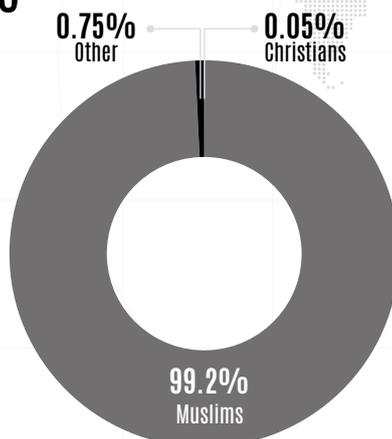




YEMEN

RELIGIONS

LEGAL FRAMEWORK ON FREEDOM OF RELIGION
AND ACTUAL APPLICATION

Article 1 of the Constitution of Yemen of 1994¹ declares the country to be an independent Arab state. Article 2 names Islam as the state religion. Article 3 states that “Islamic Shari’a is the source of all legislation”. Freedom of thought is protected in Article 42 “within the limits of the law” and the constitution declares that the state adheres to international human rights law.

In practice, neither the constitution nor other laws protect freedom of religion. Proselytising is forbidden as well as conversion from Islam to another religion. Mockery of religion is also prohibited.² In general, the construction of new buildings requires government approval, which implicitly includes places of worship even though they are not specifically mentioned.³

Islamic religious education is compulsory in state-run schools, which are expected to provide the same curriculum to both Sunni and Shi’a pupils. In Houthi-controlled areas, educational material indicates that Zaydi principles are taught. Other forms of religious education are not provided in public schools. Private schools too must teach the

same curriculum to Sunni and Shi’a students.⁴

Certain restrictions were lifted on various non-Sunni religious practices and religious speech, including the ban on public commemorations of the Shi’a holidays of Ashura and Ghadir. In the past, public commemoration of Shi’a holidays have occasionally resulted in clashes with Sunni groups.⁵

Yemen held three parliamentary elections after the unification of North Yemen and South Yemen in 1990, the last in 2003.⁶ Planned elections in 2009 were cancelled because of a legal dispute over election reform. Then President Ali Abdullah Saleh stepped down in 2012. He was replaced by Abd Rabbuh Mansur Hadi, who was elected for a two-year transitional period at the helm of a national unity government. This solution proved short-lived when Shi’a Houthi rebels from the former North Yemen, backed by former President Saleh, staged an armed takeover against the government in 2014. Hadi resigned in January 2015 and fled to Aden. Consequently, the rebels took over the capital, Sanaa, and the presidential palace.⁷

In recent years, Shi’as, Sunnis, jihadists and tribal groups have frequently engaged in fighting, leaving the poorest country in the Middle East in a state of permanent civil war.

In March 2015, a Saudi-led military coalition⁸ intervened in Yemen to stop the Houthi rebels. Despite several ceasefire agreements, fighting between government troops, rebels and other factions continued. In June 2015, the European Union imposed a travel ban on Houthi leader Abdulmalik Al-Houthi and Ahmed Ali Abdullah Saleh, son of the former president, and froze their assets for their role in undermining Yemen's peace and stability.⁹

In November 2020, the US administration announced that it would designate Yemen's Iran-backed Houthi insurgents as a terrorist organisation before January 2021.¹⁰

In November 2020, Saudi Arabia informed Yemen's Houthis that it would agree to a UN ceasefire proposal on the condition that the Houthis agreed to stronger security measures. One of the measures consisted of "setting a buffer zone along the borders with northern Yemen until a UN-backed transitional government is formed."¹¹

The ongoing war between the Saudi-led coalition and Iran-backed Houthis has caused a major humanitarian crisis, including a cholera outbreak. According to the World Health Organisation, the total number of suspected cholera cases reported from January 2018 to May 2020 is 1,371,819 with a fatality rate of 0.1 percent.¹²

Minority religious groups such as Baha'is, Christians, Hindus and Jews have reported increasing levels of harassment, especially in Houthi-controlled areas. Houthis have arrested numerous Baha'is, raiding their homes and religious centres. Jews, the only indigenous non-Muslim group, face increasing anti-Semitism including anti-Semitic material, attempts at forced conversion to Islam, and closing roads leading to Jewish communities. Ismaili Muslims also continue to face discrimination.¹³

Yemen's internationally recognised government was weakened by the Houthi takeover and lacks the capacity to enforce laws against human rights abuses. According to the US Office of International Religious Freedom, this has resulted in a number of arbitrary killings, disappearances, kidnappings, and other acts of violence committed by various groups.¹⁴ The report also lists violations of privacy rights and limits on freedom of speech, press, assembly, association, religion and movement.

