

POLICY BRIEF



Yemen

Religious minorities caught between conflict and discrimination

The Republic of Yemen is in the middle of a protracted civil war that has pushed the country into a severe economic and humanitarian crisis, with millions suffering because of inadequate food and lack of healthcare. The conflict has destroyed essential civilian infrastructure and millions have been internally displaced.¹

Yemen is defined as a fragile state with a largely absent governance structure and weak rule of law. Currently, the control of Yemen's territory is divided between three major players to the conflict: the internationally recognized Yemeni government, the

de-facto government run by the Houthis (ostensibly backed by Iran), and the de-facto government formed by the separatist Southern Transitional Council (STC).² Additionally, some areas of Yemen are under the control of Islamist terrorist groups Al-Qaeda in the Arabian Peninsula (AQAP) and Islamic State (IS).

The constitution of Yemen declares Islam as the state religion and Sharia law as the source of all legislations.³ Yemen's constitution guarantees freedom of thought and expression in Article 42 but is silent on freedom of religion or belief. Religious minorities make up less than 1% of the population of Yemen but are regularly

¹ According to UNHCR, some 23.4 million Yemenis (73% of the country's population) depend on humanitarian assistance to survive, including 4.3 million internally displaced persons. Available at: unhcr.org/uk/countries/yemen.

² cfr.org/background/yemen-crisis.

³ Article 1 and 3 of the Yemeni Constitution respectively. Available at: constituteproject.org/constitution/Yemen_2015.

subjected to arbitrary detention, forcible disappearance, torture, ill-treatment, and death for their religious faith.⁴ Many have fled the country and sought refuge abroad due to these compelling circumstances.

A huge number of Yemen's public-service employees are under Houthi controlled area and are forced to sign the public-sector Code of Conduct (the Code) based on the beliefs and statements of the Houthi movement leadership, its teachings, and lessons. Anyone who refuses to comply is under threat of being fired or their salaries are withheld.⁵ School curriculum in Houthi controlled areas is mandated to reflect Houthi ideology and children are only taught Zaydi principles, a Shia Muslim sect.⁶

Christian churches and organizations across Yemen have been attacked and destroyed by members of the concerned territorial governing authorities. Staff members, church leaders and beneficiaries of Christian charity organizations are prone to being killed or kidnapped.⁷ Many informal peaceful gatherings of Christians in house churches are frequently attacked by members of groups belonging to either AQAP, IS or Houthi. The Houthis also frequently disrupt peaceful gatherings of Bahai's and arbitrarily detain the attendees.⁸

Despite constitutional guarantees, all parties to the conflict continue to repress freedom of expression and prosecute individuals who are critical of the incumbent authority's policies.⁹ Displaying Christian symbols is dangerous and could result in imprisonment, physical assault, or killing with impunity.¹⁰ Additionally, humanitarian aid agencies have also encountered impediments related to restrictions on humanitarian movements and interferences by all the governing authorities in selecting certain local contractors for aid distribution. This problem is notably severe in Houthi controlled areas¹¹ wherein aid workers are arrested on charges of espionage.¹²

The escalation of conflict and the ensuing insecurity have compounded the vulnerability of religious minorities in Yemen where they experience pre-existing social and economic exclusion.

Severe restrictions on freedom to have or adopt one's religion

Yemeni Muslims do not enjoy their inherent right and liberty to choose or change their religion. The influence of tribalism is at the center of Yemeni society around which economic, political, and social lives are ordered. Therefore, leaving Islam is considered as betrayal of one's family honor and could be punishable by death or banishment.¹³ The law prohibits Muslims in Yemen from converting to another faith ("apostasy") and declaring it in public. Article 259 of the Yemeni Criminal Code makes apostasy a criminal offence, punishable by death. The capital punishment for apostasy applies also to acts and speech made in public that are contradictory to the tenets of Islam.¹⁴ Furthermore, possession of Christian literature is considered as evidence of the crime of apostasy, especially in areas controlled by the Houthis.¹⁵

Provisions in the Yemeni Personal Status Law also forbid interfaith marriages. Article 26(2) forbids a man from marrying apostates and Article prohibits a Muslim woman from marrying a non-Muslim.¹⁶ Since most converts to Christianity conceal their faith, they are still considered Muslims by law, restricting them from marrying someone they choose and who shares their new faith.

