

GLOBAL REPARATIONS STUDY

On opportunities for reparations for survivors
of conflict-related sexual violence

YEMEN





Cover picture: A view from the window of the San'ani Heritage House overlooking the minaret of Al-Abhar Mosque in Old Sana'a, Yemen.
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EXECUTIVE SUMMARY

The conflict that has persisted in Yemen since 2014 has been notorious for its multiple and serious violations of international humanitarian law and human rights law, and for its devastating humanitarian consequences. Less well known, and largely concealed, is the sharp increase in sexual violence linked to the conflict since 2014, taking place in different forms and contexts across the country and in areas controlled by all parties to the conflict. Conflict-related sexual violence in Yemen often compounds or occurs alongside other violence – including sexual violence – committed both in the context of the conflict and outside it. Relatively few specific incidents of conflict-related sexual violence have been documented by international and Yemeni monitors, but all agree that these reports represent just the tip of the iceberg. The true scale of conflict-related sexual violence in Yemen is unknown, hidden largely due to fear of social stigma and reprisals that discourage reporting, as well as the collapse of law enforcement and protection mechanisms. The relationship between conflict-related sexual violence and gender inequality in Yemen is important to understand in order to identify measures that can help address the root causes and the structural drivers of the violence in Yemen.

Against this backdrop, Global Survivors Fund (GSF) set out to understand the main scope, forms and patterns of conflict-related sexual violence in the ongoing conflict. This report finds that among the contexts where this violence has been most widely reported are in official and unofficial places of detention, and among civilian populations in areas controlled by members of armed forces and groups. Among the groups particularly victimised are IDPs, women activists and children recruited into armed forces and groups. Members of marginalised minorities, refugees and migrants are also vulnerable to conflict-related sexual violence. This study also acknowledges the limitations

faced in conducting research and documentation on conflict-related sexual violence in Yemen and identifies crucial gaps in the existing body of knowledge that should be addressed in order to better support victims and survivors, including by making them part of the design and implementation of reparation measures.

GSF also wanted to understand the impacts that conflict-related sexual violence is having on survivors and communities, and the extent to which they can access the support and services they need. An in-country study and interviews with service providers conducted for this report looked into the main needs of survivors, what general support and assistance are available in practice and who is providing it. The findings revealed grave physical, psychological and socio-economic impacts, many of which are going unaddressed in the face of many challenges to those bravely trying to provide support. As to reparation, the structures that should operate to provide protection for survivors, hold perpetrators accountable and ensure appropriate remedies are not operating effectively, and there has been very little by way of reparation for conflict-related sexual violence to date.

The overall purpose of the report is to explore opportunities for delivering reparations for conflict-related sexual violence in Yemen, both in the short term and in a post conflict scenario. It is therefore encouraging to find that preliminary thinking and planning for reparations and other transitional justice measures in response to war related violations have started to take place on the part of the internationally recognised government of Yemen as well as some Yemeni public institutions and civil society. If these can be built on, they have the potential to provide a starting point for meaningful steps to address the painful legacy of conflict-related violence in the country.



ACRONYMS

AQAP	Al-Qa'ida in the Arabian Peninsula	NCIAVHR	National Commission to Investigate Alleged Violations of Human Rights
CEDAW Committee	Committee on the Elimination of All Forms of Discrimination against Women	NDC	National Dialogue Conference
CRSV	Conflict-related sexual violence	NGO	Non-governmental organisation
CSO	Civil society organisation	OGBV	Online gender-based violence
FGM	Female genital mutilation	OHCHR	Office of the United Nations High Commissioner for Human Rights
GBV	Gender-based violence	PDRY	People's Democratic Republic of Yemen
GCC	Gulf Cooperation Council	PLC	Presidential Leadership Council
GEE	UN Group of Eminent International and Regional Experts on Yemen	SGBV	Sexual and gender-based violence
GSF	Global Survivors Fund	STC	Southern Transitional Council
HRP	Humanitarian Response Plan	UN	United Nations
ICC	International Criminal Court	UNHCR	United Nations High Commissioner for Refugees
IDP	Internally displaced person	UNFPA	United Nations Population Fund
IRGY	Internationally recognised government of Yemen	UNSC	United Nations Security Council
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, plus other sexual and gender identities	YAR	Yemen Arab Republic
		YWU	Yemeni Women's Union



1. BACKGROUND AND METHODOLOGY

| 1.1. About the project

1.1.1. Aims of the project

As part of its Global Reparations Study, the Global Survivors Fund (GSF) decided to conduct a study aimed at understanding the status of reparations for conflict-related sexual violence (CRSV) in Yemen, as well as opportunities for delivering reparations to the survivors, both in the present and in a post-conflict scenario. This report presents and analyses the findings of the study and offers practical, concrete and context specific recommendations to governments, policymakers and other relevant actors at national and international levels, to encourage and inform a way forward for survivor-centred reparations in Yemen.

There are three components to the study. First, it seeks to establish the scope, forms and patterns of CRSV in the context of the ongoing conflict in Yemen, which began in 2014, as well as in previous conflicts, shedding light on the particular situation of children born of CRSV as well as on the particular impacts of CRSV on survivors and communities.

Second, the study seeks to establish the extent to which survivors of CRSV in Yemen have already received any form of assistance or reparations whether through efforts of the parties to the conflict or otherwise, and what is already known about their perceptions, needs and priorities as regards reparation. It explores what avenues for reparation are available to survivors in theory and in practice as well as the relevant legal, institutional and policy frameworks. The study sets out to ascertain what forms of general support and assistance are available for survivors of CRSV and map which Yemeni and international organisations in Yemen are implementing such initiatives. The report aims to identify what lessons can be learned from that experience to inform the design and delivery of interim measures (both urgent interim reparation¹ provided by the relevant States and interim reparative measures² provided by non-duty bearers such as non-governmental organisations and civil society) and of more comprehensive reparations in the future.

Finally, drawing on the findings of the study, this report presents recommendations pointing a way forward for those who can take the next steps to achieve interim reparation and/or comprehensive reparations for survivors of CRSV in Yemen. The study set out to identify opportunities for delivering reparations for CRSV in Yemen in future. This includes laying the groundwork for a strategy to engage with survivors, with a view to assessing their needs, their perceptions with regards to existing reparation programmes and obstacles faced in assessing them, an overview of their priorities, as well as their expectations and proposals for future reparations.

The study forms part of a global study on reparations (the 'Global Reparations Study') launched by the GSF in 2020, which focuses on the status of and opportunities for reparations for survivors of CRSV in over 20 countries. The Global Reparations Study is a multi-actor effort led by GSF in collaboration with over 40 local and international partners, including survivors' networks and groups. It seeks to make recommendations for further action based on survivors' needs and aspirations and to identify potential support available among key actors and concrete action to enhance access to reparations for survivors of CRSV around the world.

1.1.2. About the Global Survivors Fund

GSF works with survivors, local partners, technical experts, and government stakeholders to enhance access to reparations for and with survivors of conflict-related sexual violence. GSF acts to provide interim reparative measures when the responsible parties are unable or unwilling to provide reparation. It advocates at the international level for the implementation of reparation programmes, and guides states and civil society by providing expertise and technical support for designing programmes. GSF's approach, that puts co-creation at the centre, aims to return agency and autonomy to those that have been stripped of it and ensures that actions are relevant, impactful, and driven by the aspirations of survivors. For more information visit www.globalsurvivorsfund.org.

1 United Nations, 'Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence' (June 2014) Guiding Principle 7 <https://digitallibrary.un.org/record/814902?ln=en> accessed 14 January 2025.

2 GSF, 'Annual Report 2023' p. 7 https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/AR_2023_ENG_web_double_pages.pdf accessed 4 January 2025.

1.1.3. Acknowledgements

A team of Yemeni and international researchers conducted the research for this report and wrote it. The team included Marta Mendes, Fiona McKay, Nuria Abdul Kader and Nadia Ebrahim. All played a pivotal role in conducting the literature review, identifying interviewees, conducting the interviews and writing the report. The contributions of each team member were essential to this Study's success. The project team would like to extend their deepest gratitude to the approximately 70 interviewees who generously shared their time, experiences and insights, providing invaluable input that substantiated and enriched the findings of the report. Special thanks are also extended to the experts from the Global Survivors Fund who offered countless inputs on the drafts of the report and who provided invaluable editorial support and guidance. We also wish to extend our gratitude to Najla Alshami³, who shared the artwork featured in this report, and to Ali Al-Sunaidar, who contributed the cover photograph.

1.2. Methodology

1.2.1. Study methodology, definitions and limitations

The findings presented in this report are based on research conducted during 2023 and 2024 by a team of Yemeni and international consultants commissioned by GSF to conduct the study. This report brings together the findings of both an initial mapping exercise and the preliminary study, including the in-country interviews and survey of organisations working with survivors of CRSV.

The first stage was to prepare an initial mapping aimed at establishing an overview of the sexual violence committed in the current conflict in Yemen as well as previous conflicts, of the main Yemeni and non-Yemeni actors working on sexual violence and any existing initiatives relevant to reparation for CRSV. This initial mapping involved desk-based research to review publicly available sources (primarily from the human rights and humanitarian sectors, including reports of United Nations (UN) bodies, Yemeni civil society organisations (CSOs) and international organisations operating on the ground in Yemen). Eighteen stakeholder interviews were conducted with key individuals or organisations identified because of their relevant knowledge and/or experience, mainly Yemenis working in civil society organisations and/or research institutions as well as currently or formerly working

in public bodies in official capacities, foreign staff of UN or other international organisations working in Yemen and foreign researchers or journalists.

The second stage consisted of a preliminary study conducted by two international researchers, together with two Yemeni researchers with existing knowledge and experience working on sexual and gender-based violence (SGBV). The reason for calling it a 'preliminary' study was that unlike most others in the GSF series of country studies for the Global Reparations Study, survivors themselves did not directly participate in the process. As a result, the recommendations regarding how reparations should be shaped are missing survivors' critical perspective.

In line with its approach of putting survivors at the centre of its work, GSF believes that it is essential that survivors of CRSV in Yemen can actively participate and provide their views and preferences regarding reparations. Therefore, while this report contributes to an understanding of the status of and opportunities for reparations for survivors, it should be followed – as soon as it is feasible – by further processes in which survivors' participation is ensured.

The preliminary study involved more extensive data collection in Yemen and, due to the presence there of a significant number of survivors of CRSV from Yemen and organisations providing assistance to them, in Egypt. The first step of the study was to carry out stakeholder and services mapping in order to identify informants. This was followed by in-depth interviews with organisations working closely with and providing assistance to survivors: 25 in Yemen and 11 in Egypt. The research team conducted a further series of in-person interviews and meetings in Aden with key actors, including from the Yemeni public and judicial sectors and women engaged directly in work on CRSV.

IN-DEPTH INTERVIEWS WITH ORGANISATIONS WORKING WITH SURVIVORS



YEMEN: 25
EGYPT: 11

³ Najla Alsham is a Yemeni artist based in Belgium. Through her visual mixed media work, she keeps exploring who we really are, gender issues, the rapid entry of the digital world, and its implications. Najla, with fascination, keeps bouncing and roaming between each of her major themes, adding some unexpected external factors that bump into her daily life. Chaos is simply part of her. Her work brings an evocative dimension to this report, reflecting the themes of resilience and complexity addressed herein.

Due to the significant security risks faced by Yemeni CSOs working on CRSV, which are described in the report, the report primarily draws on international reports as sources of information than on local CSOs.

Overview of the geographic areas covered by the in-country study

- It was decided to select specific districts in six governorates of Yemen for the purposes of the in-country study: Sana'a, Aden, Taiz, Al-Hudaydah, Marib and Lahj.⁴ The selection was made based on the impact of the conflict and known locations in which CRSV occurred, although this does not mean that violations did not occur in the other governorates.⁵ All six governorates host significant numbers of persons internally displaced during the conflict (IDPs) and have experienced fighting during the conflict.
- **Sana'a Governorate:** The city of Sana'a is the political and historical capital of the Republic of Yemen, where ministries, institutions, government departments and Arab and foreign political bodies are traditionally concentrated, as well as extensive commercial and industrial activity. Since September 2014, Sana'a has been the base of the Ansar Allah de facto authorities.
- **Aden Governorate:** Located on the coast of the Gulf of Aden, Aden is a major commercial port and economic zone with industries including the Aden Refinery. Fighting took place in this Governorate during the conflict in 2015 and 2018-2019, and it is now the capital and main base of the internationally recognised government of Yemen (IRGY).
- **Taiz Governorate:** Taiz is located in southwestern Yemen, with the city of Taiz at its centre. It overlooks the West coast of the Red Sea and an important international sea lane, the Bab al-Mandab, and is home to one of Yemen's oldest ports, Mokha. The Governorate has witnessed some of the most violent confrontations during the conflict. The city of Taiz has been consistently under siege since 2016, impeding the flow of essential goods and humanitarian aid to its residents.
- **Hudaydah Governorate:** Hudaydah is located in the West of Yemen on the Red Sea coast. In its centre is the city of Hudaydah, Yemen's second port, in its centre.

