

Yemen (66)

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U.S. DEPARTMENT of STATE

Yemen**International Religious Freedom Report 2004**

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The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions. The Constitution declares that Islam is the state religion, and that Shari'a (Islamic law) is the source of all legislation.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion. Followers of religions other than Islam are free to worship according to their beliefs; however, the Government forbids conversions and prohibits non-Muslims from proselytizing.

The generally amicable relationship among religions in society contributed to religious freedom.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has a total area of approximately 328,080 square miles, and its population is approximately 20 million. Virtually all citizens are Muslims, belonging either to the Zaydi order of Shi'a Islam or to the Shafa'i order of Sunni Islam, representing approximately 30 percent and 70 percent of the total population, respectively. There also are a few thousand Ismaili Muslims, mostly in the north.

Almost all Christians are temporary foreign residents, except for a few families living in Aden who trace their origins to India. There are a few Hindus in Aden who also trace their origins to India. There are several churches and Hindu places of worship in Aden, but no non-Muslim public places of worship exist in the former North Yemen, largely because the northern part of the country does not have a history of a large, resident foreign community as exists in the south.

Christian missionaries operate in the country, and most are dedicated to the provision of medical services; others are employed in teaching and social services. Invited by the Government, the Sisters of Charity run homes for the poor and persons with disabilities in Sana'a, Taiz, Hodeida, and Aden. The Government issues residence visas to priests so that they may provide for the community's religious needs. There is also a German Christian charitable mission in Hodeida and a Dutch Christian medical mission in Saada. An American Baptist congregation maintains an affiliation with the hospital in Jibla, which it ran for more than 30 years before transferring management to the Government in 2002. The Anglican Church runs a charitable clinic in Aden. A U.S. nongovernmental organization (NGO), run by the Seventh-day Adventists, operates in several of the country's governorates. Nearly all of the country's once-sizable Jewish population have emigrated. Less than 500 Jews are scattered in a handful of villages between Sana'a and Saada in the northern part of the country.

Section II. Status of Religious Freedom*Legal/Policy Framework*

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions. Followers of other religions are free to

worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversions, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing and holding elected office. The Constitution declares that Islam is the state religion and that Shari'a is the source of all legislation. The Government does not keep track of an individual's religious identity.

Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion; however, the Government prohibits non-Muslims from proselytizing. Under Islam as applied in the country, the conversion of a Muslim to another religion is considered apostasy, a crime punishable by death. During the period covered by this report, there were no reported cases in which persons were charged with this crime or prosecuted for it by government authorities. The Government also did not allow the building of new non-Muslim public places of worship without previous authorization. Weekly services for Catholic, Protestant, and Ethiopian Christians are held in the auditorium of a private company building in Sana'a without government interference. Christian church services are held regularly in other cities in private homes or facilities such as schools without harassment, and such facilities appear adequate to accommodate the small numbers involved.

The Papal Nuncio, resident in Kuwait, presented his credentials to the Government in 2002 and was accredited as a nonresident ambassador. During the period covered by this report, there were several official Vatican visits to the country.

Public schools provide instruction in Islam but not in other religions; however, Muslim citizens can attend private schools that do not teach Islam. Almost all non-Muslims in the country are foreigners, and they attend private schools.

There are no legal restrictions on the few hundred Jews who remain in the country, although there are traditional restrictions on places of residence and choice of employment (see Section III).

The Government made efforts to prevent the politicization of mosques in an attempt to curb extremism, including by monitoring mosques for sermons that incite violence or other political statements that it considers harmful to public security. Private Islamic organizations may maintain ties to pan-Islamic organizations; however, the Government monitored their activities through the police and intelligence authorities.

In 2001, the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools; the process of absorbing publicly funded Islamic schools into the national system was still ongoing at the end of the period covered by this report. The Government renewed its efforts in June by ordering the closing of all private schools that are not licensed by the Government. Private and national schools are also prohibited from teaching courses outside of the officially approved curriculum. This move was announced in an attempt to curb the growing extremism that many within the country and elsewhere attribute to ideological and religious extremism that is taught in these schools.