A vast majority of Christians in Yemen have converted out of Islam and must hide their faith, especially as the authorities heavily monitor gatherings. In 2021, Bashir al-Bakari, a Christian convert, was arrested by the Houthis on charges of apostasy and preaching Christianity.¹⁷ In many instances, Christians in prison have been forced to recant their faith under extreme pressure.¹⁸

⁴ jubileecampaign.org/yemen-experts-and-survivors-bring-attention-to-the-plight-of-religious-minorities-in-yemen-during-un-human-rights-council-parallel-event/#:~:text=Waleed%20Ayaash%2C%20who%20is%20the,to%20have%20an%20entity%20that. For killings of minority faith adherents, please see footnote 8.

⁵ washingtoninstitute.org/policy-analysis/between-lines-understanding-houthi-employment-code-conduct.

⁶ state.gov/reports/2021-report-on-international-religious-freedom/yemen.

⁷ Freedom of Religion and Minorities in Yemen, A Report by American Center for Justice, December 2022. Available at: acjus.org/pdf/4013Freedom_Yemen_12.pdf.

⁸ [amnesty.org/en/location/middle-east-and-north-africa/middle-east/yemen/report-yemen/#:~:text=On%2025%20May%2C%20Huthi%20security,international%20pressure%2C%2011%20were%20released](https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/yemen/report-yemen/#:~:text=On%2025%20May%2C%20Huthi%20security,international%20pressure%2C%2011%20were%20released).

⁹ [amnesty.org/en/location/middle-east-and-north-africa/middle-east/yemen/report-yemen](https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/yemen/report-yemen).

¹⁰ "Yemen: Country Dossier", World Watch Research, December 2023, pp.6. Available at: opendoorsanalytical.org/country-dossiers/#2024fullcountrydossiers. (password: freedom).

¹¹ unocha.org/news/un-humanitarian-chief-access-constraints-widespread-yemen.

¹² france24.com/en/live-news/20240610-yemen-rebels-say-aid-workers-held-over-us-israeli-spy-network.

¹³ "Yemen: Country Dossier, *Ibid.*, pp.6.

¹⁴ refworld.org/legal/decrees/natlegbod/1994/en/34402.

¹⁵ "Yemen: Country Dossier, *Ibid.*, pp. 20.

¹⁶ yemen-nic.info/db/laws_je/detail.php?ID=11351.

¹⁷ A Statement on the Violations Against the Yemeni Citizen, Bashir Al-Bakari – INSAF. Available at: insaf-ye.org/archives/3070.

¹⁸ uscirf.gov/sites/default/files/2021-09/2021%20Yemen%20Country%20Update.pdf.

Advocacy of religious hatred and suppression of freedom of expression

Religious minorities in Yemen are particularly vulnerable from rising sectarianism and religious extremism. Yemeni religious scholars often use their places of worship or the internet to disseminate their incendiary speech against religious minorities.¹⁹ Although the use of places of worship to incite hate is mostly exploited in Houthi controlled areas, there are no actions taken to deter such acts in territories governed by the internationally recognized Yemeni government or the STC.²⁰ In several instances, Houthi leaders have conducted smear campaigns against religious minorities by falsely accusing them of being foreign agents.²¹

Religious minorities in Yemen are forced to self-censor and are extremely cautious in expressing their opinion on social media as that could be construed as condemning Islam. Article 195 of the Yemeni Criminal Code states that disseminating in public ideas containing ridicule or contempt of Islam or its rituals or teachings is a criminal offence punishable by up to 5 years of imprisonment or fine. Furthermore, converts from Islam to other religions must maintain discretion sharing their viewpoints on the internet due to possible adverse reaction, including ostracism, from their local community.

Discrimination in accessing humanitarian aid

Increased levels of food insecurity and starvation due to the war has resulted in high rates of malnutrition, especially among children. Over half of the population in the country suffers from food crisis.²² While the humanitarian situation in Yemen remains severe, Open Doors' sources report of discrimination against religious minorities in accessing humanitarian aid and emergency supplies. Local Muslim organizations contracted for humanitarian aid distribution are prone to give preferential treatment to Muslim beneficiaries. This is particularly true for women from religious minorities in displacement settings who are excluded from receiving aid.²³ Consequently, the devastation caused by the war and discriminatory practices in acquiring basic supplies for survival, has exacerbated the plight of religious minorities in Yemen.

