

YEMEN 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution does not specifically protect religious freedom, and other laws, policies, and government practices restrict it. The constitution declares that Islam is the state religion and Sharia (Islamic law) is the source of all legislation. It effectively limits the presidency to practicing Muslims, while not imposing similar restrictions on other government offices. The constitution generally allows Muslims of different sects and followers of religious groups other than Islam to worship according to their beliefs; however, the government prohibits conversion from Islam and efforts to proselytize Muslims. The trend in the government's respect for religious freedom did not change significantly during the year. Terrorist groups, including Al Qaeda in the Arabian Peninsula (AQAP) and its affiliate Ansar al-Sharia, committed abuses during their occupation of the cities in Abyan. These groups imposed their religious interpretations through harassment, floggings, amputations, and murder, including crucifixions, during their occupation.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including between adherents of Shia and Sunni Islam. The presence of Salafi-Sunni Islam adherents in traditionally Zaydi-Shia areas of the country and the expansion of areas under the influence of Zaydi-Shia Houthi rebels reportedly resulted in violence between the Zaydi and Salafi communities. Yemen has a long history of religious moderation, and this violence contrasted with the historically amicable relationship between the Zaydi-Shia and Shafi-Sunni communities, the country's two predominant Islamic sects. The violence appeared more politically motivated than religiously based and further stoked existing political and religious tensions.

Embassy officials discussed religious freedom issues with the government and civil society. An embassy-sponsored program provided the opportunity for a number of citizens to travel to the United States to participate in an interfaith dialogue. The embassy maintained regular contacts with religious leaders, including those representing minority religious groups. The embassy organized events, such as a meeting with religious scholars in October, and supported programs that included discussions on the importance of tolerance among religious leaders.

Section I. Religious Demography

YEMEN

The population is 25 million, according to U.S. government estimates. Most citizens are Muslim, belonging either to the Zaydi order of Shia Islam or the Shafi order of Sunni Islam. While there are no official statistics, 35 percent of the population is estimated to be Shia and 65 percent is estimated to be Sunni. There are reports of an increase in Muslims who adhere to Salafi-Sunni Islam, but statistics are unavailable to confirm these reports. There are a few thousand Ismaili Muslims concentrated in the Haraz district near Sanaa, an unknown number of Ithnasheria (Twelver) Shia who reside mainly in the north, and a significant but indeterminate number of Sufis. Groups comprising less than .05 percent of the population include Jews, Bahais, Hindus, and Christians, many of whom are refugees or temporary foreign residents. Christian groups include Roman Catholics and Anglicans. The once-sizable Jewish community is the only indigenous non-Muslim minority religious group; the few Jews remaining after decades of emigration to Israel live mainly in Sanaa and the Rayda district in the Amran governorate.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution does not specifically protect religious freedom, and other laws and policies restrict it. The constitution declares that Islam is the state religion and that Islamic law is the source of all legislation. The local interpretation of Islamic law serves as a basis for all law, although Islamic jurisprudence coexists with secular common law and civil code models in a hybrid legal system.

The government prohibits proselytizing directed at Muslims. The law punishes public “ridicule” of any religion; the maximum sentence is higher if the ridiculed religion is Islam. Denouncing Islam or converting from Islam to another religion is considered apostasy, which is a capital offense, although the government does not enforce the death penalty. The law allows those charged with apostasy three opportunities to repent, which absolves them from the death penalty. Family law prohibits marriage between a Muslim and an apostate; by law, apostates have no parental or child-custody rights.

A non-Muslim can run for parliament, although the constitution restricts candidates for president to those who practice their “Islamic duties.” The law does not prohibit a political party based on religion, but states that a party cannot claim to

YEMEN

be the sole representative of a religion, to be against Islam, or to restrict its membership to a particular religious group.

The government does not maintain records of an individual's religious identity. Religious groups need not register with the state. Government officials state that such records are not kept in order to avoid sparking sectarian rivalries.

Some local customs, codified in various laws and policies, discriminate against women and persons of non-Muslim religious groups. By law, Muslim women may not marry non-Muslims; Muslim men may not marry women who are not Muslim, Jewish, or Christian, or who have renounced Islam.

