, Lamjung, Mustang, Manang, Gorkha, Parbat and Syangja. The Gurung are also found in some other districts of the country like Baglung, Okhaldhunga and Taplejung as well as in various parts of east and west India. The population of Gurung in Nepal, according to the census of 2001, is 543,571. The Gurung have their own language, which is called 'Tamukwi'. It belongs to the Khamer Tibeto-Burman language group (Hodgson, 1874).

... Until some time ago there was the practice of dividing the Gurungs into four and sixteen groups. Various studies today have, however, shown that this division is an imposition from outside, and the Gurungs are divided into various subgroups (gi) and thar not conforming to the caste system (Macfarlane, 1997:192-195). In Gurung society, the main responsibility for managing the village administration is with the leader of the village, Chima, who, among other things, settles disputes in the village. Rodhighar is among the major identity of the social system of Gurung. Some have called the Rodhighar a house to thread wool (Gurung, 2000), while others have called it a place to settle for the night (Tamu, 1999). Whatever it means, the Rodhighar is a good example of assistance, cooperation, good relations and collective spirit among the Gurungs.

The Gurungs are mainly animists or followers of the Bon religion. Their oral text is called Pye (Uthan) and their traditional religion is known as Pye-ta Lhu-ta. The Gurungs later came to adopt Buddhism. Some Gurungs of eastern Nepal have also been influenced by the Hindu religion. However, the Gurungs celebrate their feasts and festivals and carry out the ceremonies and practices related to worship, birth, death and marriage in accordance with the Bon and Buddhist religions ('Gurung' (undated), Nepal Federation of Indigenous Nationalities (NEFIN) website <http://www.nefin.org.np/content/view/38/42> – Accessed 9 January 2008 – Attachment 1).

Information from the Bethany Baptist Church in 2000 includes descriptions of the various Gurung groups. This information indicates that there are differences within the Gurung subgroups, with regard to language and geographic location (Bethany Baptist Church 2000, 'The Galle Gurung of Nepal', *The Unreached Peoples Prayer Profiles* – Attachment 11; Bethany Baptist Church 2000, 'The Eastern Gurung of Nepal', *The Unreached Peoples Prayer Profiles* – Attachment 12; Bethany Baptist Church 2000, 'The Western Gurung of Nepal', *The Unreached Peoples Prayer Profiles* – Attachment 13).

Further information on Gurungs, including cultural practices, can be found on the Gurungs Online website: <http://www.gurungs.org/>.

## 2. Please provide information on the Newar caste in Nepal.

The available information indicates that the Newar occupy a unique position within Nepal's societal composition, as a distinct indigenous group with its own separate caste system. In the 2001 census Newar numbered 1,245,232 which is 5.48% of the Nepalese population. Nepal's CBS records the Newar as only one cultural group; however, Dahal notes that the Newars are divided internally into more than 40 distinct cultural groups with different occupational categories, though they share Newari as a common language. Newar have their own unique caste hierarchy, which they claim is parallel to the Hindu caste system. Sources, such as a 2006 World Bank report on underprivileged Nepalese caste and ethnic groups, include the Newar along with Brahmin and Chhetri as historically privileged groups with comparatively high social and economic development. However, there are also low-ranking service castes within the Newar caste hierarchy. Information from the CBS website states that, unlike most other indigenous groups, the Newar group are "strictly hierarchical in their structure". In 2004 Bullock also notes that inter-caste marriage is rare among the Newar (for CBS information on the Newar, see: Dahal, D.R. 2003, 'Chapter 3: Social Composition of the Population: Caste/Ethnicity and Religion in Nepal' in *2003 Population Monograph Volume I*, Nepal Central Bureau of Statistics website <http://www.cbs.gov.np/Population/Monograph/Chapter%2003%20%20Social%20Compositio%20of%20the%20Population.pdf> – Accessed 7 May 2007 – Attachment 2; for the Newar in comparison to other ethnic and caste groups, see: World Bank 2006, *Unequal Citizens: Gender Caste and Ethnic Exclusion in Nepal – Summary* (Part 1), World Bank website <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf> – Accessed 16 January 2008 – Attachment 7; for general information on the Newar, see: Bhattarai, S. 2006, *The Bola or Parma of the Newar in Manamaiju Village: The Significance of a Farm Labor Exchange System among Indigenous Peasants in Nepal*, MPhil Thesis, University of Tromsø, 8 June. <http://hdl.handle.net/10037/154> – Accessed 10 January 2008 – Attachment 10; intercaste marriage, see: Bullock, L. 2004, 'Nepal' in *Teen Life in Asia*, ed J. Slater, Greenwood Press, London, p. 134 – Attachment 14).

A 2003 paper on the social composition of Nepal states that:

The case of Newar is exceptional. This group not only presents the complicated social structure among all groups in Nepal, truly reflecting the model of four Hindu Varna categories and is clearly divided into two distinct religious groups: the Hindu and the Buddhist. Newars are divided internally into more than 40 distinct cultural groups with different occupational categories, though they share a common language (mother-tongue) Newari. The CBS [Central Bureau of Statistics] recorded Newar only as one cultural group (Dahal, D.R. 2003, 'Chapter 3: Social Composition of the Population: Caste/Ethnicity and Religion in Nepal' in *2003 Population Monograph Volume I*, Nepal Central Bureau of Statistics website

<http://www.cbs.gov.np/Population/Monograph/Chapter%2003%20%20Social%20Compositio%20of%20the%20Population.pdf> – Accessed 7 May 2007 – Attachment 2).