In Houthi controlled areas, for example, international aid must only go through the Houthi-owned humanitarian body called the Supreme Council for the Management and Coordination of Humanitarian Affairs and International Cooperation (SCMCHA). The SCMCHA holds a monopoly on all the local and international aid organizations and imposes restrictions on them including orders that no one is allowed to distribute aid and food outside of the group's control or supervision.²⁴



A Yemeni girl in front of her home

¹⁹ news.un.org/en/story/2023/06/1137517.

²⁰ A study conducted in 2022 by the American Center for Justice found that of the 1,942 violations related to religious platforms being used for inciting speech, 1,075 were from Houthi controlled area while 138 were from the territory governed by the internationally recognized government and 295 from STC controlled area. Available at: [acjus.org/pdf/4013Freedom_Yemen_12.pdf](https://www.acjus.org/pdf/4013Freedom_Yemen_12.pdf).

²¹ "Yemen: Country Dossier", *Ibid.*, pp.38.

²² [worldbank.org/en/news/feature/2023/04/27/breaking-the-cycle-of-food-crises-in-yemen](https://www.worldbank.org/en/news/feature/2023/04/27/breaking-the-cycle-of-food-crises-in-yemen).

²³ [jubileecampaign.org/yemen-experts-and-survivors-bring-attention-to-the-plight-of-religious-minorities-in-yemen-during-un-human-rights-council-parallel-event/#:~:text=Waleed%20Ayaash%2C%20who%20is%20the,to%20have%20an%20entity%20that](https://www.jubileecampaign.org/yemen-experts-and-survivors-bring-attention-to-the-plight-of-religious-minorities-in-yemen-during-un-human-rights-council-parallel-event/#:~:text=Waleed%20Ayaash%2C%20who%20is%20the,to%20have%20an%20entity%20that).

²⁴ arabcenterdc.org/resource/the-flaws-and-failures-of-international-humanitarian-aid-to-yemen.

Recommendations:

To stop the continuous and severe violations of fundamental rights of Yemenis, Open Doors makes the following recommendations:

1 To abolish grievous infringement of fundamental rights, and ensure the respect of freedom of religion or belief of Yemenis:

- The internationally recognized Yemeni Government and the de-facto authorities should immediately stop arrests on the basis of adopting a different religion;
- The internationally recognized Yemeni Government and the de-facto authorities should urgently and unconditionally release all minority faith adherents imprisoned for adopting a religion apart from Islam;
- The international community should urge the Yemeni Government and the de-facto authorities to decriminalize apostasy, amending the Criminal Code by removing all provisions that punish individuals for the peaceful exercise of their right to freedom of religion, including freedom to have or adopt a religion or belief.

2 To address widespread human rights violations by the parties to the conflict and bring lasting peace, the international community should urge the Yemeni Government and the de-facto authorities to adopt a comprehensive strategy that includes accountability, reparation, and redressal mechanisms outlined in the Yemen Declaration for Justice and Reconciliation.²⁵

3 To address advocacy of religious hatred that incites intolerance, discrimination, and violence against other faiths

- The international community should support regional and local organizations making concerted efforts to foster interfaith, interreligious and peacebuilding dialogues at local community level;
- The internationally recognized Yemeni Government and the international community should recognize and support groups such as the National Council of Minorities in their endeavors to highlight discrimination faced by religious minorities in Yemen;
- The international community should support and equip local organizations to document incidences of violations as part of the larger effort to end abuses.

4 To prohibit ill-treatment and discrimination based on religion in distribution of humanitarian aid and emergency supplies, the international community should ensure adherence to strict accountability parameters as a pre-requisite to funding local, regional, and global organizations. The international community should also determine that these organizations have robust monitoring mechanisms to ensure their local or expatriate staff comply with humanitarian principles and impartially provide aid based on need alone.

²⁵ Yemen Declaration for Justice and Reconciliation was signed by 40 civil society organizations and victims and survivors from Yemen to achieve justice and reconciliation in post-conflict Yemen. While the conflict in Yemen is still ongoing, the mechanisms for accountability etc. provided in the declaration can still be implemented by the parties to the conflict to ensure respect for human rights.