



**JUBILEE CAMPAIGN USA  
ECOSOC Special Consultative Status (2003)**

**With:  
SET MY PEOPLE FREE**

**United Nations Human Rights Council  
Universal Periodic Review - FOURTH CYCLE**  
Submission to the 46th session of the Human Rights Council's Universal Periodic Review Working Group  
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**Republic of Yemen**

**A Vital Voice for Those Suffering in Silence**  
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**United Nations Human Rights Council  
Universal Periodic Review of the Republic of Yemen**

**I. Background.**

1. **Jubilee Campaign** is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom and human rights in the Republic of Yemen as a contribution to the Universal Periodic Review.
2. **Set My People Free** is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, and to experience equality and justice in their home countries.

**II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.**

3. Yemen has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.

**Recommendation(s).**

We urge the Republic of Yemen to:

4. Ratify the Optional Protocol to the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**III. Violations of human rights obligations, considering applicable international human rights legislation.**

**A. Freedom of thought, conscience, and religion.**

5. Article 2 of the 1991 Constitution of Yemen (rev. 2015) explicitly identifies Islam as the state religion, and the subsequent provision states that Sharia is the foundation of all legislation. The Constitution makes no explicit mention of the right to freedom of thought, conscience, and religion. The closest to such a protection is Article 42 which

states that “every citizen has the right to participate in the political, economic, cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law”. The last few words of this clause present a caveat which imperils the efficacy of the provision of freedom of expression.<sup>1</sup>

6. Article 194 of the 1994 Penal Code prescribes a punishment of maximum three years’ imprisonment and/or a fine upon any individual convicted of “disseminat[ing] in public ideas containing ridicule or contempt of religion in its beliefs or rituals or teachings”. Article 195 increases the penalty to a maximum five years’ imprisonment for any individual who engages in the above conduct towards Islam and its sects. Article 260 criminalizes by a maximum five years’ imprisonment the “distortion” of the Quran.<sup>2</sup>
7. The Penal Code additionally prohibits apostasy and religious conversion in Article 259: “Anyone who turns back from or denounces the religion of Islam, is punished by the death penalty after being questioned for repentance three times and after giving him a respite of thirty days. The Apostasy in public by speech or acts is considered contradictory to the principles of Islam and its pillars in intention and determination. If the intention or determination is not established and the guilty shows repentance, there will be no punishment”.<sup>3</sup>
8. The Houthi Movement, adhering to Zaidi Shia Islam, has expanded its territorial control across Yemen and has targeted faith minorities for arbitrary detention, forced religious indoctrination, and expulsion. The group’s official motto is emblematic of its founding principles: “God is the greatest, Death to America, Death to Israel, Curse on the Jews, Victory to Islam”.
9. In mid-2022, Houthis embarked on a campaign of encouraging parents to enroll their children in “summer camps” which were revealed by journalists to be militant training programs which inundate boys with “extremist ideology” and instruct participants on weapons.<sup>4</sup>
10. Resulting from the severe punishments for faith conversion away from Islam, many Christian residents have fled persecution, and those that remain are forced to maintain their faith in secrecy lest they face: disownment from family; termination of employment; absence of educational opportunities; physical and mental abuse by state and non-state actors; imprisonment, and more. Christian persecution fluctuates geographically; in the northwestern region where Shiite Houthis govern, Christians “are at the greatest risk due to strict adherence to Sharia law and heavy policing”.<sup>5</sup>
11. In April 2018, Houthi authorities arrested Christian pastor Musheer al-Khalidi who left Islam. Houthi officials released him after four years of physical and mental torture, interrogation, and solitary confinement.<sup>6</sup>

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<sup>1</sup> [Yemen: Constitution](#) [Yemen], 10 February 2001.

<sup>2</sup> [Republican Decree for Law No 12 for the Year 1994 Concerning Crimes and Penalties](#) [Yemen], 1994.

<sup>3</sup> *Ibid.*

<sup>4</sup> Al-Mashareq, [“Social media campaign warns parents away from Houthi summer camps”](#), 25 May 2022. ; Al-Mashareq, [“Houthi summer camps darken children’s future: officials”](#), 29 July 2019.

<sup>5</sup> Linda Burkle, [“Yemen at War, Christians in Peril”](#), *International Christian Concern*, 25 May 2022.