The Newar claim that their own separate caste hierarchy is parallel in caste divisions to the traditional Nepalese Hindu (*Parbatiya*) caste system. According to some sources, the Newar adhere to their caste hierarchy quite strictly. Sundar Bhattarai, in a 2006 thesis paper on the Newar, states "[i]t seems the caste hierarchical system of *Newar* has a symbolic and moral value system to maintain their deep rooted culture and to define their identity". The Newar caste system includes its own priestly Brahmin caste. However, according to a 2005 ADB paper, in the *Parbatiya* worldview all Newars are ranked lower than the *Parbatiya* Brahmin

and Chhetri castes, and are classified along with other indigenous groups as *matwali* (Bhattarai, S. 2006, *The Bola or Parma of the Newar in Manamaiju Village: The Significance of a Farm Labor Exchange System among Indigenous Peasants in Nepal*, MPhil Thesis, University of Tromsø, 8 June. <http://hdl.handle.net/10037/154> – Accessed 10 January 2008 – Attachment 10; Pradhan, R. & Shrestha, A. 2005, *Ethnic and Caste Diversity: Implications for Development*, Asian Development Bank website. June, p. 5 <http://www.adb.org/Documents/Papers/NRM/wp4.pdf> – Accessed 16 January 2008 – Attachment 3).

Chapter 2 of the above mentioned 2006 thesis paper on the Newar provides background and a good overview of how this indigenous group spreads itself across its own unique caste hierarchy (Bhattarai, S. 2006, *The Bola or Parma of the Newar in Manamaiju Village: The Significance of a Farm Labor Exchange System among Indigenous Peasants in Nepal*, MPhil Thesis, University of Tromsø, 8 June. <http://hdl.handle.net/10037/154> – Accessed 10 January 2008 – Attachment 10).

The US Library of Congress country study on Nepal states that Newars “traditionally were recognized as a commercial merchant and handicraft class”. More recently, the World Bank 2006 report notes that the Newar have a much higher level of economic well being, human development, and political influence compared to most other ethnic groups in Nepal (US Library of Congress 1991, ‘Ethnic Groups’ and ‘The Caste System’ in *Nepal – A Country Study*, September <http://lcweb2.loc.gov/frd/cs/nptoc.html> – Accessed December 1999 – Attachment 9; Bhattarai, S. 2006, *The Bola or Parma of the Newar in Manamaiju Village: The Significance of a Farm Labor Exchange System among Indigenous Peasants in Nepal*, MPhil Thesis, University of Tromsø, 8 June, p. 13 <http://hdl.handle.net/10037/154> – Accessed 10 January 2008 – Attachment 10).

### **3. How prevalent is inter-caste marriage? Is there any information suggesting that persons belonging to different castes who marry or have relationships suffer discrimination or more serious mistreatment for reason of their inter-caste relationship?**

According to the available information, inter-caste marriage does occur in Nepal, although it is still not that common, and such marriages can create problems between the lower-caste spouse and his or her in-laws. Sources suggest that attitudes to inter-caste marriage are slowly changing; however, recent reports were still found of inter-caste couples facing discrimination and violence within their community (De Jong, J., Ghimire, D., Thornton, A. & Pearce, L. 2006, ‘Developmental Idealism and Changing Models of Marriage’, Population Studies Center Research Report 06-609, University of Michigan, October, p. 5 <http://www.psc.isr.umich.edu/pubs/pdf/rr06-609.pdf> – Accessed 17 January 2008 – Attachment 15; Center for Human Rights and Global Justice 2005, *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal*, p. 7 <http://chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf> – Accessed 17 January 2008 – Attachment 18; ‘Inter-caste Couple Displaced from Village’ 2007, Informal Sector Service Centre (INSEC) website, 24 December [http://www.inseconline.org/archive\\_show2.php?newsid=2060](http://www.inseconline.org/archive_show2.php?newsid=2060) – Accessed 17 January 2008 – Attachment 16).

As already noted, the caste system is deeply entrenched in Nepalese societal structure and still dominates most forms of community interactions in both urban and village societies. Intra-caste (endogamous) marriage is a key factor in preserving caste hierarchies. A 2006 research report on Nepalese family and marriage, notes that within Hinduism “marriage is a bond between families and a promise of continuity in patriarchal family lines. Therefore, marriage has a history of deep religious, social, and institutional significance” (De Jong, J., Ghimire, D., Thornton, A. & Pearce, L. 2006, ‘Developmental Idealism and Changing Models of Marriage’, Population Studies Center Research Report 06-609, University of Michigan, October, p. 5 <http://www.psc.isr.umich.edu/pubs/pdf/rr06-609.pdf> – Accessed 17 January 2008 – Attachment 15).