Agriculture and fishing are the main industries. The governorate experienced fighting in 2018 and massive displacement. It is divided into areas controlled by different forces, with the majority falling under the control of the Sana'a-based authorities.

- **Marib Governorate:** Marib is located in northeast Yemen, with the city of Marib at its centre. Agriculture and oil production are its main activities, and it has the largest electrical power station in Yemen. Despite the ongoing conflict, Marib's economy has developed more than other areas of the country. The governorate saw heavy fighting from 2014 and is divided into areas controlled by different parties to the conflict.
- **Lahj Governorate:** Lahj is located in southwest Yemen, with the city of Al-Houta at its centre. This governorate has experienced less fighting than elsewhere during the conflict.
- Egypt was selected as an additional focus for the in-country study because of the large number of Yemeni migrants there – estimated by IOM to be one million⁶ – and the existence of support services that some Yemeni survivors of CRSV have used. That said, both Yemeni migrants and CSOs seeking to support survivors face significant obstacles and difficulties in Egypt.⁷ The study was conducted in Cairo and Giza, where the majority of Yemenis and service providers for survivors of CRSV are concentrated.

In line with GSF's survivor-centred approach, this report aims to highlight the needs of survivors of CRSV in Yemen, the support and services currently available to them, and opportunities for reparations. The study did not seek to focus on the accountability of perpetrators and does not constitute an investigation of CRSV in Yemen. The section about perpetrators seeks to contribute to a better understanding of CRSV as a largely understudied and underreported phenomenon in Yemen. The report does not replace the need for Yemeni criminal justice actors, human rights organisations and other stakeholders in Yemen to fully and properly monitor, document and investigate CRSV in a manner that respects and protects the security of survivors and witnesses and their rights to truth, justice, remedy, dignity and privacy.⁸

4 The spelling of Yemeni place names when transliterated into English vary considerably, this report adopts the spellings used by the Sana'a Center for Strategic Studies.

5 Information regarding the levels of humanitarian need and state of health services in the different governorates are based on 2021 humanitarian needs overview of the UN Office for the Coordination of Humanitarian Affairs.

6 IOM, 'IOM Egypt estimates the current number of international migrants living in Egypt to 9 million people originating from 133 countries' (7 August 2022) <https://egypt.iom.int/news/iom-egypt-estimates-current-number-international-migrants-living-egypt-9-million-people-originating-133-countries> accessed 9 December 2024.

7 Migrants reportedly face poverty and discrimination while NGOs encounter difficulties to comply with Egyptian laws regarding registration of organisations. See for example Qabool Al-Absi, 'Feeling Forgotten: Yemeni Refugees, Host Countries, and the UNHCR' (Sana'a Center for Strategic Studies and Yemen Peace Forum, 5 December 2022) <https://sanaacenter.org/publications/main-publications/19116> accessed 9 December 2024.

8 See Institute for International Criminal Investigations, 'Guidelines for Investigating Conflict-Related Sexual and Gender-based Violence against Men and Boys' (29 February 2016) p. 1 https://iici.global/wpd/wp-content/uploads/2023/08/160229_IICI_InvestigationGuidelines_ConflictRelatedSGBVagainstMenBoys.pdf accessed 9 December 2024.

1.2.2. Definitions

For the purposes of the study and of this report, CRSV is as defined in line with the UN Secretary General's definition as: *"rape; sexual slavery; forced prostitution; forced pregnancy; forced abortion; enforced sterilisation; forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict."*⁹ The Global Reparations Study focuses specifically on sexual violence that has a direct link to a conflict situation and occurs in a widespread of systematic manner.¹⁰

Determining whether acts of sexual violence are linked *directly* to the conflict presents particular challenges in Yemen. Interlocutors overwhelmingly pointed to blurred lines. While all agreed that the conflict has caused an enormous increase in sexual violence in Yemen (see below), the specific reasons attributed to the increase were various, and some pointed to a more direct link to the conflict than others. Those documenting cases of sexual violence and providing support to survivors have not necessarily made the distinction between sexual violence linked directly and indirectly to the conflict.

Similarly, the boundaries between sexual violence, including when it is conflict-related, and gender-based violence (GBV) can be blurred in Yemen. An important factor mentioned by many is the profoundly unequal position of women in Yemen in general, and the prevalence of GBV that precedes and underlies the different forms of sexual violence both experienced in society at large and committed during times of conflict. By limiting the scope of the Global Reparations Study to sexual violence directly linked to conflict, GSF in no way intends to deny or underplay the importance of the wider context of sexual violence and other forms of gender-based violence in Yemen.

In this report, the term 'reparation' is understood as set out in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 2005,

which call for adequate, effective and prompt reparation, *"proportional to the gravity of the violations and the harm suffered"* and including the following forms: *"restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition"*.¹¹

GSF defines 'interim reparative measures'¹² as measures provided to survivors by non-duty bearers, such as non-governmental organisations and civil society organisations, in circumstances where states or other duty-bearers have yet to comply with their obligation to provide reparations and where the need is urgent. They do not substitute the obligation that states and other responsible parties have to provide reparation. 'Urgent interim reparation'¹³ is defined as those measures provided by states to victims/survivors of gross violations of international human rights law and/or serious violations of international humanitarian law to address the most urgent and immediate consequences of such violations and avoid irreparable harm. Neither interim reparative measures nor urgent interim reparation constitute comprehensive reparation.

Consistent with its survivor-centred approach, it was GSF's intention from the outset to include the direct participation of survivors in the study methodology to the extent feasible. Due to the extremely sensitive nature of the issue in Yemen, it was considered necessary to proceed cautiously, to lay the groundwork for a strategy to engage with survivors, and to proceed step by step in close coordination with the relevant entities from the internationally recognised government. Consequently, it was not feasible to organise a participatory process with survivors during the preliminary study. However, GSF believes it is essential that engagement with survivors is organised as soon as feasible. Survivors themselves are best positioned to determine what reparations most adequately address the harm caused, and their participation should be guaranteed in any reparation process.

1.2.3. Study limitations

Gender-based violence in Yemen is under-researched and conflict-related sexual violence even more so. This problem is not limited to Yemen: according to the

9 UN Security Council 'Conflict-related sexual violence: Report of the Secretary-General' (3 June 2020) S/2020/487, para 4 <https://undocs.org/S/2020/487> accessed 10 December 2024.

10 GSF, 'Global Reparations Study. Executive Summary Report of Preliminary Findings' (September 2021) p. 4 https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Global_Reparation_Studies/Preliminary_Findings_EN_Sept2021_WEB.pdf accessed 10 December 2024.

11 UN General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' UN GA Resolution 60/147 (15 December 2005) paras 15 and 18.

12 GSF, 'Annual Report 2023' p. 7 https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Reports/AR_2023_ENG_web_double_pages.pdf accessed 4 January 2025.

13 United Nations, 'Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence' (June 2014) Guiding Principle 7 <https://digitallibrary.un.org/record/814902?n=en> accessed 14 January 2025.

2024 report of the Special Representative of the UN Secretary General on sexual violence in conflict, despite its global scale and prevalence, CRSV continues to be severely underreported due to long-standing barriers to documentation.¹⁴

This situation is exacerbated in Yemen by the lack of available guidance on how to conduct research, including on CRSV. Despite increased support for the collection, management and preservation of information related to human rights violations and abuses in Yemen, and an increase in reporting carried out by Yemeni civil society organisations, it is still too early to reach conclusions about which research and documentation methods work best in the Yemeni context, notably with regard to CRSV. The volatile security situation across the country and the securitisation of many human rights issues have made rigorous research in Yemen difficult and in some cases impossible.

Many stakeholders acknowledge that the lack of available data on conflict-related sexual violence in Yemen has a significant impact on the ability to understand the phenomenon – including the interplay with other forms of violence – and to address it. A major reason for this is the dramatic underreporting of sexual violence in Yemen. It is evident that the cases documented or verified by local and international organisations represent merely the tip of the iceberg and that the true scale of CRSV in Yemen is unknown. All those working on the issue have drawn attention to this.¹⁵

By far the major reason attributed to underreporting is the fear of social stigma, which affects not only the survivor but also their family, and often results in the survivor being blamed for what is considered a loss of honour.¹⁶ Even the mere suspicion that a person may have been victimised sexually is enough to trigger social rejection and stigma.

Social stigma and shame surrounding survivors of sexual violence – including male survivors – are deeply entrenched in Yemeni society. Survivors are often blamed for the violence and viewed as damaged.¹⁷ One Yemeni organisation shared anecdotally that after leaving a shelter or receiving assistance, survivors of sexual violence often pretend not to know the organisation's staff if they pass each other in the street. Other reasons given include fear of reprisals by the perpetrator or the groups to which they belong;¹⁸ lack of reporting mechanisms and methods to collect data; lack of safe spaces for survivors and witnesses to tell their stories in private;¹⁹ mistrust that society and the relevant authorities will treat those who report fairly and provide protection;²⁰ and lack of education and awareness about avenues for reporting.

The low level of reporting of sexual violence is linked to wider societal attitudes in Yemen towards gender and sexuality. The methodology adopted for the in-country study conducted for this report involved a standardised framework designed to eliciting tangible information about various aspects of CRSV in Yemen. However, it was often the subtext around the interviews that provided invaluable insights into issues such as the expectations placed on individuals based on their gender. Sexual violence in Yemen is rooted in certain cultural and social norms and traditions, which in turn play a role in shaping the expectations imposed on women. Additional research could help fill evidence gaps in understanding sexual violence in Yemen, such as how the conflict influences other forms of GBV, the health and other service needs for survivors, and the differential impact of sexual violence based on factors such as gender, ethnicity, age, sexual orientation and disability.²¹

A major limitation of the study is that while GSF intended that the study would incorporate meaningful survivor participation, such participation has not yet proved

14 'Conflict-related sexual violence: report of the United Nations Secretary General', S/2024/292, April 2024, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/05/SG-2023-annual-report-smallFINAL.pdf> accessed 4 January 2025.

15 For example, UN Human Rights Council, 'Situation of human rights in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights' (9 August 2019) A/HRC/42/17, para 79 <https://documents.un.org/doc/undoc/gen/g19/240/87/pdf/g1924087.pdf> accessed 10 December 2024.

16 Mwatana, 'A Country Falling Apart, Human Rights Situation in Yemen 2021' (11 November 2022) p. 86 <https://reliefweb.int/report/yemen/country-falling-apart-human-rights-situation-yemen-2021-enar> accessed 10 December 2024.

17 See Farheen Nahvi, 'The case for a feminist approach to gender-based violence policy making in India' (Observer Research Foundation, 11 April 2023) p. 6 <https://www.orfonline.org/research/the-case-for-a-feminist-approach-to-gender-based-violence-policy-making-in-india> accessed 9 December 2024. According to the author, "Survivors and their families frequently face further victimisation and even social rejection [...] Survivors are often blamed for the assault and viewed as 'damaged goods'".

18 Ibid.

19 UN Human Rights Council, 'Situation of human right in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights' (9 August 2019) A/HRC/42/17, para 7.

20 Interview conducted in December 2023.

21 Mazeda Hossein and Alys McAlpine, 'Gender based violence research methodologies in humanitarian settings: an evidence review and recommendations' (Elrha: Cardiff 2017) p. 6.

feasible. Consequently, this report is based on input from representatives of CSOs and other stakeholders who work closely with survivors but does not reflect substantial input directly from survivors. The fact that the findings

in this study on the needs and perceptions of survivors are based on second-hand information is an important limitation, and underscores the need for further research to be conducted with diverse survivor voices at the centre.



2. INTRODUCTION

While the true extent of sexual violence related to the conflicts in Yemen is unknown – hidden by fear of social stigma and reprisals – what is known is that sexual violence has increased enormously since the eruption of the current conflict in 2014. It has been taking place in different forms and contexts across the country and involves different parties to the conflict. It is also known that these acts of sexual violence have grave physical, psychological and socio-economic impacts, many of which are going unaddressed. Committed public servants and CSOs are trying hard to provide different kinds of support to survivors but face many challenges; what they are able to provide is insufficient to cover the needs.