The government must authorize construction of new places of worship, including mosques.

Followers of religious groups other than Islam are free to worship according to their beliefs and to wear religiously distinctive ornaments and dress.

Public schools provide instruction in Islam but not in other religions. Muslim citizens may attend private schools that do not teach Islam. Almost all non-Muslim students are foreigners and attend private schools.

The government observes the following religious holidays as national holidays: Muharram, Eid al-Fitr, and Eid al-Adha.

Government Practices

There were reports of abuses of religious freedom and the government sporadically enforced legal and policy restrictions on religious freedom.

In November authorities arrested a 43-year-old civil service employee and charged him with apostasy for posting his academic writings and interpretations of the Quran on social media. The prosecutor sought the death penalty, but the authorities subsequently released the defendant unconditionally. He reported that he expected his case to be dismissed. The Press and Publications Court did not issue a verdict by year's end.

Some Zaydis continued to report government harassment and discrimination, including detention, based on allegations of sympathizing with the Houthis rebel group. Zaydi activists also reported that the authorities released most of those

YEMEN

detained but held others, either because of their religious affiliation or connections to sectarian fighting. The government asserted it detained these individuals only on the basis of their violent activities.

Although there were no specific reports of forced religious conversion, Zaydi community advocates alleged some Zaydi soldiers reported significant pressure to convert to Sunni Islam while in the military. However, most Zaydis who joined the moderate Islamist Islah party regarded themselves as Sunni.

The national consensus government eased restrictions on Houthi religious practices. Some Zaydi leaders alleged there was a government effort to insert Salafi traditions, mosques, and imams into traditionally Zaydi regions, but government policies generally did not interfere with Zaydi religious expression. In contrast to previous practice, government officials did not characterize the Houthis as adherents of Twelver Shiism, the variant of Shiism dominant in Iran.

Roman Catholic, Protestant, and Ethiopian Orthodox Christian weekly religious services took place without government interference throughout Sanaa, Aden, and other cities. Throughout the country, Christians and Jews held services regularly in private homes or facilities such as schools without harassment, and such facilities appeared adequate to accommodate the small numbers involved. The government issued residence visas to Roman Catholic priests and nuns.

The two largest political parties both drew on Islam as a basis for law in their platforms. The General People's Congress (GPC) did not exclude members of any religion from its membership. The moderate Islamist Islah party, dominant member of the Joint Meetings Party (JMP) alliance, required that a member be "committed" to Islamic teachings. The JMP itself did not impose a religious test. The newly established Salafi political party Rashad required members to support its conservative Islamist platform. Members of the small al-Haq and al-Umma parties were mainly adherents of Zaydi Islam, although their platforms were not focused on religion. There were other minor political parties said to be Islamic in nature, although it was not clear if they restricted their membership to Muslims.

The government continued efforts to prevent the politicization of mosques and schools, and continued to pursue policies designed to curb extremism and increase religious tolerance. The government monitored mosques for sermons that incited violence or espoused political statements considered harmful to public security. The government permitted private Islamic organizations to maintain ties to

YEMEN

international Islamic organizations, but reportedly sporadically monitored their activities through the police and intelligence services.

According to Zaydi leaders, the government ceased to ban or restrict materials espousing Zaydi-Shia Islam doctrine, a common practice in previous years. The government approved permits for Zaydi libraries and book clubs.

In 2007, the Catholic Church asked the government for a small plot of land in Sanaa on which to build a church. By year's end, the government had not provided formal authorization for the transfer of the land title, although it was not clear whether religion played a role in the delay because all land transfers were notoriously contentious and slow. The government permitted unhindered use of existing church buildings.

The government continued efforts to close unlicensed schools and religious centers, expressing concern that they deviated from formal educational requirements and promoted militant ideology. Islah's participation in the national consensus government eased pressure on Islamist institutions, although the Ministry of Religious Endowments (al-Awqaf) reportedly continued to evaluate these schools and close those deemed to be a potential security threat. The government did not maintain strong oversight over curriculum and instruction at schools in Houthi-controlled areas in the north.