Results from the above-quoted research report on the changing Nepalese attitudes towards marriage suggests that tolerance for “modern” marriage practices, such as intercaste marriage, has increased; however, “wholesale acceptance of all ‘modern’ marriage behaviours has not occurred”. The report notes that most interview participants “were only accepting of certain types of intercaste marriage, marriages in which the husband and wife both come from within the higher castes or both come from within the lower castes.” Hypothetical questions regarding an interviewee’s own son or daughter marrying into a lower-caste group had to be removed from the interview questionnaire as they were met with strong opposition and threats to break off the interview. The researchers concluded that:

this experience and our data about intercaste marriage demonstrate that while Nepalis are probably not as caste-oriented as they once were, they are certainly not blind to caste differences, especially when the focus shifts from someone else’s hypothetical life to the respondent’s own life and family (De Jong, J., Ghimire, D., Thornton, A. & Pearce, L. 2006, ‘Developmental Idealism and Changing Models of Marriage’, Population Studies Center Research Report 06-609, University of Michigan, October, pp. 12-14 <http://www.psc.isr.umich.edu/pubs/pdf/rr06-609.pdf> – Accessed 17 January 2008 – Attachment 15).

An article dated 24 December 2007 reports that an intercaste couple had been threatened, and the husband’s parents’ house vandalized by the wife’s family. Interestingly, the surname may indicate that the wife is Gurung. The article states:

A newly married couple of Dulilabhati VDC has been living in district headquarters for the past 19 days because of their decision.

Hari Nepali, 21, of Dulilabhati VDC-9 and Devi Gurung, 19, of ward number 7 of same VDC got married on 7 December after three years of affair.

Speaking at a programme in the headquarters Baglung on 23 December, the couple said Gurung’s relatives vandalised Nepali’s house and threatened to cancel the married forced them to flee.

We escaped as the environment was becoming threatening for us, Nepali said. Nepali’s mother said Gurung’s family had overthrown the roof of her and threatening her (‘Inter-caste Couple Displaced from Village’ 2007, Informal Sector Service Centre (INSEC) website, 24 December [http://www.inseconline.org/archive\\_show2.php?newsid=2060](http://www.inseconline.org/archive_show2.php?newsid=2060) – Accessed 17 January 2008 – Attachment 16).

*Research Response NPL13678* (Question 3), dated 9 May 2007, provides information on inter-caste marriage and includes some more examples of inter-caste marriage situations which have resulted in violence or the threat of violence in recent years. It should be noted



that most of these cases relate to the marriage between a high-caste woman and a low-caste man (hypogamy) which, as offspring inherit the fathers status, is considered much more taboo than hypergamy (between a high-caste man and a low caste woman) (RRT Country Research 2007, *Research Response NPL13678*, 9 May – Attachment 17; for further information on intercaste marriage, including on hypogamy/hypergamy, see sources noted in: RRT Country Research 2000, *Nepal: The Caste System*, March – Attachment 5).

A 2005 report released by the Center for Human Rights and Global Justice (CHRGJ), discussing caste discrimination in Nepal, notes Human Rights Watch (HRW) information from 2001 which states that “Dalits who marry outside their caste have reportedly been imprisoned by local authorities after members of the upper-caste families filed false cases against them.” The report also states:

Strict prohibition on inter-caste marriage, particularly between Dalits and non-Dalits, also helps preserve caste hierarchies. These prohibitions are sometimes enforced by punishing entire communities. On January 27, 2004, for example, a young inter-caste married couple was kidnapped by the wife’s “upper-caste” relatives. A mob of 200 “upper-caste” persons then attacked the husband’s Dalit village, destroying all property and forcing all 80 members of the community to leave the village (Center for Human Rights and Global Justice 2005, *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal*, p. 7 <http://chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf> – Accessed 17 January 2008 – Attachment 18).

Gender discrimination and violence against women in Nepal may also be relevant to situations of inter-caste marriage. A recently released report by the UN Office of the High Commissioner for Human Rights (OHCHR) discusses gender issues in Nepal, noting that discrimination and gender-based violence continues to impact the lives of women. The report also notes “the double discrimination affecting women from marginalized groups” (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 19).

The section on women in the most recent US Department of State human rights report includes the following information:

Domestic violence against women was a serious problem that received limited public attention. There was a general unwillingness among police, politicians, citizens, and government authorities to recognize violence against women as a problem. Sensitizing programs by NGOs for police, politicians, and the general public have led to a greater awareness of the problem. The women’s cell of the police received 939 reports of domestic violence during the country’s fiscal year, which ended June 15. However, in the absence of a domestic violence law, police were unable, or unwilling, to file cases against the accused (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Nepal*, March, Section 5 – Attachment 20).

**4. Since the establishment of new constitutional arrangements in Nepal has there been a change in social attitudes to the caste based system? Does the state now provide greater protection for persons who fear harm for reasons of caste based discrimination or persecution?**

Note: Dalits experience the highest rate of caste-related discrimination and violence in Nepal. This response does not address Dalit discrimination specifically, as it is not necessarily relevant to the question; however, some of the pertinent information on Dalits is included as examples of caste discrimination. The complex nature of Nepal's caste system, with its' interwoven strands of Hindu caste groups and ethnic (*janajati*) as well as regional (eg. *madhesi*) subgroups, also makes it difficult to separate caste and other forms of discrimination.