<sup>6</sup> Asharq Al Awsat, [“Houthis Threaten Christians in Yemen with Same Fate as Priest Detained for 4 Years”](#), 9 February 2021.

12. Houthi officials in April 2018 at noon surrounded the home of Christian convert Huda Al Obaid with military army vehicles and armoured cars. She describes how the Houthis stormed her house, “as if I were a terrorist who threaten the security of the country.” They tied her up in one of their cars and forcibly took her to an unknown destination. In a room where many investigators and Houthi women were, they began to interrogate her using words of insult and facing contempt from the women present because she was a Yemeni Christian woman. Houthi officials subjected Huda to insults and torture during her enforced disappearance and they also issued threats of incarcerating her children and family if she did not cooperate with them. They forced her to sign a paper with names of people and organizations that she did not know and recorded her under duress. After three days, authorities transferred her to another detention center where they placed her in solitary confinement for months and they prevented her from communicating with anyone. Authorities kept her detained in prison for a year and two months from the date of her arrest until they released her without being presented to a prosecution or a court. Even following her release she had to move from place to place for her protection. Houthi leaders threatened to marry her 14-year-old daughter off to one of the leaders, until she was finally able to flee to Egypt. In Egypt, Huda was subjected to unlawful discrimination from the recognized government of Yemen who removed her name from the list of survivors of Houthi violence or detention who have the right to aid from the Yemeni government when they found out that she was a Christian.
13. Yemeni Christian convert and asylum seeker Abdul-Baqi Saeed Abdo, who Egyptian authorities have been detaining since December 2021 for being open about his Christian faith, was nearly refouled to Yemen in June 2022. He had previously fled to Egypt from his home country in 2014 after his conversion to Christianity was disclosed and he was subjected to violent attacks, and it is indisputable that his deportation to Yemen would subject him and his now five children to further persecution and violence.<sup>7</sup>
14. In January 2021, the Jabal Habashi police in Taiz, arrested a man named Bashir Al-Bakari and charged him with committing apostasy and “preaching Christianity”. Al-Bakari’s brother explained that the militant group falsely accused him of receiving large sums of money from abroad for his missionary work; in reality, however, the brother stated that Al-Bakari had been struggling financially to take care of his five children with whom he resided in a one-bedroom home. They transferred him to the Criminal Investigation Prison in Taiz Governorate. After being released after one month in February, they re-arrested Al-Bakari in August 2021; fortunately he has since been released and resettled in Egypt where his family relocated to later.<sup>8</sup>
15. In early 2021, the Houthis began to expel *en masse* the majority of Yemen’s Jewish citizens, and by September 2023, the nation’s single remaining Jew, Levi (Libi) Marhabi, marked approximately seven years in detention for his attempts in 2016 to assist his Jewish peers in smuggling an 800-year-old Torah to Israel. Houthi forces continue to maintain custody of Marhabi despite a July 2019 appeals court’s order for his release and the group’s own implications of its intentions to set Marhabi free. One Jew who had been deported from Yemen reported in 2021: “they (the Houthis) gave us a choice between staying in the midst of harassment and keeping [Levi Salem Musa Marhabi] a prisoner or leaving and having him released”.<sup>9</sup> Currently, Marhabi has been suffering from kidney and lung problems and dental injuries from persistent physical torture.
16. Houthi forces consider Bahá’is infidels and in 2018 sentenced Bahá’í leader Hamid bin Haydara to death after five years of imprisonment on no charges since 2013; the same presiding judge commanded that all Bahá’í institutions discontinue their activities.

Though these orders were upheld by an appeals court in 2020, Haydara and five other Bahá'í prisoners with whom he was detained were collectively granted clemency and expelled from the nation.

17. In 2023, violence in Yemen has seen an uptick including an increase in targeted attacks and violent speech towards religious minorities. On 25 May 2023, Houthi militia stormed a peaceful meeting of Bahá'ís in Sana'a and arrested 17, including five women, and continued to detain 11 of them incommunicado. The Mufti Shamseddin Sharafeddin, appointed by leaders of the Houthi militant movement, accused the detained Bahá'ís of being apostates and said “they should be killed”, if they did not repent. Similar violence and hate speech has been recorded in Yemen towards Christian converts and others since the start of the conflict.<sup>10</sup>
18. Women in Yemen face severe discrimination and persecution by state and non-state actors. The Muharram laws exacerbate the hardships faced by Yemeni women and hamper their ability to flee religious persecution and escape domestic violence.<sup>11</sup> These laws also uniquely target women's rights to freedom of assembly and association including to congregate for prayer or worship.