Customs and ministry of culture officials occasionally confiscated foreign publications after determining they were "religiously objectionable." Citing security concerns, the government continued to restrict and intermittently block access to some Internet forums and blogs where religious views and opinions were openly exchanged and shared.

The national political dialogue distinguished between inclusion of Jews as citizens and opposition to Israeli policies. Security guards occasionally restricted individuals from visiting Jewish residents of Tourist City, a Sanaa housing development. It was not clear whether government policy directed the restriction.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

There were many reports of Al Qaeda in the Arabian Peninsula (AQAP) and its affiliate Ansar al-Sharia imposing their interpretations of Islamic law through harassment, floggings, amputations, and various forms of murder, including crucifixions, during their occupation of the cities in Abyan. Members of AQAP

YEMEN

forced all residents to pray at mosques during the five daily prayer times, harassed women on the street or at work about their religious dress, and destroyed tombs and shrines they regarded as idolatrous. The government regained control of the cities in Abyan from AQAP in June, although terrorist attacks continued to occur periodically.

Zaydi-Shia Houthis, a rebel group in control of Saada governorate and parts of al-Jawf governorate, continued a long-running, low-level conflict with Sunni Salafis. One source of conflict was Damaj's Dar al-Hadith religious school, a leading center of Salafi learning known as the Damaj Institute. An estimated 10,000 Salafi students and their family members lived at the Damaj Institute, which also served as a military training center. The Houthis continued to demand that the Salafis in Damaj give up their weapons and expel foreign students at the Damaj Institute.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice between adherents of Shia and Sunni Islam.

The presence of adherents of Salafi-Sunni Islam in traditionally Zaydi-Shia areas of the country, and the expansion of areas under the influence of Zaydi-Shia Houthi rebels, reportedly resulted in violence between the Zaydi and Salafi communities. This contrasted with the traditionally amicable relationship between the country's two historically predominant Islamic groups. Ongoing tensions in Saada governorate and increasing hostility between Houthis and Islahis continued to enflame political, tribal, and religious divisions. Tension between the Zaydi-Shia Houthis and tribal adversaries continued.

In November an explosive device killed several Houthis and wounded many others at an Ashoura commemoration in Sanaa. No group claimed responsibility.

Many Salafis claimed the Houthis adhered to Twelver Shiism, a variant of Shiism dominant in Iran which differed from Yemen's predominant Zaydi-Shia school of Islam. These claims often implied that adherents of Twelver Shiism were not true Muslims.

A resurgence of Houthi-supported Shia celebrations, especially in Sanaa, occasionally led to clashes with Sunnis. In November the Shia commemoration of Ghadeer sparked sectarian fighting in Sanaa and other governorates.

YEMEN

Although criticism of Israeli actions appeared in mainstream media, anti-Semitic material was rare. In May, an assailant stabbed a 50-year old Jewish community leader at a Sanaa qat market; the victim later died of his wounds. Police detained and charged the attacker. The victim's son said the assailant claimed the victim had "put a spell on him, ruined him, and bewitched him." A court found the assailant insane.

Section IV. U.S. Government Policy

The U.S. embassy engaged in efforts to increase religious freedom through programs designed to promote religious tolerance and productive dialogue among religious groups. In response to an observed drift toward sectarianism in the North and increasingly in Sanaa, particularly between Salafis and Houthis, the embassy pressed the dominant political parties to avoid sectarian rhetoric and to encourage respect for the country's long history of tolerance.

Senior embassy staff maintained good working relationships with government officials responsible for religious affairs, leaders of religious groups, and interfaith groups. Embassy officials met with government officials, including those from the Ministry of Human Rights, the Ministry of Religious Endowment and Islamic Affairs, and the al-Awqaf, to discuss ways to support religious freedom. The embassy raised with senior government officials the issue of ensuring Jewish residents were able to meet guests without any government-imposed restrictions. An embassy-sponsored program provided the opportunity for a number of citizens to travel to the United States to participate in an interfaith dialogue. Embassy officers periodically met with representatives of the Christian, Jewish, Zaydi, Shafi, and Islamist communities to discuss their concerns and to build interfaith partnerships. The embassy organized a roundtable discussion on religious freedom and provided scholarships for English language training to religious leaders.