As noted previously, the caste system strongly influences all aspects of Nepalese society and caste and ethnic discrimination are long-standing and deeply entrenched. Although attitudes have been changing with increasing "modernisation", sources indicate that the traditional caste system still dominates both urban and village societies in Nepal. In addition, the higher castes have traditionally maintained control of economic resources and political power, and have a vested interest in keeping these structural divisions alive in some form in Nepalese society. Also, sources report that there has been an increase recently in identity-based politics, with groups who have traditionally been marginalized because of their caste/ethnicity demanding more government representation. Ethnic based militant armed groups are reportedly on the rise in Nepal, and there are fears that the violence in the Tarai is spreading. In regard to state protection, recent sources report that overall the situation is volatile, that there is little law and order, and that the State has limited capacity to protect the rights and security of the population (for information on caste discrimination, see: US Department of State 2007, *International Religious Freedom Report for 2007*, September – Attachment 21; for information on recent communal violence, see: United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement*, Dec 2007, 12 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 19; for the most recent report on the security situation, see: UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702> – Accessed 17 January 2008 – Attachment 22).

This response details recent reports on the security situation in Nepal over the past year; ongoing discrimination against marginalized groups; Madhesi unrest and violence in the Tarai region; and ethnic/caste unrest.

A December 2007 International Crisis Group (ICG) briefing paper states that the "interim constitution reaffirmed a commitment to the 'progressive restructuring of the state in order to resolve the existing problems of the country based on class, caste, region and gender'. Few practical steps have followed the rhetoric." Likewise, an OHCHR report on human rights in Nepal one year after the signing of the Comprehensive Peace Agreement (CPA) notes that despite commitments to inclusiveness in the CPA, official statements and the Interim Constitution, social exclusion remains a major problem. The report states that "[l]ongstanding discrimination – on the basis of caste, ethnicity, gender, geographic and other considerations – has emerged as a critical issue affecting the peace process". A December 2007 article in

*Jane's Intelligence Review* states that "Social tensions constitute a major long-term risk. The country comprises many different ethnicities, cultures and religions. This has created long-standing problems and, in many respects, conflicting interests pose one of the greatest threats to Nepal's long-term viability as a state" (International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December, pp. 10-11 – Attachment 23; United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 19; Mills, E. 'Static charge – Stalled progress sparks tensions in Nepal', *Jane's Intelligence Review*, 19 December – Attachment 24).

## **Recent OHCHR report:**

### **Discrimination**

The OHCHR report discusses the issue of discrimination and violence against Dalits and other groups, detailing various examples. The report states that:

In the context of its work on ESCR [Economic, Social & Cultural Rights] and discrimination, OHCHR has held a number of discussions with community groups across Nepal which show that there are countless other incidents against Dalits, indigenous groups and others that go unreported for a variety of reasons. These include: a fear of reprisal from the non-Dalit community; acceptance of castebased discrimination by Dalits and its resultant stigma; a low level of awareness in many VDCs of human rights and procedures for access to justice; political pressure and mediation preventing access to justice; dismissal or refusal by authorities to entertain complaints of those facing discrimination; barriers to education and resources; and language barriers in the Terai (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 19).

### **Security**

The OHCHR report focuses, in particular, on the limited capacity of the State to protect the rights and security of the population. According to the report:

The emergence of armed groups and an expansion of their violent activities, as well as growing social unrest particularly around issues related to representation and discrimination, have posed serious challenges to the Government and state institutions responsible for maintaining law and order and protecting the rights of the population. The weakness or absence of state responses to deal with these issues has had a serious impact on the human rights situation, and contributed to a situation of lawlessness in which human rights are paid little attention. On-going violations by state entities (including through omission), as well as abuses by CPN-M cadres, have also impacted on the human rights situation.

Most seriously, perpetrators of killings and other violence enjoy almost total impunity whether in the case of human rights violations committed by the State, abuses committed by CPN-M cadres or criminal acts of violence committed by armed groups, those involved in violent protests or violence stemming from discriminatory practices...The lack of commitment on the part of the authorities to address these issues is deeply worrying (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December

<http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 19).

### **Reports on unrest in the Tarai**

Much of the recent violence in Nepal has occurred in the Tarai region. While this response is not related to the Tarai, the situation is relevant insofar as the unrest is related to grievances which are also held by other marginalized groups and commentators have warned that the problems in the Tarai could spread. The Tarai is home to half the total population of Nepal. A July 2007 ICG report on the Madhesi unrest notes the complex identity politics in Nepal and the various factors contributing to the Tarai violence, stating that “[f]ault lines cut across each other”. ICG also states that if the unrest is not properly addressed, “it could start a new form of conflict”. Sources agree that caste and ethnic inequality was a key factor in the civil war, with Maoist insurgents capitalising on caste, ethnic and gender discrimination in Nepal as a means of legitimising their armed “revolution”. The above ICG report notes that there may have been a caste component in violent clashes in the Tarai with local populations, who were angry with the Maoists for mobilising lower castes, using the unrest “as an opportunity to assert local dominance”. The report also states that “caste factors may be assuming a new prominence”. This appears to be borne out by the most recent UN Office for the Coordination of Humanitarian Affairs (OCHA) situation overview of Nepal. This details a number of violent incidents involving various groups around the country, including the burning of 12 houses belonging to Dalit families and the reported assault of women in the settlement on 20 December 2007 (International Crisis Group 2007, *Nepal’s Troubled Tarai Region*, 9 July – Attachment 25; Center for Human Rights and Global Justice 2005, *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal*, p. 3

<http://chrgj.org/docs/Missing%20Piece%20of%20the%20Puzzle.pdf> – Accessed 17 January 2008 – Attachment 18; UN Office for the Coordination of Humanitarian Affairs (OCHA) 2007, ‘OCHA Nepal Situation Overview’, *Issue No. 19*, 9 November – 31 December 2007, ReliefWeb website, 31 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-7APJSQ?OpenDocument&rc=3&cc=npl> – Accessed 17 January 2008 – Attachment 26).