Meanwhile, the structures that should operate to provide protection for survivors, hold perpetrators accountable, and ensure appropriate remedies are not operating effectively. Nevertheless, some preliminary thinking and planning for reparations and other transitional justice measures have started to take place on the part of the IRGY, civil society and the international community.

Against this backdrop, this study seeks to fill a gap in understanding about the current status of reparation for CRSV in Yemen and the opportunities for providing reparation to survivors in both the short and the longer term. Section 3 describes the context, scope, forms, and patterns of CRSV in Yemen, as well as the profile of the victims. Section 4 addresses the impact of CRSV as well as survivors' current needs and priorities, and the risks they face. Section 5 maps out the access survivors have in reality to different forms of support and services and describes the risks they face. Section 6 analyses the different avenues for reparations that exist in Yemen and the legal and policy frameworks and avenues put in place by the main parties to the conflict, including members of the international coalition, as well as any relevant international avenues, and the extent to which reparation has been implemented in practice. Section 7 identifies what appear to be potential opportunities for reparations, including urgent interim reparation. Sections 8 and 9 contain a series of recommendations addressed to different actors and draw together some conclusions and points to concrete steps for the way forward.



Different facets and faces in one nation.
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3. CONFLICT-RELATED SEXUAL VIOLENCE IN YEMEN

| 3.1. Context

3.1.1. Past and current conflicts in Yemen

Many periods of Yemen's contemporary history are characterised by recurring conflict and violence. The Republican Revolution in 1962 brought an end to the thousand-year-old Zaydi Imamate and established the Yemen Arab Republic (YAR). Until 1990, the YAR, or North Yemen as it was often called, shared its borders with Saudi Arabia to the north, Mareb to the east, and its southern borders reached into the uplands around the cities of Ibb and Taiz.²² Between 1962 and 1970, a civil war pitted republican troops against royalist forces. In 1970, the Yemen Arab Republic was officially recognised by the Kingdom of Saudi Arabia and a ceasefire came into effect, ending the hostilities.

Meanwhile, southern Yemen gained independence from British colonial rule in 1967, paving the way for the establishment of the People's Democratic Republic of Yemen, also known as South Yemen. The country comprised the southern and eastern governorates of present-day Yemen (including Socotra), bordered by North Yemen to the northwest, Saudi Arabia to the north and Oman to the east.

In 1972, fighting broke out between the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (PDRY, or South Yemen). This was followed by a new conflict between the two countries in 1979. In 1986, brutal violence erupted between two opposing factions of the Yemen Socialist Party over the leadership of the party and ultimately of the PDRY. In May 1990, the PDRY was united with the YAR to create a single unified state, the Republic of Yemen. However, in 1994, a civil war erupted between the southern armed forces and the pro-union forces. The conflict lasted from May until July 1994 and ended with the defeat of the southern forces.²³ In the north of Yemen, the Houthi insurgency –

or "Sa'ada wars", as they are known – unfolded over six rounds of fighting between the Yemeni army and the Houthi movement²⁴ between 2004 and 2010. Although, the Sa'ada wars did not end with any political agreement, they contributed to the Houthis' military strengthening.²⁵

In 2011, a wave of pro-democracy protests broke out in Sana'a and several other Yemeni cities, part of the Arab Spring that sparked similar protests across the region. As a result, in November of that year, President Saleh was forced to agree to a plan proposed by the Gulf Cooperation Council (GCC) under which he would step down from power and open the way for constitutional reforms and new elections.

In September 2014, four and a half years after former President Ali Abdullah Saleh declared an end to the hostilities with the Houthis, the movement expanded beyond Sa'ada and took control of the country's capital, Sana'a.²⁶ In September 2014, the Houthis marched into Sana'a, demanding lower fuel prices and a new government.²⁷ In January 2015, they seized the presidential palace. President Abd-Rabbu Mansour Hadi tried to submit his resignation, but the parliament was unable to accept his resignation due to the Houthi siege, which prevented it from convening. He then left the capital.

In March 2015, a coalition of Gulf states led by Saudi Arabia and the UAE and backed by the US, France, Germany, and the UK, among other states, began a military campaign in support of the Hadi government, launching air strikes against Houthi targets. In September 2015, President Hadi retracted the resignation he had submitted and returned to Aden, in the South of Yemen, as head of the internationally recognised government of Yemen (IRGY). Finally, four years after the Houthis entered Sana'a, in April 2019, the Yemeni parliament was able to reconvene away from Houthi control in Hadramout.

22 Robert D Burrowes, 'Prelude to Unification: the Yemen Arab Republic, 1962-1990' (1991) 23(4) *International Journal of Middle East Studies* <https://www.jstor.org/stable/163881> accessed 9 December 2024.

23 'Yemen: War of Secession and Political Unrest' (Encyclopaedia Britannica, updated 6 December 2023) <https://www.britannica.com/place/Yemen/War-of-secession-and-political-unrest> accessed 10 December 2024.

24 Sana'a Center for Strategic Studies, 'Houthis: From the Sa'ada Wars to the Saudi-led intervention' (6 February 2020).

25 Ibid.

26 Ibid.

27 Center for Preventive Action, 'Conflict in Yemen and the Red Sea' (8 October 2024) <https://www.cfr.org/global-conflict-tracker/conflict/war-yemen> accessed 10 December 2024.

Since 2014, Yemen's conflict landscape has become more complex. After more than ten years of armed conflict, the situation in Yemen remains highly volatile, due to the marked fragmentation of political leadership inside the country and the broader Middle East crisis, among other factors. The UN Special Envoy for Yemen has referred to the situation in Yemen as one of *"economic escalation, a fragile military situation and a constricted mediation space"*.²⁸ Yemen has also been described as a *"mosaic of multifaceted regional, local and international power struggles"*²⁹ rather than a single conflict.³⁰ Much of the former North Yemen, with the exception of the eastern part of the Governorate of Marib, the centre of Taiz city, the western coast of Taiz governorate and certain limited areas of Hudaydah governorate, is controlled by the Houthi Movement, also known as Ansar Allah.³¹ In this report, they are referred to as the de facto authorities in Sana'a.

The rest of the country, loosely described as the South, has not been under the clear control of a single authority during most of the conflict. The IRGY is based in Aden, which has become the temporary capital since February 2015, when former President Hadi fled Sana'a.³² However, there are also a number of other political organisations and armed groups in the south. These include the Southern Transitional Council (STC), which has declared its own administration in areas under its control,³³ the UAE-backed Giants Brigades, Al Qaeda in the Arabian Peninsula and other groups, all of which exercise influence in different areas of southern Yemen. Yemen's west coast, in particular the coastal area of Taiz, is under the control of Tareq Saleh's National Resistance Forces which were established in 2018 with the support and funding of

the United Arab Emirates.³⁴ Mareb governorate, which is located east of Sana'a, remains under the control of hybrid forces affiliated with the internationally recognised government. In February 2021, Marib city came under heavy attack by Houthi forces. Military confrontations continue to take place there, in particular alongside the governorate's eastern border, though their intensity has decreased, especially since the start of military operations led by the Houthis in the Red Sea in October 2023.

In April 2022, following talks facilitated by the Gulf Cooperation Council, President Hadi stepped down and handed over power to a new Presidential Leadership Council (PLC), which became the executive body of Yemen's internationally recognised government, headed by Rashad al-Alimi, who became president. Originally established as a power-sharing agreement between different constituencies *"to oversee the performance of a wartime government"*,³⁵ internal disagreements between its members, and in particular the lack of internal harmony over *"Yemen's unity"* have cast significant doubt on the Council's ability to fulfil its role and deliver as Yemen's legitimate government. The PLC has also been hampered by the halt in oil exports as a result of Houthi attacks on the oil export port in Hadramout.

3.2. Current political situation

In April 2022, back-channel talks between Saudi Arabia and the Houthis on a permanent settlement of the conflict in Yemen began, taking advantage of the relative calm that followed the truce agreed upon that month between the IRGY and the Sana'a-based authorities. The UN Special Envoy began work to put in place a

28 UN Office of the Special Envoy for Yemen, 'Briefing by UN Special Envoy for Yemen Hans Grundberg, to the Security Council (13 June 2024) <https://osesgy.unmissions.org/briefing-un-special-envoy-yemen-hans-grundberg-security-council-3> accessed 10 December 2024.

29 Council on Foreign Relations, 'Mapping the Yemen Conflict' [https://ecfr.eu/archive/page/-/Mapping_Yemen_\(1\).pdf](https://ecfr.eu/archive/page/-/Mapping_Yemen_(1).pdf) accessed 10 December 2024.

30 Ibid.

31 The Houthi Group is formally known as Ansar Allah (Partisans of God). Their popular name refers to the movement's leaders, who come from northern Yemen's Houthi tribe [Kali Robinson, 'Iran's Support of the Houthis: What to Know (Council on Foreign Relations, 1 March 2024) <https://www.cfr.org/in-brief/irans-support-houthis-what-know> accessed 10 December 2024]. The genesis of the group as a political group changed as they grew more militarised especially with the Sa'ada wars (2001-2006) and upon joining the uprisings that started spreading in Yemen from 2007. According to the Sana'a Center for Strategic Studies, *"although the group calls itself Ansar Allah, meaning the Partisans of God, most Yemenis view it as a family enterprise based on the teachings of Badreddine al-Houthi (d. 2010) and other Zaidi religious scholars, that was built up by Al-Houthi's sons and seeks to revive the Zaidi imamate that was politically dominant in North Yemen for almost three centuries until 1962"*. See Maysaa Shuja Al-Deen, 'Entrenched Power: The Houthi System of Governance' The Yemen Review (Sana'a Center For Strategic Studies, June 2022) <https://sanaacenter.org/the-yemen-review/june-2022/18144> accessed 10 December 2024.

32 Armed Conflict Location & Event Data Project, 'Yemen Conflict Observatory: Actor Profiles – Internationally Recognized Government' <https://acleddata.com/yemen-conflict-observatory/actor-profiles/internationally-recognized-government/> accessed 10 December 2024.

33 Ahmed Nagi, 'The Barriers to Southern Yemeni Political Aspirations Are Mainly in the South' (Carnegie Middle East Center, 7 March 2022) <https://carnegieendowment.org/research/2022/05/the-barriers-to-southern-yemeni-political-aspirations-are-mainly-in-the-south?lang=en¢er=middle-east> accessed 10 December 2024. The STC has not shied away from its ambition to seek independence for the south. See Yemen Online, 'Independence Of The South Of Is The Solution, President of STC' (23 June 2023) <https://www.yemenonline.info/public/politics/7035> accessed 10 December 2024.

34 Armed Conflict Location & Event Data Project, 'Yemen Conflict Observatory: Actor Profiles – National Resistance Forces' <https://acleddata.com/yemen-conflict-observatory/actor-profiles/national-resistance-forces/> accessed 10 December 2024.

35 Maysaa Shuja Al-Deen, 'The Presidential Council's Year of Failure' (Sana'a Center for Strategic Studies, 11 July 2023) <https://sanaacenter.org/publications/analysis/20500> accessed 10 December 2024.

roadmap for an inclusive political process under UN auspices.³⁶ However, the start of the Israeli military operations in Gaza in October 2023, the Red Sea campaign initiated by the Houthis shortly afterwards, and the US- and UK-led military airstrikes from January 2024, combined to strain relations between the Houthis and Saudi Arabia. In July 2024, the Houthis threatened Saudi Arabia with strikes against prominent sites and infrastructure.³⁷ In March 2024, the IRGY suspended implementation of the UN peace roadmap. In the words of the UN Special Envoy for Yemen, “*what happens regionally impacts Yemen and what happens in Yemen can impact the region.*”³⁸ For the Envoy, regional events “*have significantly complicated the mediation space*” in Yemen, as a result of which “*momentum towards an agreement was stalled.*”³⁹

In March 2024, the Central Bank, based in Sana’a, issued a new coin currency to replace the damaged riyal banknote. Concerned about the impact on the Yemeni economy and the political process, the IRGY responded immediately by giving banks 60 days to move their headquarters to Aden, and in June decided to ban any dealings with six banks headquartered in Sana’a. In response, the Sana’a-based Central Bank banned transactions with 13 local and international banks and entities. The UN Special Envoy expressed his concern at the IRGY’s decision to cut off the Sana’a banking sector from international financial transactions, citing the serious negative implications this could have on Yemen’s peace roadmap including a possible “*door to potential military escalation*”.⁴⁰

Starting from June 2024, Houthi authorities launched a campaign of arrests, detaining more than 45 Yemeni humanitarian and aid workers and employees of local and international organisations.⁴¹ According to

information reported by Yemeni and international civil society organisations, the Sana’a-based authorities did not disclose the fate or whereabouts of those detained.⁴² Many organisations from Yemen and abroad strongly condemned the silence of some international organisations on the issue and warned against the serious risks this represents not only those detained, but for others at risk.⁴³

3.2.1. Civilian harm and humanitarian impact of the war

Serious violations of international human rights and international humanitarian law committed by multiple parties to the conflict have been reported by Yemeni civil society organisations and different international entities. Some reports estimate that, as of mid-2022, more than 150,000 people have died as a direct result of violence, including over 15,000 civilians killed in targeted attacks.⁴⁴

Civilian injuries and deaths, destruction of property, and other violations – including sexual and gender-based violence, recruitment of children into armed groups, obstruction of delivery and distribution of humanitarian assistance, arbitrary detention and torture – have been consistently reported. The Security Council’s annual debate held in May 2024 on the situation of civilians in armed conflict reported that “*the harm and suffering caused to civilians in 2023 signals an alarming lack of compliance with international humanitarian law and international human rights law.*”⁴⁵ In 2020 and 2021, the UN Group of Eminent International and Regional Experts on Yemen (GEE) described the situation in the country as a “*pandemic of impunity*” regarding the serious violations of international human rights law and

36 United Nations Office of the Special Envoy for Yemen, ‘Update on Efforts to Secure a UN Roadmap to End the War in Yemen’ (23 December 2023) <https://osesgy.unmissions.org/update-efforts-secure-un-roadmap-end-war-yemen> accessed 10 December 2024.