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<sup>7</sup> Amnesty International, [“Urgent Action: Human Rights Lawyer Must Be Released”](#), 7 September 2023.

<sup>8</sup> Voice of the Martyrs, [“YEMEN: Man Accused of Blasphemy Faces Death”](#), 9 March 2021.

<sup>9</sup> Rina Bassist, [“Houthis deport some of Yemen's last remaining Jews”](#), *Al-Monitor*, 29 March 2021.

<sup>10</sup> Bani Dugal & Saba Haddad, [“The Persecution of Baha'is in Yemen Endangers the Country's Path to Peace”](#), *UN Dispatch*, 12 June 2023.

<sup>11</sup> Bani Dugal & Saba Haddad, [“The Persecution of Baha'is in Yemen Endangers the Country's Path to Peace”](#), *UN Dispatch*, 12 June 2023.

### **Recommendation(s).**

We urge the Republic of Yemen to:

19. Urgently abolish the penalization of apostasy from its legislation;
20. Ensure the freedom of persons to choose a religion or belief including the right to change one's current religion or belief;
21. Impose a moratorium on the death penalty and ensure that the death penalty is only a sanction for the most serious crimes, such as intentional killing, and that it is not imposed on persons under the age of 18 at the time of the commission of the offence;
22. Revise the death penalty legislation so that it complies with the ICCPR and particularly to ensure that the death penalty is not a sanction for apostasy, by the next reporting period;
23. Counter violent hate speech by armed groups, by the next reporting period, by giving platforms for the Minority Council of Yemen and other civil society groups that can lift the diversity of Yemen;
24. Adopt effective measures to eliminate all forms of discrimination against the most vulnerable and neglected groups of women, in particular women from religion or belief minorities, women with disabilities and rural women;
25. Register the Minority Council of Yemen by the next reporting period;
26. Ensure women enjoy freedom of movement and non-discrimination in the distribution of aid regardless of geographic location or religion or belief;
27. Work to ensure distribution of aid by the Government to former, Houthi-held, religious prisoners of conscience in Yemen and abroad, is not withheld from Christians who left Islam or others detained for exercising their freedom of thought, conscience, religion or belief.
28. Work to train media in Yemen on international human rights norms and to monitor violations of the right to freedom of thought, conscience, religion and belief.
29. Train media in Yemen to monitor human rights violations specially as it relates to women, especially from religious minorities or beliefs.
30. Include human rights education in the school curricula and teachers' education, especially freedom of thought, conscience, religion and belief.

### **IV. Non-compliance with UPR recommendations.**

31. The following recommendations issued by the Universal Periodic Review Working Group in 2019<sup>11</sup>:
  - Cease faith-based persecution and violence (recommended by: Luxembourg, *123.181*; Norway, *123.59*);

- Promote freedom of religion or belief (recommended by: Hungary, *124.70*; Italy, *124.60*);
- Eliminating the practices of arbitrary arrest, enforced disappearance, and torture (recommended by: Austria, *124.45*; Canada, *123.27*; Costa Rica, *123.29*; France, *123.34*; Germany, *123.65*; Iceland, *123.32*; Italy, *123.35*; New Zealand, *123.41*; Norway, *123.59*; Qatar, *123.36*; United Kingdom of Great Britain and Northern Ireland, *124.36*; United States of America, *123.60*);
- Work to promote and protect human rights (recommended by: Bahrain, *123.2*; Bulgaria, *123.3*; Burundi, *123.9*; Cyprus, *123.52*; Iceland, *123.164*; Indonesia, *123.12*; Lao People's Democratic Republic, *123.22*; Myanmar, *123.15*; Nepal, *123.16*; Nigeria, *123.18*; Thailand, *123.7*; Tunisia, *123.156*; Ukraine, *123.13*; United Arab Emirates, *123.14*; United Kingdom of Great Britain and Northern Ireland, *123.17*; Uzbekistan, *123.6*);

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<sup>11</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Yemen*, [A/HRC/41/9](#), 17 April 2019