However, the key factor in the Tarai unrest is demands for greater political representation by Madhesi groups. These grievances are shared by other marginalized groups in Nepal. The *Jane’s Intelligence Review* article discusses the background to the escalating “ethnic insurgency” in the Terai region, stating that:

A defining characteristic of the Maoist insurgency was its inclusiveness, with the CPN-M’s leaders offering various under-represented groups the promise of positive change once the insurgency had been won. Given that this has failed to materialise, new threats have started to emerge. The situation in the Terai is the most significant to date, focusing on calls for greater political representation by Madhesi groups (Mills, E. ‘Static charge – Stalled progress sparks tensions in Nepal’, *Jane’s Intelligence Review*, 19 December – Attachment 24).

Likewise, the July 2007 ICG report states:

Madhes is not a discrete geographical unit unaffected by its surroundings, nor are its politics regionally compartmentalised. Dealing with Madhesi demands first means changing attitudes and policies in Kathmandu; it also requires addressing issues within a national framework – many grievances in the plains stem from similar causes to those that could destabilise the hills (International Crisis Group 2007, *Nepal’s Troubled Tarai Region*, 9 July, p. 32 – Attachment 25).

## **Marginalized Groups**

A September 2007 ICG briefing paper states: “Making Nepal’s democracy more inclusive has become essential to the success of the peace process. This means increasing the participation of many groups who have been severely underrepresented in parties, government and national institutions – women, regional and ethnic communities, caste groups and others.” According to ICG, the government agreed to various demands made by NEFIN regarding the right to self-determination; however, there is little indication that these provisions will be implemented. The relevant section follows:

Nepal’s many ethnic groups have been pushing for ethnicity-based proportional representation with the National Federation of Indigenous Nationalities (NEFIN), an umbrella organisation representing some six dozen communities, taking the lead in pressuring the government. It demanded interim constitution amendments to commit to a federal republic based on ethnic autonomy, to remove the ban on ethnic political parties and to end discrimination against indigenous languages. In the face of major parties’ inaction, it submitted formal demands to government negotiators on 26 February 2007, calling for a round-table conference “to come up with an integrated solution and evolve common views on the issue raised by indigenous nationalities, Madhesis, dalits, women and other agitating groups”.

Following a series of public protests and ten rounds of negotiations, a twenty-point deal was reached on 7 August. The government agreed to make the 240 FPTP seats “proportionately representative”, guaranteed that all 59 indigenous groups will have at least one CA representative (even if groups do not have a representative elected from either portion of the electoral system) and promised to establish a State Restructuring Commission. Further concessions included (often unspecific) commitments to recognise local languages, develop mechanisms for wider consultation on future policies and adopt international standards such as the United Nations Declaration on the Rights of Indigenous Peoples.

This deal reflects the pattern of the peace process: it was concluded as a private arrangement with one group whose representativeness is not unquestioned; many provisions were left deliberately vague; and there is little indication that it will be implemented. Indeed, the prime minister denied all knowledge of the agreement weeks after his minister had signed it. More radical agitators (such as the Federal Limbuwan Rajya Parishad, Khambuwan Rastriya Morcha and Tamsaling Autonomous Rajya Samiti) are still pressing for greater autonomy and threatening to oppose the CA process. Meanwhile, other disadvantaged groups – from Dalits to women of the Badi community, who have traditionally worked as sex workers – continue to fight for better representation (International Crisis Group 2007, *Nepal’s Fragile Peace Process*, Asia Briefing N°68, 28 September – Attachment 27).

A recent *BBC* report on Nepal describes 2007 as “a dismal year of continuing violence, new militant ethnic sentiment and endless political squabbling”. The article also quotes political writer, Deepak Thapa, who says that “there is also a wider sense of anarchy, with anyone feeling they can take direct action, law and order worsening, and the government barely responding.” Regarding militant violence in Terai which is reportedly spreading elsewhere, *BBC* reports:

Ethnicity makes many a target. I visited Madhav Acharya, an old, deaf man. A militant group has confiscated the land where he grows his paddy.

“More than 70% of the Pahadis here in Janakpur have left. They’ve been displaced,” he said.

“But it’s difficult for me. My children are studying. I can’t go anywhere else. I’m scared, but I don’t know who to turn to.”

Conversely, Madhesi campaigners say the authorities ignore their grievances. Madhesi human rights activist Dipendra Jha fears that a new task force sent in to tackle violence is counter-productive.

“Most of the armed forces are from the hilly area,” he says. “They don’t know about the cultural, social sensitivity of the Terai. Most politicians perceive the problems in the Terai as a security problem rather than looking at the political, social, economic, cultural demands. So the situation is getting worse and worse.”

In several other regions, too, as ethnic sentiment grows, self-defence groups are emerging in the name of different communities.

In fact, Nepal consists of dozens of minorities, geographically intermingled but now demanding a voice.

They will be hoping to be better heard, as under the new agreement more than half the assembly members will be elected under proportional representation.