37 Middle East Monitor, ‘Yemen Houthis Threaten to Strike Sites in Saudi Arabia if It Joins US Aggression’ (9 July 2024) <https://www.middleeastmonitor.com/20240709-yemen-houthis-threaten-to-strike-sites-in-saudi-arabia-if-it-joins-us-aggression/> accessed 10 December 2024.

38 ‘Briefing on Yemen by UN Special Envoy Hans Grundberg and OCHA Director of Operations and Advocacy Edem Wosornu’ in UN Security Council, *Official Records of the 9576th Meeting* (14 March 2024) S/PV.9576 p. 2 <https://documents.un.org/doc/undoc/pro/n24/070/08/pdf/n2407008.pdf> accessed 10 December 2024.

39 ‘Briefing on Yemen by UN Special Envoy Hans Grundberg, OCHA Director of Operations and Advocacy Edem Wosornu and Founder and Chairwoman of Itar Foundation for Social Development Wameedh Shakir’ in UN Security Council, *Official Records of the 9603rd meeting* (15 April 2024) S/PV.9603 p. 2 <https://documents.un.org/doc/undoc/pro/n24/101/32/pdf/n2410132.pdf> accessed 10 December 2024.

40 UN Office of the Special Envoy for Yemen, ‘Briefing by UN Special Envoy for Yemen Hans Grundberg, to the Security Council’ (13 June 2024).

41 Casey Coombs, ‘Foreign Minister Appointment Tests Anti-Houthi Unity’ *The Yemen Review* (Sana’a Center for Strategic Studies, 15 July 2024) <https://sanaacenter.org/the-yemen-review/april-june-2024/22884> accessed 10 December 2024.

42 Amnesty International, ‘Yemen: Huthi Authorities Must Immediately Release Arbitrarily Detained Staff from UN and Civil Society Organizations’ (4 July 2024) <https://www.amnesty.org/en/latest/news/2024/07/yemen-huthi-authorities-must-immediately-release-arbitrarily-detained-staff-from-un-and-civil-society-organizations/> accessed 10 December 2024.

43 Sana’a Center for Strategic Studies, ‘The Houthi Crackdown on Yemeni Voices and Civil Society: Silence is Not an Option’ *The Yemen Review* (2 July 2024) <https://sanaacenter.org/the-yemen-review/april-june-2024/22867> accessed 10 December 2024.

44 Armed Conflict Location & Event Data Project, ‘Country Hub: Yemen’.

45 UN Meetings Coverage and Press Releases, ‘UN Security Council, 9632nd Meeting (AM & PM): We Must Go Above, Beyond Compliance, Fully Protect Civilians against ‘Harms They Are Suffering on Our Watch’, Senior Humanitarian Official Tells Security Council’ (21 May 2024) SC/15702 <https://press.un.org/en/2024/sc15702.doc.htm> accessed 10 December 2024.

international humanitarian law committed in Yemen.⁴⁶ Similarly, in November 2023, the Panel of Experts of the UN Sanctions Committee referred to “an environment of normalised violence where impunity prevails” as a result of ongoing violations of international humanitarian law and international human rights law.⁴⁷

The protracted nature of the conflict has had devastating humanitarian consequences for Yemenis, in particular for those considered to be the most vulnerable. According to UNICEF, “the vicious combination of years of protracted conflict, a shattered economy, and a failed social support system have had a devastating impact on the lives of the most vulnerable children in Yemen.”⁴⁸ Even though for many the conflict in Yemen has subsided in intensity since April 2022, significant shortcomings in the provision of essential services – such as healthcare – and the deterioration of much of the country’s basic infrastructure after more than a decade of conflict have resulted in many indirect deaths. In December 2020, the UN estimated that more than half the deaths in Yemen since 2015 (131,000 of 233,000) resulted from indirect causes, including lack of access to food and health services.⁴⁹ A 2021 report by the United Nations Development Programme found that nearly 60% of the deaths from the conflict – which the organisation estimated to have reached 366,000 by the end of 2021 – were considered to be indirectly caused by issues such as lack of access to food, water and healthcare.⁵⁰

3.3. Scale, scope, forms and patterns of conflict-related sexual violence

3.3.1. The position of women in Yemeni law and society

Even during times of peace in Yemen, many women and girls, particularly those from minority communities, lived in unequal and dangerous situations.⁵¹ While the high levels of taboo and silence around the issue makes it impossible to know the true extent of sexual violence, practices such as forced marriage, child marriage, domestic violence and female genital mutilation (FGM) have been reported. Yemen ranks second to last on the Women Peace and Security Index 2023,⁵² and in the World Economic Forum’s Global Gender Gap Index for 2021.⁵³

There continue to be substantial gaps in Yemeni law concerning the protection of women from violence. Under the Personal Status Law, a woman is expected to be obedient to her husband and is forbidden from leaving the marital home without her husband’s permission other than in exceptional circumstances.⁵⁴

There is no minimum age for marriage, and rates of forced and early marriage were already very high before the conflict began.⁵⁵ The Penal Code does not contain specific provisions on gender-based violence or discrimination and imposes only light penalties for ‘honour crimes’, and

46 See UN Human Rights Council, ‘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 pandemic of impunity in a tortured land), A/HRC/45/6 (28 September 2020) <https://www.ohchr.org/en/statements/2020/09/un-group-eminent-international-and-regional-experts-yemen-presents-their-third> accessed 10 December 2024 and OHCHR, Press Release “UN Group of Eminent International and Regional Experts on Yemen presents fourth report to the Human Rights Council: A nation abandoned: a call to humanity to end Yemen’s suffering” (14 September 2021) <https://www.ohchr.org/en/press-releases/2021/09/un-group-eminent-international-and-regional-experts-yemen-presents-its?LangID=E&NewsID=27458> accessed 10 December 2024.

47 UNSC Panel of Experts on Yemen, ‘Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)’ (2 November 2023) S/2023/833 p 7 <https://undocs.org/en/S/2023/833> accessed 10 December 2024.

48 UNICEF, ‘9 years into the conflict in Yemen, millions of children are malnourished and stunted’ (Press Release, 26 March 2024) <https://www.unicef.org/press-releases/9-years-conflict-yemen-millions-children-are-malnourished-and-stunted> accessed 10 December 2024.

49 UN News, ‘UN humanitarian office puts Yemen war dead at 233,000, mostly from ‘indirect causes’ (1 December 2020) <https://news.un.org/en/story/2020/12/1078972> accessed 10 December 2024.

50 Taylor Hanna, David K. Bohl and Jonathan D. Moyer, ‘Assessing the impact of war in Yemen: Pathways for Recovery’ (UNDP 202) https://www.undp.org/sites/g/files/zskgke326/files/2022-09/Impact%20of%20War%20Report%203%20-%20QR_0.pdf accessed 10 December 2024.

51 UN Human Rights Council, ‘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’ (3 September 2019) A/HRC/42/CRP.1*, para 616 <https://www.ohchr.org/en/hr-bodies/hrc/yemen-gee/index> accessed 10 December 2024.

52 Georgetown Institute for Women, Peace and Security and Peace Research Institute Oslo, ‘Women Peace and Security Index 2023/24: Tracking sustainable peace through inclusion, justice, and security for women’ (2023) <https://giwps.georgetown.edu/wp-content/uploads/2023/10/WPS-Index-full-report.pdf> accessed 10 December 2024.

53 World Economic Forum, ‘Global Gender Gap Report 2021, Insight Report’ (30 March 2021) <https://www.weforum.org/publications/global-gender-gap-report-2021/> accessed 10 December 2024. Yemen is not included in the 2022 and 2023 reports as countries must report data to be included.

54 Personal Status Law No. 20 of 1992, art 40.

55 Justice 4 Yemen Pact Coalition, ‘The Universal Periodic Review. Joint Stakeholders Report. The 46th Session of the Working Group’ (October 2023), para 9, based on figures from UNICEF and UNFPA <https://justice4yemenpact.org/articles/the-universal-periodic-review-joint-stakeholders-report/> accessed 10 December 2024.

allows a family to pardon a perpetrator, which they might do to protect the family's honour, out of fear that exposure to the police or judiciary may bring shame. In this way, the law enables customs and traditions to allow perpetrators to escape punishment.

A draft law to amend the Personal Status Law and other legislation – including to introduce a minimum marriage age of 18 – was drafted following declarations made at the National Dialogue Conference in 2014, but was not adopted before the current conflict erupted. While the IRGY has vowed to address forced and early marriage,⁵⁶ no legislation has yet been passed to raise the legal minimum age of marriage for girls to 18 or to recognise women's right to refuse marriage.

Some of those interviewed for this report described how, in times of peace, certain cultural and societal norms operated to protect women and girls from sexual violence to some extent. While sexual violence did certainly occur, it was considered an unacceptable form of violence and, in at least some cases, transgressions would have consequences. There was also more law enforcement and some efforts by public authorities to develop strategies and programmes to respond to rape. One interviewee pointed out that sexual violence is often compounded by other violations: for example, children are recruited into armed groups, forced to fight, and also raped; or a girl is raped and then subjected to forced marriage.⁵⁷

The impact of the war on gender norms in Yemen may take time to become fully apparent. One study found that, while the war had contracted the economy, compromised education for all, and made women more vulnerable to gender-based violence, it had also pushed more women into the workforce, although it was unclear whether this economic empowerment of women would last beyond the conflict.⁵⁸

3.3.2. Conflict-related sexual violence during previous conflicts in Yemen

There is almost no documentation of sexual violence linked to the previous conflicts in Yemen in publicly available reports. When asked if there were still survivors of CRSV from past conflicts in Yemen who might need support or have unattended needs, the majority of interviewees responded that it is difficult to know and that they had not seen any studies on this. The reason given was that prior to the current conflict, sexual violence was even more of a taboo in Yemeni society than it is now, making it less likely to be discussed or reported. One interviewee from the health sector recalled that survivors sometimes come forward years after being sexually abused, so clinics may be seeing cases from previous conflicts.

Nevertheless, a few reports of incidents of CRSV committed in the context of previous conflicts did come out, providing some indication that it was occurring. For example, the Panel of Experts (UNSC Panel of Experts) appointed to support the work of the UN Security Council's Sanctions Committee⁵⁹ reported in 2015 that it had been informed of so-called 'marriage tents' during the 2012 occupation of Abyan by AQAP, and cases of very young girls being forced to marry AQAP fighters at the camp.⁶⁰ Even earlier, in July 1994, Amnesty International conducted a visit to Yemen to research allegations of abuses before and after the armed conflict began in May 1994. The organisation heard reports of widespread torture of both civilian and military detainees, including allegations of actual or threatened rape.⁶¹ Another Amnesty International report from 2009 highlighted violence against women as a major problem that was not being tackled effectively.⁶² In a report in the context of Yemen's 2014 Universal Periodic Review by the UN Human Rights Council, Amnesty International again

56 Yemen, 'National Report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1: Yemen', Universal Periodic Review (8 November 2018) A/HRC/WG.6/32/YEM/1, para 57 <https://digitallibrary.un.org/record/1655276?ln=en&v=pdf> accessed 10 December 2024.