INCIDENTS AND DEVELOPMENTS

In September 2018, more than 20 Baha'is were put on trial before a court in Houthi-controlled Sanaa for espionage and apostasy. According to the Baha'i International

Community (BIC), the second court hearing was presided by judge Abdu Ismail Hassan Rajeh, who had already sentenced another Baha'i to death. During the trial, he requested the prosecutor to publish the names of the indicted in a newspaper. In October, Baha'i spokesperson Abdullah Al-Olofi was arrested by armed soldiers in Sanaa,¹⁵ and detained for three days.¹⁶

At the end of November 2018, the US Department of State designated the Houthis as "entities of particular concern" for religious freedom, in accordance with the US International Religious Freedom Act of 1998.¹⁷

A compulsory course called "The Arab-Israeli Conflict" was added to the university curriculum. Among other things, it glorifies Hezbollah and its leader Hassan Nasrallah for fighting against Israel, while Sunni countries are described as mercenaries.¹⁸

According to an article published in January 2019 in the Middle East Monitor, the Islamic State group executed four people for "atheism".¹⁹

In February 2019, the Al-Nafeer bulletin, which is linked to the Al-Qaeda-affiliated al-Shahab Media Foundation, condemned the papal mass held in Abu Dhabi. It furthermore called upon the Arabian Peninsula to embrace jihad and support Al-Qaeda in the Arabian Peninsula and Al-Shabab in Somalia.²⁰

In January 2020, a Holy See diplomat spoke to the UN Security Council to denounce the grave situation of internally displaced people (IDPs) and refugees in Yemen.²¹

Houthis repeatedly use anti-Semitic rhetoric inciting violence against Jews. In May 2020, Houthi leader Abdulmalik Al-Houthi said that "the Jews are moving towards ensuring that the nation does not have the right vision."²² In Houthi-controlled areas, Jews face constant threats to their lives and security and are subjected to tough restrictions, most notably on their freedom of movement.

In July 2020, Hamed Kamal Muhammad bin Haydara, and five other members of the Baha'i community, were released from prison and expelled from Yemen. Detained in December 2013, Haydara had been tried and condemned to death. Charges included spying for Israel, offering literacy classes that followed a curriculum incompatible with Islam, and attempting to convert Muslims to the Baha'i faith.²³ This sentence was confirmed by a court in March

2020 and charges against the released Baha'is are still in place. In September 2019, the prosecutor in Haydara's appeal case called to "immediately deport [...] all who are considered Baha'is" and to "ban their entry" into Yemen.²⁴

The Group of Eminent Experts and Regional Experts on Yemen – established in September 2017 by the UN Human Rights High Commissioner upon the request of the Human Rights Council²⁵ – received credible reports that the lawyers representing Baha'i detainees received threats and had been detained.²⁶

In summer 2020, following the normalisation of relations between the United Arab Emirates and Israel, around 40 Yemeni Jews moved to the UAE.²⁷ The decreasing number of Yemeni Jews and the country's ongoing civil war had made the situation even harder for them.

According to several media outlets, many Yemeni Jews chose to move to a culturally similar country rather than emigrating to Israel or the United States fearing not being able to adapt.²⁸ If Jewish emigration continues apace, their departure will mark an end to 3,000 years of Jewish presence in the country.

Although very little information is available about the impact of COVID-19 on religious practice, it seems that the beginning of Ramadan in 2020 was not affected by pan-

democratic-related restrictions.²⁹ Nonetheless, measures were eventually introduced as the number of cases increased.³⁰

PROSPECTS FOR FREEDOM OF RELIGION

The ongoing civil war puts the cohesion of Yemeni society and the safety of its people at great risk. The length and intensification of the armed conflict make talks at a national level increasingly difficult. Taking advantage of the country's social, political and security instability, radical Islamist groups from different geographical areas and political and ideological tendencies, have turned Yemen into a base for their operations. The continuous fighting and high tensions remain a cause for concern as they affect human rights and freedoms, including religious freedom.

At the time of writing, the prospect of a policy change by the new US Administration seems to have encouraged Saudi Arabia to seek a peaceful settlement with Iran-backed Houthis, starting with a ceasefire.

However, because of the circumstances, characterised among other things by the rapidly deteriorating situation for IDPs,³¹ even if a long-term deal is struck, prospects for freedom of religion are likely to remain bad or get even worse in the foreseeable future.

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