But in a deeply uneven, caste-dominated, male-dominated society, securing real change will not be easy.

Getting rid of the monarchy may be just one small detail in a much larger process of upheaval (Haviland, C. ‘End of Nepal monarchy – or trouble?’, *BBC News*, 24 December [http://news.bbc.co.uk/2/hi/south\\_asia/7159258.stm](http://news.bbc.co.uk/2/hi/south_asia/7159258.stm) – Accessed 17 January 2008 – Attachment 28).

The most current reports detailing the [recent security situation](#) are also included in the final section of Question 5.

For more information on caste discrimination in Nepal, see:

- The Center for Human Rights and Global Justice (CHR&GJ) website, established by the New York University School of Law, contains various reports and other information on caste discrimination in Nepal. See: <http://chrgj.org/projects/discrimination.html#nepal>.
- A September 2007 article notes the new “caste politics” taking place in Nepal (Shakya, M. 2007, ‘Caste mongering – Identity politics is compartmentalizing Nepalis without their consent’, *Nepali Times*, 14 September – Attachment 29);
- The World Bank paper, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal*, provides detailed information on caste and ethnic discrimination in Nepal (World Bank 2006, *Unequal Citizens: Gender Caste and Ethnic Exclusion in Nepal – Summary* (Part 1), World Bank website, p. 19 <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part1.pdf> – Accessed 16 January 2008 – Attachment 7; World Bank 2006, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal – Summary* (Part 2), World Bank website, p. 63 <http://siteresources.worldbank.org/EXTSOCIALDEV/Resources/3177394-1168615404141/NepalGSEASummaryReport-part2.pdf> – Accessed 16 January 2008 – Attachment 8).

**5. Is there any evidence to suggest that there is greater freedom of religion in Nepal since the beginning of 2007? Is there any information on whether converts to Christianity would suffer harm for reasons of their conversion? Would the state authorities provide protection to converts who might be threatened by members of their family or members of the community who oppose their conversion?**

According to the US Department of State's latest report on religious freedom, Nepal was officially declared a secular state in January 2007, and the Interim Constitution provides for the freedom to practice one's religion. According to this information, Christians currently constitute only 0.45% of Nepal's population. Nevertheless, some citizens were wary of proselytizing and conversion by Christians and viewed the growth of Christianity with concern. There were some reports of Christian and Muslim converts suffering discrimination and prejudice from Hindu extremist groups. According to the US Department of State, while these incidents were not systematic, they were occasionally violent. Sources report that Hindu extremism has increased in recent years, especially since the Parliamentary declaration of the country as a "secular state" instead of a "Hindu Kingdom." Nevertheless, recent Christian press articles reporting on Christian celebrations in Nepal appear to indicate that Christians continue to openly practice their religion. It should be noted, however, that reports indicate that social tensions, including in regard to religion, are escalating in some areas of Nepal and the situation remains volatile. The most recent ICG briefing describes Nepal as an "increasingly fractious nation". As detailed previously, the available information indicates that state authorities currently have limited capacity to provide security and protect the rights of the population (US Department of State 2007, *International Religious Freedom Report for 2007*, September – Attachment 21; International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December, p. 1 – Attachment 23; for the most recent report on the security situation, see: UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702> – Accessed 17 January 2008 – Attachment 22).

The most recent US Department of State report on religious freedom in Nepal, published in September 2007, states:

Nepal is a secular state under the Interim Constitution, which was promulgated on January 15, 2007. The Interim Constitution provides for freedom to practice one's religion. The Interim Constitution also specifically denies the right to convert another person.

... The Government took positive preliminary steps with respect to religious freedom during the period covered by this report, and government policy contributed to the generally free practice of religion. The Interim Parliament, through the Interim Constitution, officially declared the country a secular state in January 2007; however, no laws specifically affecting freedom of religion were changed. Nonetheless, many believed that the declaration made it easier to practice their religion freely. However, members of minority religious groups occasionally reported police harassment.

... Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship, although there were reports of societal abuses and discrimination based on religious belief or practice. Those who converted to another religious group at times faced violence and occasionally were ostracized socially but generally did not fear to admit their affiliations in public (US Department of State 2007, *International Religious Freedom Report for 2007*, September – Attachment 21).

Recent reports from the *Union of Catholic Asian News (UCAN)* seem to suggest that Catholics have continued to openly gather and practice, not only in Kathmandu, but also in the troubled Tarai region ('Catholics Have Fun On Parish Family Day' 2008, *Union of Catholic Asian News (UCAN)*, 4 January <http://www.ucanews.com/search/show.php?q=nepal&page=archives/english/2008/01/w1/fri/NP04157Rg.txt> – Accessed 17 January 2008 – Attachment 30; 'Eastern Nepal Celebrates Christ The King Feast' 2007, *Union of Catholic Asian News (UCAN)*, 4 December <http://www.ucanews.com/search/show.php?q=nepal&page=archives/english/2007/12/w1/tue/NP03921Rg.txt> – Accessed 17 January 2008 – Attachment 31).

However, an October 2007 *UCAN* article reports that Christians in Nepal were worried about the future of the Church in the midst of growing instability and continual postponement of elections. The article also states that Christians are viewing the growing power of the Maoists with concern. The report states:

Christians in Nepal are worried about the future of the Church and the growing power of Maoists in a country that has been racked by insurgency and political instability.