57 Interview conducted in December 2023.

58 Fawziah Al-Ammar, Hannah Patchett and Shams Shamsan, 'A gendered crisis: understanding the experiences of Yemen's war' (Sana'a Center for Strategic Studies, 15 December 2019) https://sanaacenter.org/files/A_Gendered_Crisis_en.pdf accessed 10 December 2024.

59 In Resolution 2140 (2014) on Yemen, the UNSC decided to establish a Sanctions Committee and create a Panel of Experts to assist the Committee in carrying out its mandate.

60 UNSC Panel of Experts on Yemen, 'Final Report of the Panel of Experts on Yemen established pursuant to Security Council Committee resolution 21/40 (2014)' (20 February 2015) S/2015/125, para 160 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_125.pdf accessed 10 December 2024.

61 Amnesty International, 'Yemen: Human rights concerns following recent armed conflict' (31 August 1994), p.10 <https://www.amnesty.org/en/documents/mde31/006/1994/en/> accessed 10 December 2024.

62 Amnesty International, 'Yemen's Dark Side: Discrimination and Violence against Women and Girls' (25 November 2009) <https://www.amnesty.org/en/documents/mde31/014/2009/en/> accessed 10 December 2024.

raised concerns about violations against women and girls – this was just before the current conflict began and covered the period since 2009.⁶³

3.3.3. The scale of conflict-related sexual violence in Yemen since 2014

The true scale of CRSV in the context of the conflict that broke out in Yemen in 2014 is simply unknown and likely unknowable. As noted above, there are no reliable estimates due to severe underreporting. As the Special Representative of the UN Secretary General on Sexual Violence in Conflict stated in her 2023 report:

“Owing to stigma, patriarchal norms related to honour and the fear of reprisals, sexual violence remains a dramatically underreported crime.”⁶⁴

Yemeni and international organisations have investigated and documented a certain number of individual cases and on that basis have sought to draw attention to a far wider phenomenon.

Yet all agree that the conflict has caused an enormous increase in sexual violence in Yemen, and there have been a few attempts to quantify the scale of violence against women since the conflict began. For instance, Rights Radar documented abuses against women by parties to the conflict from the outset of the conflict until December 2019, and reported a total of 16,667 abuses across 19 governorates.⁶⁵ In 2017, the Emergency Relief Coordinator informed the UN Security Council that incidents of gender-based violence had increased by over 63% compared to pre-conflict levels, with 10,806 reported cases that month alone. This meant an increase in rapes, forced marriages, child marriages and other acts of violence.⁶⁶ These and

other reports include CRSV among other abuses against women caused by the war, though do not necessarily refer to it specifically.

In 2016, OCHA reported a 70% increase in incidents of GBV between March and September 2015, the first five months of the war, and estimated that 3 million women and girls were at risk of GBV.⁶⁷ A research report covering four governorates, also issued in 2016, found that the conflict had increased risks of violence, harassment and abuse, sexual and labour exploitation, early, child, and forced marriage for women and girls. The report further stated that recent data estimated that 52,000 women are likely to suffer from sexual violence, though the source was not specified.⁶⁸

Several Yemeni organisations, as well as the UN, have verified individual cases of sexual violence linked to the conflict committed against children, both girls and boys, and attributed to all parties to the conflict.⁶⁹ Each one of these reports stresses that these individual cases do not accurately reflect the full scale of the phenomenon. All public sources, as well as people interviewed during the research for this report, reiterated the underreporting of CRSV and the certainty that there are numerous cases that have not come to light.

3.3.4. Reasons for the increase in sexual violence since 2014

There is no single reason for the increase in CRSV since 2014. Those who have documented cases cite its use by the major parties to the conflict as a weapon of war; its use alongside other violations committed by the military and security forces of all conflict parties; and the increased vulnerability of IDPs, marginalised groups, migrants, women activists and others as a result of the war.

63 Amnesty International, ‘Yemen. Despite significant reform, human rights violations persist. Amnesty International Submission to the UN Periodic Review, January – February 2014’ (June 2013) <https://www.amnesty.org/fr/wp-content/uploads/2021/06/mde310142013en.pdf> accessed 10 December 2024.

64 Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, ‘Report of the Secretary-General on Conflict-Related Sexual Violence (2023)’ (24 May 2024) p.44 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/05/SG-2023-annual-reportsFINAL.pdf> accessed 10 December 2024.

65 Rights Radar, ‘Yemen: Women in Storm of War’ (March 2020) <https://rightsradar.org/media/pdf/reports/Yemen%20Women%20in%20Storm%20of%20the%20War%20.pdf> accessed 10 December 2024.

66 OCHA, ‘Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Yemen’ (26 January 2017) <https://www.unocha.org/publications/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-11> accessed 10 December 2024.

67 OCHA, ‘Humanitarian Crisis in Yemen: Preventing Gender-based Violence and Strengthening the Response’ (October 2016).

68 Care, GenCap and Oxfam, ‘From the Ground up: Gender and Conflict Analysis in Yemen’ (October 2016), p.25 <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620112/rr-yemen-gender-conflict-analysis-201016-en.pdf?sequence=1> accessed 10 December 2024.

69 Individual cases have been verified in a number of reports including Watch for Human Rights, ‘I’m Afraid of Scandal’ (April 2024) documenting 18 cases of girls and boys perpetrated by many conflict parties <https://justice4yemenpact.org/wp-content/uploads/2024/04/W4HR-investigative-report-Im-Afraid-of-Scandal-En.pdf> accessed 10 December 2024; Mwatana, ‘Yemen: Sudanese forces of the coalition, commit sexual violence in Hajjah’ Press Release (23 October 2022) documenting six rape incidents against girls in Hajjah by Sudanese forces <https://www.mwatana.org/posts-en/sexual-violence-in-hajjah> accessed 10 December 2024; UN Secretary General, ‘Report of the Secretary-General on children and armed conflict’ (3 June 2024) S/2024/384, para 21 <https://documents.un.org/doc/undoc/gen/n24/095/07/pdf/n2409507.pdf> accessed 10 December 2024, which documented 24 cases attributed to different conflict parties.

The Yemen Accountability Project, which gathers open-source evidence of potential war crimes and crimes against humanity, asserts that both the major parties to the conflict have engaged in sexual violence as a direct component of the conflict, and used it as a weapon of war.⁷⁰ The conflict has also led to new forms of violence, such as the detention of female activists and sexual violence against some women abductees and detainees, as well as online abuse (see below). A Yemeni women's alliance documented 1,893 cases of abduction, torture, and rape of women for their political, media and human rights activities between December 2017 and October 2022, 204 of whom were minors.⁷¹ Other reports have implicated members or affiliates of armed forces and groups in kidnapping and rape, and the use of sexual violence as a way to humiliate and subjugate communities.⁷²

The conflict has also brought changes such as the spread of checkpoints throughout the country and restrictions on freedom of movement, that have created new spaces where sexual violence occurs. In a report on restrictions on women's right to freedom of movement in Yemen, Human Rights Watch found that some checkpoint officials specifically targeted women working with Non-Governmental Organisations (NGOs) and humanitarian workers.⁷³ Particularly in Houthi controlled areas, an increasing number of restrictions have been imposed on women's movement, banning them from travelling without a male guardian (*mahram*) or evidence of their written approval.

Many people interviewed during this study said that the huge scale of displacement has been a major risk factor: women have left the safety of their homes and are no longer protected by their family and community. They are at risk as they move around – for instance, at checkpoints, while fetching water or traveling to work. The problem is particularly acute in IDP camps, where women and girls

are forced to live in close proximity to others, and there is no separation between men and women/girls. Women who are unmarried, divorced, or heads of household without a man present are particularly exposed.

Internal displacement also creates a conducive environment for sexual violence against children.⁷⁴ Early on in the conflict, in 2016, UNFPA reported that nearly 800,000 IDPs in Sana'a, Aden and Hajjah – the governorates hosting the largest numbers of internally displaced population after fighting broke out across the country in 2015 – were women and girls between the ages of 15 and 49. Their displacement placed them at risk of gender-based violence, with almost 16,000 estimated to be at risk of sexual violence, including rape.⁷⁵

In Yemen, at least a third of displaced people have taken refuge in public and abandoned buildings with limited protection, outside the formal camp system.⁷⁶ Many of the one million displaced women and girls who returned to their homes found them to be unsafe places.⁷⁷ The in-country interviews conducted for this study in Egypt also found that survivors who flee outside Yemen can still be vulnerable to further exploitation and abuse, including sexual violence.

Another factor that increases vulnerability to sexual violence is isolation, where conditions are created that separate individuals from their families and communities. This can occur, for instance, in the case of detainees who are not able to maintain family links, or when children are recruited into armed groups.

The economic impact of the war has also exacerbated vulnerability to sexual violence, as it has meant more women are now going outside the home to work to support their families, and increased the incidence of child

70 Yemen Accountability Project, 'Gender-Based Violence and the Yemen Civil War (2024)', pp. 5 and 15 <https://case.edu/law/sites/default/files/2024-04/FINAL%20GENDER-BASED%20VIOLENCE%20AND%20THE%20YEMEN%20CIVIL%20WAR%20WHITE%20PAPER.pdf> accessed 10 December 2024.

71 'The Alliance of Women for Peace in Yemen' (2022), available only in Arabic, cited in Moammar Al-Eryani, 'Preventing the next Kabul: Confronting the Houthi's Violent Suppression of Women in Yemen' (Wilson Center, 24 March, 2023) <https://www.wilsoncenter.org/article/preventing-next-kabul-confronting-houthis-violent-suppression-women-yemen> accessed 10 December 2024.

72 UN Human Rights Council, 'Situation of human right in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights' (9 August 2019) A/HRC/42/17, paras 76 and 79, citing cases of kidnapping and rape between 2017 and 2019 perpetrated by members of the 35th Armoured Brigade.

73 Human Rights Watch, 'Yemen: Warring Parties Restrict Women's Movement' (4 March 2024) <https://www.hrw.org/news/2024/03/04/yemen-warring-parties-restrict-womens-movement> accessed 10 December 2024.

74 Watch for Human Rights, 'I'm Afraid of Scandal' (April 2024) p. 9.

75 UNFPA, 'Humanitarian Crisis in Yemen: Preventing Gender-based Violence and Strengthening the Response' (October 2016), p.4.

76 Dr Abdul Karim Ghanem, 'The impact of the war on violence against women and girls in Yemen' (30 November 2021) (Available in Arabic) <https://www.fahafeeh.com/article/24> accessed 10 December 2024.

77 Ibid.

labour and child marriage.⁷⁸ Girls are pushed into marriage in order to relieve the economic pressure on their families, and girls' enrolment in schools has reduced.⁷⁹

The interviews conducted for the survey of service providers revealed that early marriage constitutes 14% of cases dealt with by organisations working with survivors of SGBV across all the targeted governorates, involving girls being married as young as 10-12 years old. Respondents put this down to the deteriorating economic situation, lack of sources of income, or efforts to preserve the family's reputation and prevent stigmatisation and psychological violence in the future – such as if the girl were to remain unmarried.⁸⁰ These organisations found that girls forced into early marriage tend to suffer from psychological pressure and complications from pregnancy and childbirth, causing some to resort to suicide. Forced marriage was also reported in Marib Governorate among displaced women, especially widows, and there were also reports of widows being forced to remarry elsewhere, particularly in the North.

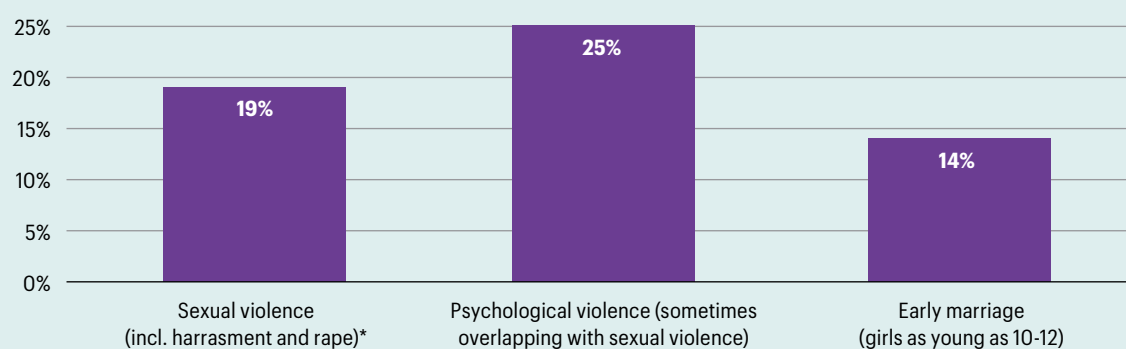
Another way in which the conflict triggered an increase in sexual violence was by causing a breakdown of societal structures that would normally operate to protect people from sexual violence, as well as the collapse of law enforcement and other state structures that would have provided protection or pursued accountability for offenders. This has not only created space for sexual violence to occur, but also cultivated a tolerance for its perpetrators.⁸¹

3.3.5. Main types of sexual violence found in the in-country study across six selected governorates in Yemen and in Egypt

As part of the preliminary study, a series of interviews were conducted with 21 local and four international organisations working on protection issues related to women and girls in six selected governorates of Yemen, as well as 11 organisations in Cairo. One of the questions posed to each organisation was about the main types of GBV cases they monitor, receive and take up in their area. The responses were compiled according to how frequently each type of violence was mentioned.

