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2019 Report on International Religious Freedom: Yemen

Executive Summary

The constitution declares Islam the state religion and sharia the source of all legislation. It provides for freedom of thought and expression “within the limits of the law” but does not mention freedom of religion. The law prohibits denunciation of Islam, conversion from Islam to another religion, and proselytizing directed at Muslims. The conflict that began in 2014 between the government, led by President Abd Rabbuh Mansour Hadi, and Houthi-led Ansar Allah, a Zaydi Shia movement, continued through year’s end. In August, following clashes between government forces and the secessionist Southern Transitional Council (STC), STC forces gained control of Aden, the temporary capital, and the cabinet moved to Riyadh. Following a cease-fire, military withdrawal, and power sharing agreement known as the Riyadh Agreement between the government and STC on November 5, a few members of the government returned to Aden. The government did not, however, exercise effective control over much of the country’s territory, and had limited ability to address abuses of religious liberty by nonstate actors. The government publicly condemned religious persecution by the Houthi movement. To highlight what they describe as a sectarian aspect of the country’s conflict, some sources pointed to the support of Shia-majority Iran for the Houthis, who have historical roots as a Zaydi revivalist movement, and the support of Sunni-majority Saudi Arabia for the government. Some analysts emphasized that Houthi Zaydism is distinct from the Twelver Islam dominant in Iran, although both are generally considered to fall within the broad category of Shia Islam, and said that political and economic issues are more significant overall drivers of the conflict. Many sources, including in the international media, continued to describe the conflict as part of a regional power struggle between Shia-ruled Iran and Sunni-ruled Saudi Arabia. According to the UN, nongovernmental organizations, and the media, military actions by all parties to the conflict damaged places of worship and religious institutions and caused casualties at religious gatherings.

At year’s end, the Houthis controlled approximately one-third of Yemeni territory and nearly 80 percent of the population. In areas they controlled, the Houthis followed a strict religious regimen and increasingly discriminated against those not following those practices, particularly religious minorities. A Houthi-controlled court held hearings throughout the year regarding the appeal of Hamed Kamal Muhammad bin Haydara, a Baha’i sentenced to death by the Houthi-controlled National Security Bureau (NSB) in 2018 on charges of espionage. Haydara had been imprisoned since 2013, accused of apostasy, proselytizing, and spying for Israel. He remained in prison at year’s end. According to the Baha’i International Community (BIC), at year’s end there were six Baha’is in prison in the country for practicing their faith, including Haydara, and more than 20 Baha’is facing charges of apostasy and espionage leveled by a Houthi-controlled court in September 2018. On September 26, a UN Human Rights Council (UNHRC) resolution condemned the persecution of the Baha’i in the country. According to media reports, militants attacked a mosque in Ad-Dhale Governorate in June, killing at least five worshipers and abducting three. A local human rights organization reported that since the signing of the Stockholm Agreement in December 2018 the Houthis have destroyed 49 mosques in Hudaydah alone. Progovernment clerics were reportedly among those arrested by STC-aligned forces during that group’s August takeover of Aden. According to the United Nations, Al-Qaeda in the Arabian Peninsula (AQAP) remained active in Hadramawt, Shabwah, Ma’rib, Bayda’ and Abyan.

In contrast to previous years, the media did not report any killings of Muslim clerics in Aden. Jewish community members reported their declining numbers made it difficult to sustain their religious practices.

On April 22, the Department of State spokesperson issued a statement condemning the imprisonment of Haydara, expressing the U.S. government’s concern about the treatment of the Baha’i population in the country, and calling on the Houthis to end their “mistreatment” of the Baha’is.

