



Justice4Yemen Pact
ميثاق العدالة لليمن

INFORMATIONAL BRIEF

Human Rights Defender in Hadramout Battles Threats and Gender Discrimination

DECEMBER 2023



Introduction

Since the start of the war in Yemen conflict actors have cracked down on human rights defenders (HRDs)—lawyers, journalists, women’s rights activists, and others—by subjecting them to threats, detention, torture, and politically-motivated trials.¹ The Houthis are particularly brutal in this regard,² as exemplified by the case of activist Fatima al-Arwali, who was sentenced to death by a Sana’a court in December 2023 following eight months of enforced disappearance and a sham trial.³ Female HRDs are at heightened risk due to the conservative culture in multiple areas in Yemen, with conflict parties routinely employing character assassination to silence them. These repressive measures have had a chilling impact on the human rights landscape, with many HRDs stopping their work, closing their organizations, and in some cases leaving the country for their safety.⁴

About the Yemen Human Rights Forensics Lab Plus (YHRFL+)

The goal of the Yemen Human Rights Forensics Lab Plus (YHRFL+) program is to increase recognition and protection of human rights in Yemen by empowering Yemeni civil society to champion justice and accountability through human rights documentation, reporting, and advocacy efforts. The YHRFL+ program is working to systematically document, preserve, corroborate, analyze, and report on evidence, obtained from a variety of sources, of human rights violations committed by all parties involved in the Yemeni conflict. Results of this analysis are summarized and presented in a series of investigative reports focusing on specific identified incidents of human rights violations. YHRFL+ also supports efforts by Yemeni CSO partners to carry out strategic advocacy, community outreach, and victim and survivor engagement interventions locally and internationally.

About Justice4Yemen Pact Coalition

The Justice4Yemen Pact is a coalition of human rights organizations and civil society actors that are united for the promotion and protection of human rights in Yemen. The coalition’s mission is to advocate for the rights of all Yemeni people, particularly those who are most vulnerable and marginalized. The coalition is committed to addressing the systemic human rights violations that have been plaguing Yemen through years of conflict and violence. The Justice4Yemen Pact works to empower Yemeni people to claim their rights, raise awareness of violations, and advocate for justice and accountability at local, national, and international levels. The Justice4Yemen Pact is guided by the principles of respect for human dignity, equality, justice, and non-discrimination. The coalition believes that by working together, its members can end impunity, provide meaningful support and redress for victims, and contribute to a more peaceful, just, and prosperous future for Yemen.

Acknowledgement

The YHRFL+ program thanks the Al-Amal Women’s and Sociocultural Foundation for their work documenting violations against women human rights defenders and advocating on their behalf. Al-Amal’s documentation is featured in this report.

¹ “Situation of human rights in Yemen, including violations and abuses since September 2014; Report of the Group of Eminent International and Regional Experts on Yemen – A/HRC/48/20,” Group of Eminent International and Regional Experts on Yemen, September 13, 2021. See paragraphs 55-61.

² “Situation of human rights in Yemen, including violations and abuses since September 2014; Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen – A/HRC/42/CRP.1,” Group of Eminent International and Regional Experts on Yemen, September 3, 2019. See paragraphs 395-403.

³ “The Death Sentence Issued Against Activist Fatima al-Arwali is a Mockery of Justice,” SAM Organization for Rights and Liberties, December 6, 2023, <http://tinyurl.com/3ka2d7st>

⁴ “Situation of human rights in Yemen, including violations and abuses since September 2014; Report of the Group of Eminent International and Regional Experts on Yemen – A/HRC/48/20,” Group of Eminent International and Regional Experts on Yemen, September 13, 2021.” See paragraph 55.

Amina, a lawyer specialized in family law and gender-based violence, recently talked with al-Amal Women's and Sociocultural Foundation (AWSF) about advocating for the most vulnerable in Hadramout governorate. She agreed to speak on the condition of anonymity, and her name has been changed to conceal her identity. "Human rights defenders in general face criticism from society that we receive foreign funding to disrupt security and break apart the family, to keep husband from wife, children from parents—seeing as human rights are based on international mechanisms. Even Friday sermons at some mosques talk about female lawyers breaking up families in return for lots of US dollars," Amina said.

Female HRDs struggle to be taken seriously by authorities when reporting cases, or when they report being attacked or harassed during their work. Last year al-Amal documented the case of an activist who tried to rescue a battered woman and her children from an abusive husband in Hadramout. The husband overtook the activist's car and forced it to stop, then beat the activist in the street, breaking her fingers and tearing her clothing. When she reported the case to the police, they declined to pursue it. "They discriminate against women who enter the police station, or the criminal pursuit administration—you feel them looking down on you, thinking 'why is she here? Why is she working here and mixing with men like this?'" remarked Amina.