...Bishop Sharma described the postponement as "regrettable," adding that he was concerned over the future of the Church in Nepal and had been fervently praying for the election to take place as scheduled. This is the second postponement. The poll was first scheduled for June 20.

The prelate, Nepal's first Catholic bishop, said **the main concern of the Church is the marginalization of the minority Christian community**. He expressed hope that the situation might improve if people put pressure on the interim government and political leaders to hold the election for the Constituent Assembly soon.

...Nepaune, a Protestant, pointed out that even though the interim constitution, in place since January, changes the former Hindu kingdom to a secular state, **Christians in villages are still looked upon with disdain** [researcher emphasis added] ('Christians Fret About Political Uncertainty, Poll Suspension' 2007, *Union of Catholic Asian News (UCAN)*, 9 October <http://www.ucanews.com/search/show.php?q=nepal&page=archives/english/2007/10/w2/tue/NP03536Rg.txt> – Accessed 17 January 2008 – Attachment 32).

In December 2007, *UCAN* reports that Christians were set to celebrate Christmas in a "better" environment, while still remaining cautious amid the precarious political situation:

Bishop Anthony Sharma, apostolic vicar of Nepal, told UCA News expectations are high that this Christmas will be celebrated in a "better" environment, given the lull in fighting and violence, at least in Kathmandu.

"People can now have Christmas fun until late in the night, without fear of violence or intimidation," he said.

A semblance of normalcy has returned to the capital, with tourists returning, and shops and hotels decorated for Christmas, a time of celebration for majority Hindus and minority Christians alike.

...Nonetheless, Bishop Sharma clarified that caution remains necessary amid the still-precarious political situation in the country ('Christians Dreaming Of Calmer Christmas As Stability, Tourists Return' 2007, *Union of Catholic Asian News (UCAN)*, 24 December <http://www.ucanews.com/search/show.php?q=nepal&page=archives/english/2007/12/w4/mon/NP04075Rg.txt> – Accessed 17 January 2008 – Attachment 33).



## **Hindu extremism**

According to sources, including the US Department of State and Christian Solidarity Worldwide (CSW), there are reports that Hindu extremism has increased in Nepal in recent years, and Christians have found themselves targets. A 2006 Christian Solidarity Worldwide (CSW) country profile on Nepal states that “Christians can find themselves targeted by militant Hindu groups”. The CSW does not provide information however, as to nature of these targeted attacks (Christian Solidarity Worldwide – UK 2006, *CSW Country Profile – Nepal*, April, <http://www.csw.org.uk/Countries/Nepal/Resources/NepalCountryProfile.pdf> – Accessed 11 July 2006 – Attachment 35). The 2007 US Department of State report on religious freedom in Nepal, notes that Hindu extremism is alleged to have played a role in the violence in the Tarai region:

[S]ome Christian groups reported that Hindu extremism increased in recent years, especially since the Parliamentary declaration of the country as a “secular state” instead of a “Hindu Kingdom.” Of particular concern were the local affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. This group was accused of playing a role in the violence in the Terai, the southern area of Nepal along the border with India, in late 2006 and early 2007 (US Department of State 2007, *International Religious Freedom Report for 2007*, September – Attachment 21).

An October 2007 article states that “The southern plains of Terai are already awash in violence, with over 70 killed this year in caste- or religion-based clashes” (‘Katmandu Crisis’ 2007, *Wall Street Journal Asia*, 11 October – Attachment 34).

The Catholic news service, *AsiaNews*, reports on the April 2007 bombing of a Christian orphanage allegedly by the “Nepal Defence Army (NDA), a recently-created group that wants to restore the Hindu theocracy that once ruled the country”. The article states:

A Hindu fundamentalist group in Nepal bombed a Christian orphanage accusing its administrators of converting its non Christian children and receiving funds from pro-Maoist organisations. The explosion occurred in Birganj, Nepal’s industrial capital, at the “Grace Children Home” and wounded one child who is now in hospital.

The orphanage is run by the Pentecostal Church and is home to some 80 children from around the country who lost their parents during the Maoist insurgency.

The attack was claimed by the Nepal Defence Army (NDA), a recently-created group that wants to restore the Hindu theocracy that once ruled the country.

According to a local NDA organiser, Praban, the reasons behind the attack are two-fold: “Firstly, the Christian owners of the home are obviously converting the Hindu and Buddhist children from the hills and mountains to Christianity. The bomb was a warning against their nefarious project. Secondly, we have evidence that they are actually children of Maoist guerrillas who were killed in army operations during the insurgency. The Maoists don’t mind if their children become Christians.”

Speaking to *AsiaNews*, the orphanage administrators reject all the accusations saying that their work “is to help and educate poor children who have lost their families” (Dubey, P. 2007 ‘Bomb against Christian orphanage allegedly converting children by force’, *AsiaNews*, 26 April – <http://www.asianews.it/index.php?l=en&art=9108&geo=36&size=a#> – Accessed 13 August 2007 – Attachment 36).