The responses revealed that 19% of the cases handled across the six governorates were cases of sexual violence, including sexual harassment and rape. The highest rates were reported from the areas hosting high numbers of IDPs (Lahj, Al-Hudaidah and Marib). All the organisations interviewed confirmed that the actual number of cases of sexual violence is much larger than those that are known, especially among displaced populations. Customs, traditions, stigma and fear of scandal prevent women from reporting it, particularly in areas where traditions remain particularly strong. According to the respondents, this included areas such as Hajj and Sana'a, Zaidiyah in Hudaidah and Marib. It was reported that in some cases initially recorded as other types of violence, the survivor revealed after psychological support that she had been subjected to sexual violence.

MAIN TYPES OF GBV CASES REPORTED BY ORGANISATIONS INTERVIEWED IN THE SIX GOVERNORATES OF YEMEN



* All interviewed organisations confirmed that the actual number of sexual violence cases is much higher than reported, particularly among displaced populations

78 According to the UN Office of the High Commissioner for Human Rights: "A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent." [OHCHR and Women's Human Rights and Gender Equality, Definitions of child marriage and forced marriage: <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>].

79 See for example, Fawziah Al-Ammar, Hannah Patchett and Shams Shamsan, 'A gendered crisis: understanding the experiences of Yemen's war' (Sana'a Center for Strategic Studies, 15 December 2019) from p. 22.

80 Interview conducted in December 2023.

81 Watch for Human Rights, 'I'm Afraid of Scandal' (April 2024), pp. 9-10.

The in-country study also found that cases of rape of children, both male and female, were reported in some areas. Many interviewees said that men and boys were being subjected to sexual violence during the conflict, as well as women and girls, but stressed that it was even more sensitive to talk about because of the taboo surrounding this issue.

Psychological violence was the most common form of gender-based violence reported, comprising 25% of cases dealt with by the organisations, and sometimes overlapping with sexual violence. Cases of forced marriage were also reported, and early marriage constituted 14% of cases dealt with, involving girls being married as young as 10 or 12 years old. This was said to be due to the dire economic situation, as families could not afford to feed their children, or sometimes in order to preserve the family's reputation.

The results of the interviews conducted with 11 organisations in Egypt reveal more complex features of the situation of Yemeni women and others who have suffered gender-based and sexual violence. Due to the high number of Yemenis estimated to be living in Egypt,⁸² the information gathered through the interviews provides a broader picture of violence against women – one that includes but also goes beyond CRSV in Yemen. However, the sensitivity of the topic, as well as the precarious situation faced by many Yemeni women in Egypt, including lack of or unclear legal status, meant that only limited data could be gleaned. Additional research is crucial to fill the gaps in order to better support Yemeni survivors of gender and sexual violence.

The picture that emerges from the interviews in Egypt reveals that Yemeni women are in a constant state of vulnerability. While leaving Yemen may reduce their exposure to physical violence, including sexual violence committed by the parties to the conflict, those interviewed reported that many Yemeni women who have settled in Egypt continue to be the victims of violence. Some receive threats and are the targets of negative propaganda, such as defamation campaigns and other actions, many of which are carried out through social media and fake accounts. Reported violations also included human trafficking, especially of younger women and girls.

Organisations described cases of Yemeni women and girls lured to Egypt under the pretext of employment, only to be exploited for profit through forced prostitution and other forms of labour exploitation.

According to the interviews, the most common form of gender-based violence was psychological violence, accounting for a total of 22.5% of the violence reported. Even in instances where psychological violence occurred without sexual violence, the fear of being stigmatised and of being abandoned by husbands and families constituted a serious obstacle to seeking mental health and psychological support. Verbal violence, reported by 15% of respondents, was also reported as a form of psychological and/or emotional abuse involving harmful language such as insults, derogatory remarks and comments. Finally, 20% of gender-based violence reported referred to physical violence, and in many cases the same person reported experiencing violence in both Yemen and Egypt.⁸³

3.3.6. Main contexts in which sexual violence directly linked to the conflict takes place

The following is an overview of the main categories of sexual violence linked to the conflict in Yemen since 2014, based on the mapping, the in-country study, and a range of published sources. It should be noted that there may be overlap between the categories below, either due to a lack of clarity as to which category a case falls under or because a case may fit into more than one category.

3.3.6.1. SEXUAL VIOLENCE IN DETENTION

Reports of arbitrary detention, enforced disappearance, and torture have emerged from areas controlled by all parties to the conflict, as well as by armed groups affiliated with them, some of which operate informal detention facilities without judicial oversight.⁸⁴ One interviewee explained that prisons used to be places of protection, a sort of safe haven for women and girls who had problems with their families, and a preferable alternative to prostitution; now, prisons are no longer safe spaces and there are many secret places of detention where there is less scrutiny and access and where a lot of sexual violence takes place.⁸⁵

82 There are no official figures for the total number of Yemenis living in Egypt. One source mentioned in a report published by the Sana'a Center for Strategic Studies in June 2022 referred to over 800,000 Yemenis living in Egypt in 2000. However, the true overall figures are estimated to be significantly higher. Egypt is often a transit country for many Yemenis who flee Yemen, but many fail to register with the United Nations Office of the High Commissioner for Refugees and other international and national organisations. See Marine Poirier, "Politics despite the war: Yemeni political elites in Cairo" (Sana'a Center for Strategic Studies, 19 July 2022) <https://sanaacenter.org/publications/analysis/18228#:~:text=According%20to%20an%20employee%20at,lived%20in%20Egypt%20in%202020> accessed 10 December 2024.

83 Not all reported cases of physical violence included sexual violence.

84 See for example Justice 4 Yemen Pact Coalition, 'The Universal Periodic Review. Joint Stakeholders Report. The 46th Session of the Working Group' (October 2023), para. 24.

85 Interviews conducted in December 2023.

One organisation that documented war related violations against women during the first five years of the war in northern Yemen reported that 43 women spoke of their exposure to sexual harassment and rape during their detention in prisons and secret detention centres under the control of the de facto authorities in Sana'a, adding that this reportedly led some to commit suicide, while others were killed by their families after their release.⁸⁶ The Euro-Med Human Rights Monitor published a report based on accounts of prisoners released following a large scale prisoner swap in October 2020, in which they described various forms of mental torture aimed at intimidating and pressuring detainees to confess, including sexual assaults.⁸⁷

The UN has also documented cases of sexual violence in detention. For instance, the UNSC's Panel of Experts said in 2023 that it had received reports of sexual violence against men and women in detention facilities, "*primarily as a means of torture*", as well as perpetrated against young boys in detention facilities, including systematic rape in one police station in Sana'a.⁸⁸

In its 2020 report, the GEE established by the UN Human Rights Council verified a number of cases of individuals who had been detained in Sana'a and found that rape was "*a widespread practice in the secret detention facilities where women and girls were kept*",⁸⁹ and that sexual violence was used alongside other methods of torture in Al-Saleh City Prison in eastern Taiz to extract confessions or as a form of punishment.⁹⁰

Further allegations of multiple rape of a woman prisoner were investigated by the GEE in its 2021 report.⁹¹ The GEE found that arbitrary detention and torture were

often politically motivated, with persons being detained on suspicion of affiliation with an opposing party or for the purpose of prisoner exchange deals.⁹² It also found that rape and other forms of sexual violence were used primarily as a means of gaining power and control, to dehumanise and dishonour the victim, and to emasculate men and boys, alongside other means of torture, in order to achieve their aims.⁹³ Rape was used as the "ultimate threat". In one incident documented in 2018, nearly 200 detainees were allegedly stripped naked, while multiple detainees were raped.⁹⁴ The GEE and the Panel of Experts on Yemen reported that in areas under the control of the de facto authorities in Sana'a, the so-called *Zainabyat*, women's security groups, were allegedly complicit in rapes committed in places of detention.⁹⁵

Cases of alleged sexual violence perpetrated against female, male, and child detainees have also been investigated and verified by the GEE in detention facilities in areas under the control of the de facto authorities in Sana'a, UAE forces and Yemeni armed forces in Ma'rib.⁹⁶

3.3.6.2. TARGETING OF WOMEN ACTIVISTS

This category of violence sometimes overlaps with sexual violence in detention but represents a wider phenomenon. Respondents interviewed for this study said that, while Yemeni tribal customs strongly condemn the abduction or arrest of women, the deteriorating security situation seems to have changed this and pushed parties to the conflict to no longer adhere to such social norms and traditions, including tribal ones. Furthermore, this type of violation is now reported to be committed by all parties to the conflict and is usually observed in multiple cases.

86 Rights Radar, 'Yemen: Women in Storm of War' (March 2020), p.22.

87 Euro-Med Human Rights Monitor, 'I wished to die': the suffering endured by prisoners set free from the Houthi prisons in Yemen' (January 2021) p. 10 <https://euromedmonitor.org/uploads/reports/Houthiprisonssrepenfinal.pdf> accessed 10 December 2024.

88 UNSC Panel of Experts on Yemen, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' S/2023/833 (2 November 2023) paras 128 and 135.

89 UN Human Rights Council, 'Situation of human rights in Yemen, including violations and abuses since September 2014. Detailed findings of the Group of Eminent International and Regional Experts on Yemen' (29 September 2020) A/HRC/45/CRP.7, para 174 <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session45/list-reports> accessed 10 December 2024.

90 UN Human Rights Council, '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' (28 September 2020) A/HRC/45/6 para. 64.

91 UN Human Rights Council, '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' (13 September 2021) A/HRC/48/20, para 71 <https://digitallibrary.un.org/record/3953934?ln=en&v=pdf> accessed 10 December 2024.

92 UN Human Rights Council, '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' (28 September 2020) A/HRC/45/6, para. 62.

93 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, para 644-647.

94 Ibid, para 646.

95 For example, UN Human Rights Council, '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' (13 September 2021) A/HRC/48/20, para 71 <https://digitallibrary.un.org/record/3953934?ln=en&v=pdf> accessed 10 December 2024.

96 UN Human Rights Council, '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' (28 September 2020) A/HRC/45/6, para. 65.

Women activists, including women's rights defenders and journalists, are particularly exposed to such violence. Yemeni civil society has noted that this violence takes place in a context where public rhetoric has increasingly demonised women, portraying them as sources of immorality and even blaming them for delaying victory in the war.⁹⁷

The interviews conducted for the study revealed this new category of violence experienced by women more recently, particularly in Ma'rib and Sana'a. The targeting of women activists during the conflict using different forms of sexual violence has taken many forms, from physical – as part of abduction, arrest, or physical punishments – to digital means such as threats and defamation campaigns on social media and other platforms. According to those interviewed, the trigger for such violence is usually a publication or the expression of a different opinion or a particular political affiliation. Pro forma charges of prostitution and corruption are typically brought, apparently in order to discourage other women from similar practices.