Section I. Religious Demography

The U.S. government estimates the total population at 29.3 million (midyear 2019 estimate). More than 99 percent of the population is Muslim (2010 estimate), associating their beliefs with either the Shafi'i order of Sunni Islam or Zaydi Islam, a distinct form of Shia Islam. There are also significant numbers of Sunni followers of the Maliki and Hanbali schools, and significant numbers of Ismaili and Twelver followers of Shia Islam. While there are no official statistics, the U.S. government estimates 55 percent of the population to be Sunni and 45 percent Zaydi. Jews, Baha'is, Hindus, and Christians, many of whom are refugees or temporary foreign residents, comprise less than 1 percent of the population. Christian groups include Roman Catholics and Anglicans.

There is no firm estimate of the number of persons of Indian origin or of those who practice Hinduism, Sikhism, or the Dawoodi Bohra variant of Ismaili Shia Islam residing in the country. The pre-conflict Hindu population was 150,000 (2010 estimate), concentrated in Aden, Mukalla, Shihir, Lahaj, Mokha, and Hudayah. According to one source, the current number of Indian nationals is fewer than 3,000. Many members of the Indian-origin community have resided in the country for generations and hold Yemeni nationality.

The Jewish community is the only indigenous non-Muslim minority religious group. Reports estimate approximately 50 Jews remain, concentrated in Sana'a and Raydah.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam to be the state religion. It provides for freedom of thought and expression “within the limits of the law” but does not mention freedom of religion, belief, or conscience. The constitution states sharia is the source of all legislation, although it coexists with secular common law and civil code models of law in a hybrid legal system.

Sharia serves as the basis of the legal system. The courts of the first instance address civil, criminal, commercial, and personal status cases. Informal tribunals, operating mostly in rural areas, administer customary law in addition to sharia to resolve disputes.

The constitution states the president must be Muslim (“practices his Islamic duties”); however, it allows non-Muslims to run for parliament as long as they “fulfill their religious duties.” The law does not prohibit political parties based on religion, but it states parties may not claim to be the sole representative of any religion, oppose Islam, or restrict membership to a particular religious group.

The criminal code states that “deliberate” and “insistent” denunciation of Islam or conversion from Islam to another religion is apostasy, a capital offense. The law allows those charged with apostasy three opportunities to repent; upon repentance, they are absolved from the death penalty.

Family law prohibits marriage between a Muslim and an individual whom the law defines as an apostate. Muslim women may not marry non-Muslims, and Muslim men may not marry women who do not practice one of the three Abrahamic religions (Islam, Christianity, or Judaism). By law, a woman seeking custody of a child “ought not” be an apostate; a man “ought” to be of the same faith as the child.

The law prohibits proselytizing directed at Muslims. The law prescribes up to three years' imprisonment for public “ridicule” of any religion and prescribes up to five years if the ridiculed religion is Islam.

There is no provision for the registration of religious groups.

By law, the government must authorize construction of new buildings. The law, however, does not mention places of worship specifically.

Public schools must provide instruction in Islam, but not in other religions. The law states primary school classes must include knowledge of Islamic rituals and the country's history and culture within the context of Islamic civilization. The law also specifies knowledge of Islamic beliefs as an objective of secondary education. Public schools are required to teach Sunni and Shia students the same curriculum; however, instructional materials indicate that schools in Houthi controlled areas are teaching Zaydi principles.

The Houthis and officials residing in Houthi-controlled areas representing a faction of the largest secular political party, the General People's Congress (GPC), jointly established the Supreme Political Council (SPC) in July 2016. The SPC is a 10-member entity organized to establish and determine a governing structure for the country under the Houthi-led regime in Sana'a. The government and the international community have deemed the SPC unconstitutional and illegitimate. The SPC is not related to the STC, the Southern Transitional Council.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In August renewed fighting between the government and the STC-aligned Security Belt Forces (SBF) forced government cabinet members to move to Riyadh, the site of the government-in-exile since 2014. Following the signing of the Riyadh Agreement on November 5, some government officials returned to Aden, but implementation of the agreement stagnated. The government did not exercise effective legal or administrative control over much of the country throughout the year, which limited its ability to address abuses of religious liberty by nonstate actors in areas not under its control.