The NDA is also briefly mentioned in the July 2007 ICG report on the Madhesi unrest, which only notes that it “may have royal links but it is unlikely Indian Hindutva (militant Hindu) organisations actively support it”. However, the report does note the existence of other active Hindutva groups, and also states that:

The Madhesi movement did have some Hindu strands: resentment against the government’s May 2007 secularism declaration was used as a rallying call; some MJF central committee members have past associations with Hindutva groups; the MJF has also used inflammatory Hindu imagery in publicity. Smaller sects and popular gurus may also have helped rally anti-secular opinion. Although religious sentiment does not necessarily translate into Hindu nationalism or monarchism, there may be more sympathy for Hindu politics than Madhesi leaders and secular-oriented commentators would like to admit (International Crisis Group 2007, *Nepal’s Troubled Tarai Region*, 9 July – Attachment 25).

*Research Response NPL13678*, dated 9 May 2007, provides information on Christians in Nepal generally, with a specific emphasis on Catholics. The situation for (Hindu) converts to Christianity is also addressed. It should be noted that this response was completed prior to the stalling of the political process and the deterioration in the security situation which has escalated since the latter half of 2007 (RRT Country Research 2007, *Research Response NPL13678*, 9 May – Attachment 17).

### **Recent security situation**

The following reports detail the recent security situation in Nepal, indicating a general consensus that the escalating ethnic and political violence looks set to continue.

On 16 January 2008 *The Christian Science Monitor* reported that Nepal’s twice-delayed elections have been scheduled for 10 April 2008, but violence continues in the meantime with some 130 people killed in protests in the Terai, and another recent bomb explosion in Kathmandu. Commentators note that there is a “danger of intercommunal clashes and anarchy”. The article states:

[T]he absence of a fully functioning government is taking a toll. The government has failed to fulfill several commitments, from giving assistance to the victims of the war to sorting out the Maoists’ demand that their cadres be integrated into the Army. And in recent months, violence has flared in spots. In the southern plains area known as the Terai, home to more than half of Nepal’s 26.4 million people, some 130 people have been killed in protests over the past year. On Monday, at least eight people were injured in a bomb explosion in the center of Kathmandu, where thousands had attended a mass rally at the start of campaigning for the elections.

Generally, Nepalis appear to be anticipating the polls, the country’s first in nine years. But some analysts have expressed concern about potential disruption of the vote in the Terai, as well as the possibility of a third delay in voting nationally.

“Elections have to happen – they are the only glue and balm for Nepal,” says Kanak Dixit, editor of *Himal*, a leading magazine. “If we don’t make it to elections, the Maoists will become unstable; people in the Terai will agitate. There will be a danger of intercommunal clashes and anarchy” (Ridge, M. 2008, ‘Nepal on edge ahead of polls’, ReliefWeb website, source: *Christian Science Monitor*, 16 January <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SHES-7AVT35?OpenDocument> – Accessed 17 January 2008 – Attachment 37).

The most recent report by the UN Security Council, released on 3 January 2008, states that:

[T]he overall security environment has become more volatile. Civil unrest and protests by various groups occurred regularly across the country. Tensions that arose following the postponement of the Constituent Assembly election for a second time exacerbated the already troubled law-and-order situation. Persisting disaffection among marginalized communities, and activities of armed groups and communal violence in the Terai, have all contributed to a tenuous security situation (UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702> – Accessed 17 January 2008 – Attachment 22).

The latest OCHA Nepal situation overview, covering the period 9 November – 31 December 2007, states that “[b]ombings, killings, abductions, demand for ransom and other forms of threats aimed at political opponents and other persons continued to be reported” (UN Office for the Coordination of Humanitarian Affairs (OCHA) 2007, ‘OCHA Nepal Situation Overview’, *Issue No. 19*, 9 November – 31 December 2007, ReliefWeb website, 31 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-7APJSQ?OpenDocument&rc=3&cc=npl> – Accessed 17 January 2008 – Attachment 26).

A *Jane’s Intelligence Review* article, dated 19 December 2007, also details the worsening security situation and mounting tensions, as well as the problem of political fragmentation, and concludes that a partial return to conflict appears to be the most likely outcome over the medium term (Mills, E. ‘Static charge – Stalled progress sparks tensions in Nepal’, *Jane’s Intelligence Review*, 19 December – Attachment 24).

In December 2007, the United Nations Office of the High Commissioner for Human Rights released a comprehensive new report on human rights in Nepal. The report notes that the human rights situation had deteriorated rather than improved since the signing of the CPA in November 2006, and focuses in particular on the limited capacity of the State to protect the rights and security of the population (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 19).

Also see:

- International Crisis Group 2007, ‘Nepal: Peace Postponed’, 18 December – Attachment 23.

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

#### **United Nations (UN)**

UNHCR <http://www.unhcr.ch/>

## **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

Center for Human Rights and Global Justice <http://chrgj.org>

Freedom House <http://www.freedomhouse.org/>

Human Rights Watch <http://www.hrw.org/>

International Crisis Group <http://www.crisisweb.org/home/index.cfm>

ReliefWeb <http://www.reliefweb.int/rw/dbc.nsf/doc100?OpenForm>

## **International News & Politics**

*BBC News* <http://news.bbc.co.uk/>

## **Region Specific Links**

### **Topic Specific Links**

Christian Solidarity Worldwide <http://www.csw.org.uk>

International Nepal Fellowship <http://www.inf.org.uk/>

Nepal Federation of Indigenous Nationalities <http://www.nefin.org.np>

*Union of Catholic Asian News* <http://www.ucanews.com>

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BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information Services database, including Amnesty International, Human Rights Watch, US Department of State Reports)

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