Despite the difficulty and danger inherent in her work, Amina says she remains committed to it. "Any person who hears about or sees the cases we take on would need to address them. A right-thinking person cannot see injustice and look the other way or refuse to help—so how can I, considering I work in this field," she said. Amina spoke to al-Amal in depth about recent cases she's taken on, society's reaction to her work, and how crime is evolving faster than Yemen's system of laws. The interview has been translated below with edits for clarity:

Q: How would you describe Hadramout society's reaction to the cases you work on?

A: It varies from one group to another. Some are educated, cultured, and understand these cases. Others are uneducated and ruled by norms, traditions, and a patriarchal culture that is dominant now in Hadramout, because of the spread of drugs, of negative customs and traditions, the poor economy, a lack of legal oversight that protects women, because of the weakness of the laws. The laws are old and haven't been renewed given the state the government is in. Some laws are frozen. The laws don't support women, they don't support children, they don't take into consideration how crime that targets women and children is evolving.

We always resort to the Law of General Punishments if there isn't a law on the books to defend a particular woman, man, or child. But the punishments specified in these laws can be extremely light considering the crime the perpetrator committed. These laws need to be changed, there need to be laws that match the situation, considering how crime has evolved and spread.

"Women currently or previously engaged in politics, civil society organizations or human rights activism also receive personal threats, including death threats, and threats against their family members. This type of violence, which includes online harassment through social media, has a severe negative impact on these women, particularly given the conservative nature of Yemeni society."

– November 2, 2023,
Panel of Experts report to the UN Security Council (S/2023/833)

"Notably in several instances the normally divergent conflicting parties have been united when it comes to their repression of women activists."

– September 3, 2019,
Group of Eminent Experts Report (A/HRC/42/CRP.1)

Crimes today are different from the past, electronic blackmail is widespread, it's practiced against women and men, mothers and fathers. It destroys families and society, but the punishment is insufficient, it's light, because there is no law for electronic blackmail in general in Yemen.

To say nothing of the spread of rape crimes against women and children, girls, and boys. The punishments are extremely light in relation to how widespread this crime is. Perhaps when the punishments were codified into law, they did not consider how the situation would evolve, because rape has become extremely widespread in society, sometimes by the head of the household, who is supposed to protect his son, or daughter—sometimes by uncles and relatives. This has become extremely widespread in Hadramout. There is a punishment, but it does not rise to the level of the perpetrator's crime.

Q: What sorts of things determine how society reacts to a given case?

A: The main factors that influence society's reaction are the customs, traditions, and the old way of thinking that say the father and brother have the dominant power in society, that the men exercise their power, however mistaken, with mistreatment and excessive violence. We're not against discipline, discipline for women and children is necessary, but limited discipline without much violence, and without violations.

There are women in the al-Mukalla countryside who have been murdered for reasons that have nothing to do with honor and reputation. For reasons that are connected to tradition, for example someone wants to marry another person from a lower social status. We looked into one case of a girl who was severely beaten to force her to marry a man who was 60 years older than she was. We learned that the girl had disappeared into thin air. There are indications she was killed, although the whole family is silent about the matter, because all of them participated in this crime.

There's a lack of legal oversight, society doesn't know to speak up about these cases, they don't realize that the laws are on the side of the person being violated and brutalized, and that reporting the case much later can cause damage to the victim.



Al-Amal holds a session for women HRDs in Hadramout in September 2023.

Q: What are the difficulties and challenges that you face in your work as a woman human rights defender?

A: Because human rights are international mechanisms, as human rights defenders we face criticism from society that we receive international funding to disrupt security and break apart families in Hadramout—that we get foreign funding to break the husband and wife apart, to keep children from their parents. That’s the biggest difficulty—even the sermons at some Friday prayers mention that women lawyers are breaking apart husband and wife, father and daughter, brothers, in return for lots of US dollars.

In addition, government authorities do not treat women properly, the way they treat men. They discriminate against women who enter the police station, or the criminal pursuit administration—you feel them looking down on you, thinking ‘why is she here? Why is she working here and mixing with men like this?’

There were some difficulties getting promoted earlier in my career. When I started, my lawyer colleagues criticized me, asked why I would want to study law? ‘It’s a man’s profession and you have nothing to do with it.’ All of these criticisms had a negative psychological impact, I was impacted but didn’t give up, I persisted, thank God I persisted more than 10 years in this field, and today we’re about to reach the top ranks.

Some authorities have attacked us, directly attacked us to get us to stop defending certain cases, perhaps because they impacted individuals from a particular government office, or influential individuals. They pressure us, directly or indirectly, to get us to drop the case, to stop talking about the victims. These are among the most difficult barriers we face.

As indicated by Amina, the threats and dangers faced by HRDs can lead them to drop certain cases to preserve their own and their families' safety. This dynamic has a chilling effect on the human rights landscape Yemen, particularly for cases in which grave violations have been committed by powerful parties.

Q: What sorts of cases do you regularly work on?

A: One of the most important cases I worked on recently was a woman from the province who suffered a severe violation. She was continuously tortured by her family, beaten and had her hair cut off, because of mistaken societal traditions, as well as the fact that her husband had left her and refused to live with her, because he was mentally ill. Because of this the authority [over her] transferred to her younger brother, who put pressure on her psychologically and physically, he kept her from raising her kids, kept her distant from them.