Saudi-led coalition airstrikes damaged at least one place of worship and caused casualties, according to the UN, nongovernmental organizations, and media, but there were fewer reported incidents than in previous years.

A Saudi-led coalition airstrike in September hit a mosque in Amran and killed seven persons, according to the UN Office for the Coordinator of Humanitarian Affairs, the U.S. Agency for International Development, and media reports. The Saudi-led coalition did not confirm the reports. The UN Special Envoy to Yemen reported to the Security Council in November that coalition air strikes were down by 80 percent in a two-week period owing to what he described as de-escalation between the Houthis and the coalition. According to the NGO Yemen Data Project, the number of airstrikes in 2019 fell by 65 percent compared to the year prior.

In December the government publicly condemned the Houthi movement for persecuting religious minorities.

Prior to the outbreak of the current military conflict, the government permitted the use of Hindu temples in Aden and Sana'a, as well as existing church buildings, for religious services of other denominations. Due to the continuing conflict, information on the use of these religious sites was again unavailable during the year.

Because of the conflict and the government's exile to Riyadh, the government was unable to verify the content of the religious curriculum taught in private schools. Many public and private schools remained closed, and those operating were open for only a few hours a day.

The Ministry of Endowments reported approximately 25,000 local pilgrims went on the Hajj during the year. Of these, approximately 7,000 came from Houthi controlled areas, but these numbers were difficult to verify. The Saudi Ministry of Foreign Affairs sponsored 2,000 Yemenis, whose relatives were killed in the conflict, to perform the Hajj in August 2019.

Abuses by Foreign Forces or Nonstate Actors

AQAP and ISIS-Yemen, as well as other militias and separatist groups, continued to contribute to violence in the country.

According to UN Security Council Committee reports, in February 2019 AQAP condemned the papal mass in Abu Dhabi and called upon the entire Arabian Peninsula to embrace terror and to seek help from and lend support to AQAP.

The UN reported that AQAP's strategy is to appeal to local tribes to enable the group to embed itself in the civilian population. AQAP was reportedly prioritizing its fight against ISIS over the fight against the Houthis in order to maintain its position as the dominant terrorist group in its areas of operation in the country. The UN reported that AQAP remained active in Hadramawt, Shabwah, Ma'rib, Bayda' and Abayan Governorates. Sources stated that the lack of a strong central government in the country continued to provide a fertile environment for AQAP to operate.

The Middle East Monitor and Al-Araby al-Jadeed,, two regional newspaper outlets, reported on January 10 that ISIS executed four persons in Al-Bayda' Province on charges of "atheism." According to other media reports, militants attacked a mosque in Ad-Dhale Governorate, killing six worshipers and abducting four in June. Government security officials blamed the SBF for the attack. According to media reports, the SBF said those killed were Houthi rebels who refused to surrender.

In its report covering 2019, Human Rights Watch (HRW) said it had documented dozens of cases of the Houthis carrying out arbitrary and abusive detention and enforced disappearances since 2014. The HRW report also said Houthi officials had used torture and other ill-treatment; former detainees described Houthi officers beating them with iron rods and rifles and hanging them from walls with their arms shackled behind them.

A Houthi-controlled court held hearings throughout the year regarding the appeal of Hamed Kamal Muhammad bin Haydara, a Baha'i imprisoned by the NSB since 2013 accused of apostasy, proselytizing, and spying for Israel. The NSB had sentenced Haydara to death in 2018 on charges of espionage; the Houthi authorities stated they based his sentence partly on charges he was communicating with the Baha'i administrative headquarters in Haifa, Israel. According to the BIC, on September 17, the prosecutor called for the deportation of all Baha'is from the country and a ban on

their future entry. The BIC said this expanded the scope of the case beyond Haydar's appeal and could lead to an order to expel all Baha'is from the country, threatening the existence of the community. At a hearing on October 1, the judge called for the listing of assets owned by Haydara and the Baha'i National Assembly in advance of their potential seizure. Baha'i representatives said Haydara was held in poor conditions with limited access to medical care or family visits and that he had been tortured.

