

Yemen (66)

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U.S. DEPARTMENT of STATE

Yemen**International Religious Freedom Report**

Released by the Bureau of Democracy, Human Rights, and Labor

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. The Constitution also states that Shari'a (Islamic law) is the source of all legislation.

There was no change in the status of respect of religious freedom during the period covered by this report. 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 in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has a total area of approximately 328,080 square miles, and its population is approximately 18 million. Virtually all citizens are Muslims, either of the Zaydi order of Shi'a Islam or 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 northern Yemen does not have a history of a large, resident foreign community as in the south.

Christian missionaries operate in Yemen 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 has requested the Vatican to open additional Sisters of Charity facilities. 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 has run a hospital in Jibla for more than 30 years. The Anglican Church runs a charitable clinic in Aden. An American nongovernmental organization (NGO), run by the Seventh-Day Adventists, operates in the governorate of Hodeida.

Nearly all of the country's once sizable Jewish population has emigrated. Approximately 500 Jews are scattered in a handful of villages between Sana'a and Saada in northern Yemen.

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. The Constitution also states that Shari'a is the source of all legislation.

Restrictions on Religious Freedom

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. There were no reports of cases in which the crime was charged or prosecuted by government authorities. In January 2000, the director of the Aden office of the U.N. High Commissioner for Refugees (UNHCR) received a report that a Somali refugee, who allegedly had converted from Islam to Christianity after his

arrival in Yemen, had been arrested for apostasy. The UNHCR's investigation found that the refugee had been detained on criminal charges previously by police in Aden and at the UNHCR's Al-Jahin camp. Although the refugee was registered with the UNHCR under a Christian name, he maintained an address in Sana'a under a Muslim name, was married to a Muslim woman, and possessed an Islamic marriage certificate. The UNHCR believed that authorities detained the refugee on criminal rather than religious grounds. The refugee was not charged formally and his trial was canceled. He was remanded to immigration detention, then released in July 2000. The UNHCR, with the Government's knowledge, arranged for the refugee to be resettled in a third country; he and his family departed the country on August 25, 2000.

The Government does not allow the building of new non-Muslim public places of worship without permission; however, in 1998 the country established diplomatic relations with the Vatican and agreed to the construction and operation of a "Christian center" in Sana'a. 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 May 2002 and was accredited as a nonresident ambassador. The country's ambassador to Italy was accredited to the Vatican in July 1999. President Ali Abdullah Saleh paid an official visit to the Vatican at the time of his state visit to Italy in April 2000.

Public schools provide instruction in Islam but not in other religions. However, almost all non-Muslims are foreigners who 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). In mid-2000 the Government suspended its policy of allowing Yemeni-origin Israeli passport holders to travel to Yemen on laissez-passer documents. However, Yemeni, Israeli, and other Jews may travel freely to and within the country on non-Israeli passports.

The Government has attempted 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 and, in the past, have operated private schools; however, the Government monitors their activities. In May 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 ongoing at the end of the period covered by this report.

Non-Muslims may vote; however, they 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, including religious organizations, were invited to seek restitution of their property. However, implementation of the process, including for religious institutions, has been extremely limited, and very few properties have been returned to any previous owner.

Shari'a-based law and social custom discriminate against women. Men are permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12. In October 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 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 the marriage contract; in Aden and some outlying governorates, the wife also signs. The practice of bride-price payments is widespread, despite efforts to limit the size of such payments.

The law provides 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, of guarantees regarding her education or employment options), or taking of a second wife without her consent. A woman seeking a divorce also must repay the mahr (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 permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born in the country of foreign-born fathers.

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.

There were unconfirmed reports that some police, without the authorization or knowledge of their superiors, on occasion have harassed and detained persons suspected of apostasy in order to compel them to renounce their conversions.

There were no reports of persons detained or imprisoned based solely on religion. Police and security forces detained 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. Many such persons were released in days; however, 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 Government's refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

The country is overwhelmingly 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, 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 numbers have diminished significantly—from several tens of thousands to a few hundred—due to voluntary emigration over the last 50 years. Although the law makes no distinction, 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 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.

On January 1, 2001, a small bomb blasted a 12-foot hole in the wall of Christ Church in Aden; there were no reported injuries. Five individuals believed to be linked to extremist Islamic groups were arrested in January 2001. In July 2001, all five were convicted for committing an act of terrorism. The appeals court reduced the primary perpetrator's sentence from 20 years to 15 years, while the other four were sentenced to varying periods of between 5 and 10 years. On January 10, 2001, in the village of Dhabyan in Amran governorate, an armed Muslim opened fire on worshipers during evening prayers at the local mosque; 4 men were killed and 17 wounded, 7 critically. The shootings appeared to be criminally rather than religiously motivated.

Section IV. U.S. Government Policy

The U.S. Embassy maintains an active dialog on human rights issues with the Government, NGO's, and others, and discusses religious freedom issues in the overall context of the promotion of human rights. Embassy officers, including the Ambassador, meet periodically with representatives of the Jewish and Christian communities.

Released on October 7, 2002

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