When she would demand her legitimate rights, they would torture her, lock her up in solitary for a month or two and continuously beat her. They would yell at the kids if they tried to visit their mother, and beat them severely. They kept her from accessing any of her money, including from her father, or her husband’s income.

This woman reached us in a state of total collapse. She came to us, thank God, and we defended her and got her a stipend and searched for a job for her. We started a case to get a restraining order against her uncle and brothers, and to get her custody of the children, on the basis that the mom is custodial parent and the father is unqualified to look after the kids. She’s in good health now. In truth,

all of this was with the help of the authorities and a judge who was cooperative. The family is from a tribal background, and they were against any authority intervening. They thought it was their legitimate right to commit these violations against this woman, to beat her, even if she died. They thought that's normal under the pretext of defending their honor and reputation. And seeing as she's a woman without a husband, the authority [over her] transfers to the brothers.

The second case happened when a girl was kidnapped from her custodial parent, her mother. As the court case between the mother and father progressed, the father had an idea to circumvent the law—he knew the law would act in the child's interest. So he did something that blew up our entire case up to that point. He married his child daughter to a man in his late 20s, to circumvent legal guardianship, so that the guardianship transferred to him. And in doing so, he planned to escape legal punishment for kidnapping the girl, beating her, and forcing her to marry. So of course, we began proceedings to transfer custody to her aunt, and the case is progressing, and now we're trying to remove the girl from the father's custody and file a case to nullify the marriage.

Q: What does your family think about your work as a human rights defender?

A: Thank God, my mom, sisters, my family, my husband all support me in my work because they know I'm taking firm steps, even if they're slow steps, given how difficult working in this field is. Sometimes they're afraid and get me to drop a case when I face pressure from a particular authority. The fear disappears after the storm passes. Truth be told, they strongly support me.

Q: Why do you keep working in human rights despite the danger and difficulties?

A: Any person who hears about or sees the cases we take on would need to address them. A right-thinking person cannot see injustice and look the other way or refuse to help—so how can I, considering I work in this field. The cases that come to me are sensitive, all of them are about humanitarian concerns more than anything else. So we try support the vulnerable and defend their rights, get them their rights—that's it, we don't want anything else.

If we all looked the other way and were silent about these cases, because we think they don't impact us today, well tomorrow they will. Silence will lead to the spread of these crimes. We've noticed that the most widespread cases in the latest period relate to family violations against women and children, whether violence, felonies and misdemeanors.

Legal Analysis

The various methods that conflict parties use to silence HRDs—threats, detention, torture, and politically-motivated trials—contravene rights guaranteed by international human rights law, including the right to life, liberty and security, freedom of expression, the right not to be subjected to torture, the right to work, and the right to a fair trial.⁵

Based on al-Amal's documentation, including the organization's interview with Amina, government authorities are failing to uphold their responsibilities under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Yemen acceded to in 1984. In particular:

⁵ "Situation of human rights in Yemen, including violations and abuses since September 2014; Report of the Group of Eminent International and Regional Experts on Yemen – A/HRC/48/20," Group of Eminent International and Regional Experts on Yemen, September 13, 2021." See paragraph 61.

- The police appear to be ignoring cases brought by female HRD defenders of women and girls being victimized by their families, which constitutes discrimination against women by public authorities and institutions;⁶
- Many cases include girls and women being married off against their will. CEDAW requires states parties to “take all appropriate measures” to ensure “the same right freely to choose a spouse and to enter into marriage only with their free and full consent.”⁷
- Other cases involve families depriving women of their right to raise their children. CEDAW requires states parties to “take all appropriate measures” to ensure “the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children.”⁸

Recommendations

To the government of Yemen:	→ Train police to fully investigate and respond to claims of sexual and gender-based violence brought by female HRDs, including crimes in which women and girls are being victimized by family members. Update laws to address the spread of electronic blackmail, and review punishments for sexual and gender-based crimes to ensure they are commensurate with the gravity of the offenses.
To the Yemeni NGOs working in the realm of sexual and gender-based violence:	→ Provide employees with contact information for individuals in the police and judiciary who have a proven track record of responding seriously to claims of sexual and gender-based violence, to help ensure movement on cases. Conduct risk assessments before taking on sensitive cases and identify steps that could mitigate danger to female HRDs.
To the Yemeni NGO's working in the realm of gender equality:	→ Conduct awareness-raising campaigns on the right of women and girls to be free from violence perpetrated by family members.
To the UN-based human rights mechanisms:	→ Urge the Houthi authorities to cease applying the death penalty to human rights defenders and activists, most recently in the case of Fatima al-Arwali.

Contact

Info@justice4yemenpact.org

⁶ Convention on the Elimination of All Forms of Discrimination against Women, Article 2.d

⁷ Convention on the Elimination of All Forms of Discrimination against Women, Article 16.a-b

⁸ Convention on the Elimination of All Forms of Discrimination against Women, Article 16.f