Interviews conducted with organisations in Egypt for this report revealed that this type of violation was mentioned among those who had fled Yemen for Egypt, but also in some cases suffered in Egypt itself. These organisations mentioned cases where the Sana'a-based authorities had continued to target women activists, journalists, and human rights activists who had been released from detention in Yemen and fled to Egypt. The abuse continued even after they left Yemen, as they continue to receive threats and be targets of online smear campaigns.⁹⁸

This phenomenon has also been highlighted by the UN. The GEE reported how prior to 2014, women in Yemen led demonstrations demanding progressive change. However, since 2015, actions by all parties to the conflict across Yemen have put an end to such activities through gender-based violations, including sexualised harassment,

threats of rape, accusations of prostitution, detention, an attack on a women's shelter, dismissal from work, and sexual violence.⁹⁹ In some cases, these violations were direct responses to demonstrations, while in other cases, women were detained or disappeared due to their political affiliation or perceived opposition.¹⁰⁰

The National Commission to Investigate Alleged Violations of Human Rights in Yemen, referred to in this report as the Yemeni National Commission of Inquiry or NCIHVHR, documented three cases in Sana'a, Aden and Marib in its 2022 report, involving the detention of women activists and a raid on a women's shelter.¹⁰¹ In 2024, the NCIHVHR reported an additional case of arbitrary detention and assault of women peacefully protesting.¹⁰²

In its 2019 report, the GEE reported on a case it was able to verify of a woman who was raped after giving lectures on religion, and notes that she spoke of a wider network of secret facilities where such assaults were being perpetrated.¹⁰³ In its 2020 report, the GEE documented cases of women detained in secret detention facilities in buildings in and around Sana'a between 2017 and 2019 due of their political views and/or participation in demonstrations. These women were accused of prostitution/immorality, supporting the coalition, or spying. The GEE was able to verify the accounts of six women, who said that rape had been referred to by guards as 'purification' and 'rehabilitation' for detainees' sins, and occurred in conjunction with other humiliating and degrading treatment and torture.¹⁰⁴

The UNSC Panel of Experts on Yemen also reported receiving evidence, especially since the end of 2017, of women in areas controlled by the de facto authorities in Sana'a being targeted because of their political opinions or activities or their participation in dissent, including being raped in detention and subjected to forced abortions. In some cases, the Panel found that the women were accused of providing intelligence to the enemy, and that

97 For example, Human Rights Agenda, 'Do Sana'a's walls hate women? Hate speech against women must come to an end' (9 December 2023).

98 Interviews conducted in December 2023.

99 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, para 650-654.

100 UN Human Rights Council, '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' (28 September 2020) A/HRC/45/6, para 70.

101 NCIHVHR, 'Tenth Periodic Report of the National Commission to Investigate Alleged Violations of Human Rights. 1/7/2021-31/7/2022' (August 2022) p. 56 <https://www.nciye.org/reports/TenReport/ten-en.pdf> accessed 10 December 2024.

102 NCIHVHR, 'The 12th Periodic Report on the Activities Carried out by the National Commission to Investigate Alleged Violations to Human Rights (NCIAVHR) in Yemen from 01/08/2023 to 31/07/2024' (September 2024) p. 67 <https://www.nciye.org/reports/TwelfthReport/TwelfthReport-en.pdf> accessed 10 December 2024.

103 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, para 653.

104 UN Human Rights Council, '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' (28 September 2020) A/HRC/45/6, para 70.

the perpetrators also justified the violence by saying they were enforcing societal morals.¹⁰⁵ As a result of the Panel's report, the UN Security Council decided, in February 2021, to add Sultan Zabin, director of the Criminal Investigations Department in Sana'a, to the sanctions list due to his prominent role in:

*"a policy of intimidation and use of systematic arrest, detention, torture, sexual violence and rape against politically active women."*¹⁰⁶

There have been increasing reports of the use of digital means to harass and threaten women activists and journalists, in what could be described as digital sexual violence. A female Yemeni politician wrote a powerful personal account of the online abuse she suffers every day, calling for digital protection policies to deal with digital crimes that have become weapons of war.¹⁰⁷ She writes how she is frequently attacked by fake online accounts accusing her of immoral behaviour and of encouraging prostitution; these attacks, she says, do not focus on political issues, but turn any discussion into a barrage of accusations. In two widely reported cases, women allege being subjected to threats and hate speech, including smearing social media campaigns, as a result of their activism, in one case forcing the woman to eventually flee the country.¹⁰⁸

Multiple sources have reported this type of abuse. The UNSC Panel of Experts on Yemen said in 2023 that it had gathered numerous pieces of evidence of the use of public defamation, usually involving prostitution, against Yemeni women, including in the diaspora.¹⁰⁹ Amnesty International interviewed six female human rights defenders who were

subjected to abuse, harassment and threats, including on social media platforms between 2019 and 2022 because of their human rights activism, as well as three who were subjected to online blackmailing.¹¹⁰

In October 2023, a coalition of Yemeni civil society organisations reported that women activists were increasingly experiencing intense online harassment and being subjected to bullying, attempted blackmail, and intimidation, encouraged by an aggressive rhetoric by civilians and government officials aimed at fostering social hostility and inciting violence against women.¹¹¹ The coalition referred to a January 2023 Fair Planet, which described the "cybercrime epidemic targeting Yemeni women" and cited a case of a woman subjected to online blackmailing, which led to efforts to raise awareness of the phenomenon and an initiative to help victims.¹¹²

According to a representative of one Yemeni CSO interviewed for this report, many women human rights defenders have chosen to suspend their work or take a lower profile due to the increasing exposure to all kinds of violence and smear campaigns, sometimes of an explicitly sexual nature.

3.3.6.3. SEXUAL VIOLENCE AGAINST CHILDREN RECRUITED INTO ARMED GROUPS

Children recruited into armed groups and armies, including both boys and girls, are another group reported to have suffered sexual violence during the conflict. The recruitment and use of children in hostilities is reported to be widely practiced by various parties to the conflict.¹¹³

105 UNSC Panel of Experts on Yemen, 'Final Report of the Panel of Experts on Yemen' S/2020/70* (27 January 2020) Annex 5 <https://digitallibrary.un.org/record/3850088?ln=en&v=pdf> accessed 10 December 2024.

106 Annex to UNSC, Resolution 2564 (2011), (25 February 2021) S/RES/2564(2021) <https://main.un.org/securitycouncil/en/content/sres2564-2021> accessed 10 December 2024.

107 Nora AlJarawi, 'Female politicians targeted on social media' (Qantara.de, 25 September 2022) <https://qantara.de/en/article/yemen's-other-war-female-politicians-targeted-social-media> accessed 10 December 2024.

108 Sonia A, who worked for an organisation supporting war orphans, was detained in 2019 after publicly denouncing Houthi violence. After being held in a secret detention centre for almost a year, the wave of threats and stigmatisation she faced upon her release forced her to move to another city and eventually flee the country. Nadia Ebrahim, Aicha Madi and Nesmah Mansoor, 'Peacebuilding without protection' (10 December 2020) <https://blogs.lse.ac.uk/wps/2020/12/10/peacebuilding-without-protection-yemeni-womens-barriers-to-peace/> accessed 10 December 2024.

109 UNSC Panel of Experts on Yemen, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' (2 November 2023) S/2023/833 para 141.

110 Amnesty International, 'Yemen: Ongoing violations amid conflict. Submission to the 46th session of the UPR Working Group, April-May 2024' (October 2023), para 15 <https://www.amnesty.org/en/documents/mde31/7025/2023/en/> accessed 10 December 2024.

111 Justice 4 Yemen Pact Coalition, 'The Universal Periodic Review. Joint Stakeholders Report. The 46th Session of the Working Group' (October 2023), para. 11.

112 Mubarak Al-Yousifi, 'The Cybercrime Epidemic Targeting Yemeni Women' (Fair Planet, 27 January 2023) <https://www.fairplanet.org/story/the-cyber%20crime-epidemic-targeting-yemeni-women/> accessed 10 December 2024.

113 See for example Euro-Mediterranean Human Rights Monitor and SAM for Rights and Liberties, 'Militarized Childhood. A report on the Houthis' recruitment of Yemeni children during war' (February 2021) <https://euromedmonitor.org/uploads/reports/childrenyemenrepen.pdf> accessed 10 December 2024; Mayyun, 'Children, Not Guns' (2021) <https://www.mayyun.org/wp-content/uploads/2021/08/Issued-By-Moyyun-Organization-for-Human-Rights-and-Development-MHRD.pdf> accessed 10 December 2024 and Mayyun, 'Child Warriors' (2023) <https://www.mayyun.org/wp-content/uploads/2023/09/Child-Warriors%D9%AO.pdf> accessed 10 December 2024. The latter report documented 2,233 child soldiers used in the armed conflict in Yemen by all parties.

One Yemeni NGO said that its monitors receive information about cases where children recruited into armed forces and groups are subjected to sexual violence, but victims are reluctant to speak out for fear of stigma, so they do not publicise such cases in the way they publicise other violations against children.¹¹⁴ The NGO noted that violations against children are very often compounded violations: for instance, this organisation has documented cases where a child was recruited and then raped, and threatened with exposure if they refused to go and fight on the front line.

3.3.6.4. SEXUAL VIOLENCE PERPETRATED BY MEMBERS OF ARMED GROUPS AGAINST CIVILIAN POPULATIONS IN AREAS THEY CONTROL

Incidents of sexual violence perpetrated by various armed groups have been reported by Yemeni and international monitors. For instance, foreign forces are alleged to have committed sexual violence, including rape and abduction, while controlling an area near the Yemeni-Saudi border in Northwest Yemen in 2022.¹¹⁵ Yemeni human rights organisations have also documented cases of sexual violence committed against children in areas controlled by various armed forces in multiple governorates between 2018 and 2021.¹¹⁶

A widely reported phenomenon is the abduction of women carried out by different forces when controlling an area. The GEE appointed by the UN Human Rights Council documented cases of targeted abductions, which it refers to as hostage taking, where women and girls

were kidnapped and held for months to force relatives to surrender or pay a ransom,¹¹⁷ or to force a suspect to surrender.¹¹⁸

Several of the organisations interviewed for the in-country study conducted for this report also mentioned encountering cases of women alleging they had been raped by soldiers while the soldiers controlled an area, as well as cases of allegations that forces and armed groups had abducted women for ransom. One organisation said that increased displacement due to the conflict has caused an escalation in this phenomenon, with women being victimised in particular in IDP camps and by armed groups. Similarly, humanitarian agencies have reported a perceived risk to women and girls of 'kidnapping' and sexual violence, especially where there was a large presence of marginalised groups, such as in Taiz governorate.¹¹⁹

3.3.6.5. SEXUAL VIOLENCE AGAINST IDPS, MARGINALISED MINORITIES, REFUGEES, MIGRANTS AND OTHER VULNERABLE PEOPLE

All sources agree that particular groups marginalised in Yemeni society were most at risk from sexual violence during the conflict. Reportedly, the main groups affected include persons with disabilities, particularly those with mental disorders,¹²⁰ refugees and migrants of Somali or Ethiopian settled in Yemen, and members of the 'Muhamasheen' community.¹²¹ Cases of rape and sexual assault against members of the Muhamasheen community and IDPs have been reported, for instance.¹²² The GEE has described allegations it investigated involving militias in

114 Interview conducted in December 2023.

115 Mwatana, 'Yemen: Sudanese forces of the coalition commit sexual violence in Hajjah' Press Release (23 October 2022).

116 Yemen Accountability Project, 'Gender-Based Violence and the Yemen Civil War (2024)' pp. 5 and 15; Mwatana, 'Withering Life. The Human Rights situation in Yemen 2018' (16 July 2019) p.68 <https://www.mwatana.org/reports-en/withering-life2018-0> accessed 10 December 2024. Mwatana, 'Without Accountability. Human Rights Situation in Yemen in 2019' (5 October 2020) p.62; Mwatana, 'A Tragedy Without Justice. Human Rights Situation in Yemen in 2020' (29 September 2021) <https://reliefweb.int/report/yemen/tragedy-without-justice-human-rights-yemen-2020-enar> accessed 10 December 2024 (These reports do not specify the type of location or circumstances of these violations).

117 UN Human Rights Council, 'Situation of human right in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights' (9 August 2019) A/HRC/42/17, para 78.

118 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, para 648.

119 CARE, Gencap and Oxfam, 'From the Ground up: Gender and Conflict Analysis in Yemen' (October 2016) p.27.

120 In this statement to the UN Security Council on 28 July 2020, Yemeni disability rights activist said there are an estimated 4 million persons with disabilities in Yemen: 'Statement by Raja Abdullah Almasabi to the UN Security Council, July 28, 2020' (4 August 2020) <https://www.hrw.org/news/2020/08/04/statement-raja-abdullah-almasabi-un-security-council-july-28-2020> accessed 10 December 2024.

121 'Muhamasheen' meaning 'the marginalised ones' in Arabic, are an ethnic group who have faced systematic discrimination, exploitation and social segregation in Yemen for centuries. See for example Aisha Al-Warraq, 'The Historic and Systematic Marginalization of Yemen's Muhamasheen Community' (Sana'a Center, 4 June 2019) <https://sanaacenter.org/publications/analysis/7490> accessed 10 December 2024.