Six Baha'is, including Haydara, remained in detention in Sana'a at the end of the year, according to the BIC. A group of 24 Baha'is continued to face charges of apostasy and espionage leveled against them by the Houthis in September 2018; their cases remained unresolved at year's end. In a written response to the UN Security Council Panel of Experts in July, Houthi authorities said they had charged 20 Baha'is with a number of crimes, including exchanging information with “the Zionist entity” (Israel). The Houthi response stated that the charges were unrelated to the Baha'i faith. In a letter to the UNSC Panel of Experts in May, Houthi authorities said freedom of religion and belief were guaranteed under the constitution, but there were “no racial, linguistic or religious minorities in Yemen, apart from the Jewish community.”

In February, the BIC requested that Baha'i prisoners held by the Houthis be included in prisoner-exchange negotiations.

In an August 9 report, the UNHRC Group of Eminent Experts on Yemen said, “There are also reasonable grounds to believe that the right to freedom of religion or belief has been violated in Yemen. The de facto authorities continued to persecute Baha'is on the basis of their belief, including by detaining and charging them with apostasy, openly deriding and demonizing the Baha'i faith in legal filings, issuing death sentences, and threatening their supporters.” The panel also concluded the Houthis had “committed acts that may amount to war crimes, including cruel treatment and torture [and] outrages upon personal dignity.” It documented the Houthis' detaining students, human rights defenders, journalists, perceived political opponents, and members of the Baha'i community. On September 26, the UNHRC issued a resolution that cited the Group of Eminent Experts report and called on all parties to the conflict in the country “to immediately release all Baha'i detained due to their religious belief, to cease their arbitrary arrest and detention, and to cease the harassment and judicial persecution to which they are subjected.” In a resolution on September 27, the UNHRC expressed “deep concern at the serious abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including those involving persecution on the basis of religion or belief.”

According to the newspaper Al Arabiya, the Houthis raided mosques in Sana'a, Dhamar, Hajjah, and Ibb and arrested worshipers for celebrating Eid al-Fitr on June 4 (the date for the holiday declared by the government), rather than June 5 (the date designated by the Houthis). At a mosque in Al-Bayda', the Houthis killed an imam and nine worshipers after they refused to stop their Eid prayers.

Prior to the outbreak of the military conflict, Christian community representatives reported increased scrutiny by the Houthis, leading them to be more discreet, although they continued to wear religious attire identifying them as members of the community.

In northern areas traditionally under Houthi control, there were reports of continued Houthi efforts to impose their religious customs on non-Zaydi residents, including banning music and requiring women to wear full veils.

Section III. Status of Societal Respect for Religious Freedom

In contrast to previous years, the media did not report any killings of Muslim clerics in Aden during the year.

Jewish community members continued to report their declining numbers, which made it difficult to sustain their religious practices.

Due to the conflict, there was no way to verify the status of the small, isolated Ismaili Muslim community.

Section IV. U.S. Government Policy and Engagement

The Department of State suspended embassy operations at the U.S. Embassy in Sana'a in February 2015 and has operated since then as the Yemen Affairs Unit based in Saudi Arabia. In meetings with officials from the government, U.S. officials continued to stress the importance of religious freedom, tolerance, and interfaith dialogue.

On April 22, the Department of State spokesperson issued a statement expressing the U.S. government's concern about the Baha'i population of Yemen and called on the Houthis to end their mistreatment of the Baha'is, stating, “The Houthis have targeted dozens of Baha'is with charges similar to those imposed on Hamed bin Haydara and other unfounded charges related to religious

affiliation. This persistent pattern of vilification, oppression, and mistreatment by the Houthis of Baha'is in Yemen must end. Baha'is face daily discrimination and persecution as they seek to practice their faith in Yemen and elsewhere around the world. Freedom of religion is a fundamental human right and a source of stability for all countries. Every person around the world should be free to practice their religion without fear of intimidation or reprisals.”

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