Non-Muslim citizens may vote but may not hold elected office.

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the communist government of the former People's Democratic Republic of Yemen were invited to seek restitution of their property. However, implementation of the procedure, including for religious institutions, has been extremely limited, and very few properties have been returned to any previous owner.

Under Shari'a-based law and social custom as practiced in the country, men are permitted to take as many as four wives, although very few do so. Legally the minimum age of marriage is 15; however, the law largely is not enforced, and some girls marry as early as age 12. In 2001, the Women's National Committee proposed an amendment to increase the minimum age for marriage to 18. The proposal was approved by the Cabinet and was still pending in the Parliament at the end of the period covered by this report. The law stipulates that the wife's "consent" to the marriage is required; "consent" is defined as "silence" for previously unwed

women and "pronouncement of consent" for divorced women. The husband and the wife's "guardian" (usually her father) sign a marriage contract; in Aden and some of the country's outlying governorates, the wife also signs. The practice of bride-price payment is widespread, despite efforts to limit the size of such payments.

Shari'a-based law also requires that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court; however, courts routinely mandate lengthy reconciliation periods prior to granting the husband's petition for divorce. A woman has the legal right to divorce; however, she must provide a justification, such as her husband's nonsupport, impotence, abrogation of the marriage contract (for example, violating guarantees regarding her education or employment options), or taking of a second wife without her consent. A woman seeking a divorce also must repay a portion of her bride price, which creates an additional hardship.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel. They also are expected to be accompanied by male relatives; however, enforcement of this requirement is irregular. Shari'a-based law, as practiced in the country, permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam.

Abuses of Religious Freedom

Official government policy does not prohibit or provide punishment for the possession of non-Islamic religious literature; however, on occasion there were unconfirmed reports that foreigners were harassed by police for possessing such literature. In addition some members of the security forces occasionally censor the mail of Christian clergy who minister to the foreign community, ostensibly to prevent proselytizing.

Unlike in previous years, there were no reports that police harassed and detained persons suspected of apostasy to compel them to renounce their conversions.

There were no reports of persons detained or imprisoned based solely on religion; however, police and security forces continued to detain suspected members of radical Islamist groups throughout the period covered by this report. Since September 2001, several hundred "Afghan Arabs" (Islamists who had returned after spending time in Afghanistan) have been detained for questioning. Although many such persons were released in days some reportedly continue to be detained beyond the maximum detention period.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom.

The country is predominantly Muslim. There are very small numbers of religious minorities, and relations among religious groups generally are amicable. There were no reported incidents of violence or discrimination between the adherents of the two main orders of Islam practiced in the country, Zaydi and Shafa'i Islam. Religiously motivated violence is neither incited nor tolerated by the Islamic clergy, except for a small, politically motivated clerical minority often with ties to foreign extremist elements.

Religious minorities generally live in harmony with their Muslim neighbors. Apart from a small but undetermined number of Christians and Hindus of South Asian origin in Aden, Jews are the only indigenous religious minority. Their number has diminished significantly—from several tens of thousands to a few hundred—due to voluntary emigration over the last 50 years. Although the law does not discriminate against Jews, Jews traditionally are restricted to living in one section of a city or village and often are confined to a limited choice of employment, usually farming or handicrafts (primarily silver working). They are generally respected for their craftsmanship and their silver work is highly prized. Jews may and do own land. They may vote; however, as non-Muslims, they may not hold elected office (see Section II). Traditionally the tribal leaders of the regions in which the Jews have resided are responsible for protecting the Jews in their areas. A failure to provide this protection is considered a serious personal dishonor.

Christian clergy, who minister to the foreign community, are employed in teaching, social services, and health care.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintains an active dialogue on human rights issues with the Government, NGOs, and others. Embassy officers, including the Ambassador, met periodically with representatives of the Jewish and Christian communities during the period covered by this report.

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