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**YEMEN**

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## Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why Yemen must protect and promote the right to freedom of religion or belief within its borders and provide greater protection for Christian minorities.

### a) Religious freedom and religious persecution

#### *Religious Freedom framework*

3. The Constitution of Yemen establishes that it is an Islamic nation, governed by Sharia law and that the source of all legislation is the Islamic Sharia.<sup>1</sup> While the rights to freedom of thought and expression are purportedly guaranteed ‘within the limits of the law’, there is no mention of freedom of religion.<sup>2</sup>
4. The law, however, expressly forbids apostasy. Article 259 of the Penal Code states that anyone who turns back from or denounces Islam is to be punished by the death penalty if they do not repent.<sup>3</sup>
5. While it remains unclear whether the death penalty is enforced, such a law is in direct violation of Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 55 of the UN Charter, both of which Yemen is a signatory to, as stated in Article 6 of the Yemeni constitution.<sup>4</sup> Article 18 of the UDHR guarantees the freedom to change religious belief and to manifest religious belief in teaching, practice, worship and observance,<sup>5</sup> while Article 55 of the UN Charter promotes respect for and observance of human rights

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<sup>1</sup> *Yemen: Constitution* [Yemen], 10 February 2001, available at: <http://www.refworld.org/docid/3fc4c1e94.html> [accessed 20 June 2018].

<sup>2</sup> *Ibid.*

<sup>3</sup> National Authorities, *Yemen: Republican Decree, By Law No. 12 for 1994, Concerning Crimes and Penalties*, 1994, available at: <http://www.refworld.org/docid/3fec62f17.html> [accessed 20 June 2018].

<sup>4</sup> *Yemen: Constitution* [Yemen], 10 February 2001, available at: <http://www.refworld.org/docid/3fc4c1e94.html> [accessed 20 June 2018].

<sup>5</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 20 June 2018].

and fundamental freedoms without regard to religion.<sup>6</sup> Apostasy legislation is inherently incompatible with these clauses.

*Violent Attacks on Christians and churches:*

6. Christians have an extremely restricted level of religious freedom in Yemen. The anti-apostasy legislation provides an inherent obstacle for the free expression and practice of religion for the minority Christian groups. It is difficult to accurately estimate the population of Christians in Yemen: Reports vary from indicating that there are only a few thousand Christians present in the country,<sup>7</sup> to indicating there could be up to 40,000 Christians attending underground churches.<sup>8</sup> Either way, Christians represent a minority among the population of 28 million people.<sup>9</sup>
7. The outbreak of the Yemen civil war in 2015 has caused Christians to become doubly vulnerable.<sup>10</sup> A key reason for this has been the increase in power of Islamic extremist groups, such as IS and Al Qaeda, and the inability of the government to protect the Christian minority from these groups. The government has particularly failed to protect Christians in Aden, the country's unofficial capital following the Houthi takeover in 2014, and the seat of the headquarters of the deposed—but still internationally recognized—government led by President Abd Rabbih Manṣūr Hādī.
8. In April 2015 John, a local resident of Aden, was forced to flee the country due to his faith. John, a Christian, ran a library that included Christian literature. He received numerous threats over the years, mainly over Facebook, labelling him as an apostate. On 23 February 2015, a shipment of books John had ordered was confiscated by customs officials, as it contained Christian literature. In April 2015, as Islamic extremists gained more power and threats became more frequent, John was forced to flee.<sup>11</sup>
9. In September of 2015, a neighbour reported to John that a truckload of armed men raided John's shop, took his books and burned them in the public square. The men left graffiti scrawled upon John's shop wall, which read "There is no God, but God. Mohammed is the messenger of God", signed by "The Islamic State, God's curse on Christians".<sup>12</sup>

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<sup>6</sup> United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <http://www.refworld.org/docid/3ae6b3930.html> [accessed 20 June 2018].

<sup>7</sup> Open Doors UK, World Watch List: Yemen <https://www.opendoorsuk.org/persecution/World-Watch-Fact-Sheets-2018-9.pdf>.

<sup>8</sup> Richard Foltz, *Religions of Iran*, Oneworld, 2013, p.124.

<sup>9</sup> Open Doors UK, World Watch List: Yemen <https://www.opendoorsuk.org/persecution/World-Watch-Fact-Sheets-2018-9.pdf>.

<sup>10</sup> <https://www.opendoorsuk.org/persecution/World-Watch-Fact-Sheets-2018-9.pdf>

<sup>11</sup> Human Rights Watch, Belkis Wille: Christians Among the Victims in an Unstable Yemen, (10 May 2016), <https://www.hrw.org/news/2016/05/10/christians-among-victims-unstable-yemen>.

<sup>12</sup> *Ibid.*

10. On 4 March 2016, four masked gunman raided a retirement home in Aden run by the Catholic organization 'Missionaries of Charity'. They proceeded to kill four nuns, eight elderly residents, two Yemeni female staff and a guard. They kidnapped Father Tom, a Catholic priest, and held him hostage for 18 months.<sup>13</sup> IS has been identified as responsible of this attack.<sup>14</sup>
11. Churches have also been among the main target of violent attacks by extremist groups. On 15 September 2015, gunmen raided St Joseph's Church in Aden, and burned it to the ground. On 9 December 2015, the Catholic Church of the Immaculate Conception, also in Aden, was destroyed following an explosion caused by unknown assailants.<sup>15</sup>
12. Christians also face persecution from family members and close friends as a result of the cultural condemnation of apostasy. A woman, Nazeera, died in June 2014 as a result of an explosion orchestrated by her brother and her brother-in-law in Southern Yemen. Petrol was put into the cooking oil bottle and when the petrol was poured onto the flame Nazeera was victim to the explosion. She died two weeks later in hospital. Her husband, Saeed, was told by family members that the explosion was due to his earlier conversion to Christianity and her refusal to leave him.<sup>16</sup>
13. Such episodes demonstrate the inability of the Hadi government to protect Yemen's Christian minority from violent attacks, both from society, customs officials and Islamic extremists.

## Recommendations

14. In light of the aforementioned, ADF International suggests the following recommendations be made to Yemen:
  - a. Ensure that the right to freedom of religion or belief is promoted and protected in Yemen, that non-Muslim individuals are not prosecuted or persecuted for their beliefs by either society or the State, and that Muslims are permitted leave Islam and adopt another religion or belief without fear of punishment;
  - b. Repeal all blasphemy laws and prohibitions on the proselytization of Muslims by non-Muslims, and ensure that the freedom of expression is protected and promoted to the fullest extent required under international law;

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<sup>13</sup> World Watch Monitor, Yemen: Father Tom releases book about 18 months captivity in Yemen, (7 February 2018), <https://www.worldwatchmonitor.org/2018/02/father-tom-releases-book-18-months-captivity-yemen/>.

<sup>14</sup> Ibid.

<sup>15</sup> Human Rights Watch, Belkis Wille: Christians Among the Victims in an Unstable Yemen, (10 May 2016), <https://www.hrw.org/news/2016/05/10/christians-among-victims-unstable-yemen>.

<sup>16</sup> Morning Star News: Woman in Yemen Burnt to Death for Her Faith (29 August 2014) <https://morningstarnews.org/2014/08/woman-in-yemen-burned-to-death-for-her-faith/>.

- c. Take effective measures to protect the right of all individuals to freely manifest their religion or beliefs, in accordance with international human rights law.
- d. Ensure that individuals are not refused entry to the country or profiled and treated in a manner which amounts to invidious discrimination on the basis of race, religion, and/or national origin.



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