122 Mwatana, 'Withering Life. The Human Rights situation in Yemen 2018' (16 July 2019) p.68; and UN Human Rights Council, 'Situation of human right in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights' (9 August 2019) A/HRC/42/17, paras 75-76.

positions of power over vulnerable populations,¹²³ and allegations of rapes in Taiz governorate used as a means of subjugating IDPs and Muhamasheen.¹²⁴

Populations displaced by the conflict are often mentioned as the most vulnerable to sexual violence. UNHCR reported that, as of December 2023, 4.5 million Yemenis were internally displaced.¹²⁵ During 2018-2019, the GEE received unverified reports of sexual violence against IDPs by perpetrators in areas controlled by several parties to the conflict, including camp management, host communities, and other IDPs.¹²⁶

The research team was informed of a study conducted among IDP populations, which found that most girls raped in IDP camps were children, and that there were also many male victims.¹²⁷ According to the organisations interviewed for the in-country study, displaced women are particularly vulnerable in certain situations, such as when their husbands are away in the army; when working on qat farms; when they have to travel to fetch water or go to communal bathrooms in IDP camps; and when they are located close to military barracks or in remote areas. Organisations working in IDP communities around Aden confirmed that women and girls in IDP camps are particularly vulnerable to sexual violence, including from service providers in the camps, and are often forced to marry their abuser or to marry in order to avoid being abused.¹²⁸ One Yemeni gender expert had recently

received reports of sexual violence against women in an IDP camp committed by soldiers stationed in a military camp close to the camp.¹²⁹

Refugees and migrants are also reported to have been subjected to sexual violence during the conflict. In its 2018 report, the GEE described allegations of rape and other forms of serious sexual violence committed by armed forces in the Aden area against a population of settled Somali refugees which it noted “*appear to be conflict-related*”.¹³⁰ It also reported on a facility where several hundred Eritrean, Ethiopian and Somali migrants, asylum seekers, and refugees were rounded up and detained.¹³¹ In its two subsequent reports, the GEE verified further cases of serious sexual violence, including multiple and gang rapes, committed by armed forces against migrants in the same area.¹³²

A special report issued by five special procedures mandate holders, established by the Human Rights Council in October 2022, expresses concern over reports of violations against migrants in the border region in Yemen while in transit from the Horn of Africa to Saudi Arabia. In those areas, they found that women and girls as young as 13 are at risk of sexual violence at the hands of security forces as well as smugglers.¹³³ Further, the mandate holders heard that armed forces in the areas controlled by the de facto authorities in Sana’a detained tens of thousands of migrants in Sa’adah, subjecting women and girls to systemic sexual exploitation, violence, and abuse.

123 UN Human Rights Council, ‘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’ (3 September 2019) A/HRC/42/CRP.1*, paras 639-643.

124 UN Human Rights Council, ‘Situation of human right in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights’ (9 August 2019) A/HRC/42/17, paras 7.

125 UNHCR, ‘Yemen Fact Sheet, January-December 2023’ (9 April 2024) <https://reliefweb.int/report/yemen/yemen-fact-sheet-january-december-2023> accessed 10 December 2024.

126 UN Human Rights Council, ‘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’ (3 September 2019) A/HRC/42/CRP.1*, para 638.

127 Neither study is public, the first is on file with the authors.

128 Interview conducted in December 2023.

129 Interview conducted in March 2023.

130 UN Human Rights Council, ‘Situation of human rights in Yemen, including violations and abuses since September 2014. Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Eminent International and Regional Experts and a summary of technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry’ (17 August 2018) A/HRC/39/43, paras 89-92 <https://undocs.org/A/HRC/39/43> accessed 10 December 2024.

131 UN Human Rights Council, ‘Situation of human rights in Yemen, including violations and abuses since September 2014. Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Eminent International and Regional Experts and a summary of technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry’ (17 August 2018) A/HRC/39/43, paras 89-92 <https://undocs.org/A/HRC/39/43> accessed 10 December 2024.

132 UN Human Rights Council, ‘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/45/6 (28 September 2020) paras 66 and 69; UN Human Rights Council, ‘Situation of human right in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights’ (9 August 2019) A/HRC/42/17, paras 75 and 77.

133 Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Working Group on Arbitrary Detention; Special Rapporteur on the Human Rights of Migrants; Special Rapporteur on Trafficking in Persons, Especially Women and Children; Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences; and Working Group on Discrimination Against Women and Girls, *Communication to the Government of Yemen* (Ref. AL SAU 9/2022, 3 October 2022) <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27562> accessed 10 December 2024.

Other sources have also documented cases of sexual assault among the violations perpetrated against migrants transiting through Yemen, as a result of collusion between different parties to the conflict and trafficking gangs at multiple points along their journey.¹³⁴ In 2023, the UNSC Panel of Experts on Yemen stated that it had received reports of rape being systematically perpetrated by human trafficking gangs affiliated with parties to the conflict.¹³⁵ The US State Department stated that in 2021 it had continued to receive reports of migrants in Yemen being subjected to sex trafficking, forced labour, physical and sexual abuse, and abduction for ransom.¹³⁶

Two people with direct experience with migrant communities transiting through Yemen were interviewed for this study. According to a representative of an international organisation operating in Yemen, it was clear that, in both the North and the South, there is complicity between the authorities in the area and those trafficking migrants.¹³⁷ Another person who had investigated the experience of migrants in Yemen and interviewed survivors of sexual violence said that due to the conflict, traffickers were not restrained by any law enforcement. Consequently, there were numerous points along migrants' journeys through Yemen where they can be held up, detained and, among other things, subjected to sexual violence, by different armed forces. The same interviewee said that children travelling alone are among the most vulnerable migrants and also noted that migrants are particularly vulnerable because they are often excluded from humanitarian assistance.¹³⁸

3.3.7. Children born of conflict-related sexual violence

The topic of children born of CRSV is particularly sensitive, and the research uncovered no attempts to ascertain its scale in Yemen. The study team was informed by an organisation providing legal support to survivors that there are laws in Yemen that are supposed to protect the legal status of children born of sexual violence, but these are

not implemented or enforced by the courts. For instance, in practice, women face difficulties in registering the births of such children, leaving them undocumented.

According to accounts provided by some of the organisations interviewed, children born of sexual violence face multiple problems due to stigma. They may face exclusion or harassment from their families and communities and need protection. They face difficulties obtaining identity documents, and the lack of documentation – such as a marriage certificate for the mother and/or an identity document for the child – in turn leads to all sorts of problems in accessing education, health and other social services. The mother herself may be detained and punished, as sexual relations outside marriage are prohibited.

The phenomenon is not limited to children born of acts of rape committed by warring parties against women. In Yemen, as elsewhere,¹³⁹ conflict has given rise to additional forms of exploitation, including forced marriages between men fighting under the Houthi movement and women from populations they are seeking to control. Children born of those unions can also be considered as children born of CRSV.

Persons interviewed for this study said that children born of CRSV are sometimes sent to orphan houses run by public authorities, while others are simply abandoned, for instance at mosques or hospitals. The institutions may send them to an orphan house, organise their adoption or inform the police. A Cairo-based organisation also said that some mothers may feel pressure to end the pregnancy, and others have to leave their families or abandon their child. According to this organisation, many undocumented children in orphanages in Yemen and Egypt are not given individual names, with many referred to generically (e.g., “*they all go by the name Mohammed Ali*”). One international NGO said that they find out about cases not because mothers come forward and say they have experienced sexual violence, but because they come to ask for support, such as food or health services for their children, having nowhere else to turn.

134 Mwatana, ‘Transit in Hell’ (December 2023), for instance the case studies on p. 106-112, and list of incidents in Annex 2, from p.159 <https://www.mwatana.org/reports-en/transit-in-hell> accessed 10 December 2024.

135 UNSC Panel of Experts on Yemen, ‘Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)’ (2 November 2023) S/2023/833 para 135 and Annex 7.

136 US State Department, ‘2022 Trafficking in Persons Report: Yemen’ <https://www.state.gov/reports/2022-trafficking-in-persons-report/yemen/> accessed 10 December 2024.

137 Interview conducted in March 2023.

138 Interview conducted in March 2023. The Sana’a based authorities have forbidden migrants from being biometrically registered, rendering them ineligible for receiving food aid from the World Food Programme.

139 Phoebe Donnelly, ‘The Unknown Youth of Al-Shabaab: Children Born from Al-Shabaab Sexual Violence’ in Kimberly Theidon, Dyan Mazurana and Dipali Anumol (eds), *Challenging Conceptions: Children Born of Wartime Rape and Sexual Exploitation* (Oxford University Press 2023) pp.170-171.

3.3.8. Sexual violence against LGBTQIA+ individuals

This study sought to find out whether people were being targeted due to their gender identity or sexual orientation. However, interviewees explained that this was a taboo subject in all areas of Yemen and that people could be punished severely if discovered, so there was no research carried out on this issue. These risks also apply to Yemeni and international NGOs, who said activities around this issue would put them in danger. Violations are extremely difficult to document as individuals are afraid to reveal their sexual orientation due to the severe threats they face. Same-sex intercourse is criminalised in Yemen and carries a high level of social stigma.¹⁴⁰

Although reports are scarce, there are indications that the LGBTQIA+ community faces new risks as a result of the conflict, targeted by several parties to the conflict and in both the North and South.¹⁴¹ One interviewee said that gender non-conforming individuals would be more vulnerable, which would put them at greater risk of sexual violence, while another suggested that they would be particularly vulnerable in the prison system. In Cairo, an organisation interviewed for the study had dealt with the case of a LGBTQIA+ woman from Yemen who had fled the country after continuous assaults and threats, only to be further victimised by traffickers.

Some NGOS have reported incidents of conflict actors targeting the LGBTQIA+ community, including through sexual violence.¹⁴² Amnesty International stated in October 2023 that it had documented the cases of 17 people targeted by the security forces of all parties to the conflict, with violations including rape, threats and harassment.¹⁴³ The GEE verified nine accounts of violations, including sexual violence, committed between 2016 and 2020 by forces of parties to the conflict against individuals on the grounds of their sexual orientation and gender identity.¹⁴⁴ Several people interviewed mentioned a notorious case involving the gang rape of a young boy, for which the perpetrators were put on trial.¹⁴⁵

3.4. Profile of perpetrators

It is apparent from the previous section that CRSV is occurring in different types of settings, perpetrated by both state actors and other armed groups across all parts of Yemen. All parties to the conflict are responsible for CRSV, and this is routinely reiterated in reports by the UN and others.

Military and security forces have been identified as the main category of perpetrators, most commonly, those responsible for official and unofficial detention centres, those stationed in military barracks near vulnerable or marginalised populations such as IDPs and migrants, as well as military forces in areas under their control (as documented by Yemeni civil society organisations and the UN, see above). Violations are also alleged to have been perpetrated by public officials, including civilians managing or working in IDP camps.

Findings from the in-country study of organisations providing services to survivors in six governorates in Yemen highlighted similar patterns. Armed forces and groups from different parties to the conflict are alleged to have perpetrated and failed to prevent and punish sexual violence. Interviewees highlighted in particular the high level of allegations against those stationed in military barracks close to where IDPs are located and individuals in positions of responsibility for IDPs. Two factors were mentioned as contributing to this. One is that, since the conflict began, different parties have had to rely on groups of armed men and youths, rapidly giving them responsibility for security in areas that are no longer part of the battlefield, even though they are new to the military and inexperienced in the task of maintaining security. The other is that criminals, even those convicted of serious crimes and drug addicts, were allowed to join the army, where they perpetrated sexual harassment and rape. One person the research team spoke to said that the militias only detain women in their camps if they think they have committed adultery or done something else wrong.¹⁴⁶ Another said that men who have connections with a militia group or the army believe they can act with impunity, and they do.¹⁴⁷

140 Equal Rights Trust, 'From Night to Darker Night, Addressing Discrimination and Inequality in Yemen' (June 2018) p.242 https://www.equalrightstrust.org/ertdocumentbank/Yemen_EN_online%20version.pdf accessed 10 December 2024.

141 Ibid pp.244-245.

142 Summarised in Yemen Accountability Project, 'Gender-Based Violence and the Yemen Civil War' (2024), p.27-28.

143 Amnesty International, 'Yemen: Ongoing violations amid conflict. Submission to the 46th session of the UPR Working Group, April-May 2024' (October 2023), para 9.

144 UN Human Rights Council, '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/45/6 (28 September 2020) para 71.

145 Interviews conducted in December 2023.

146 Interview conducted in December 2023.

147 Interview conducted in December 2023.

Of those interviewed in Cairo, 60% mentioned parties to the conflict as being responsible for sexual violence, including sometimes perpetrated in Egypt itself.

Available information suggests that relevant authorities in all areas of the country have failed to take the necessary measures to prevent and punish perpetrators. In some instances, these authorities have themselves practiced arbitrary arrest, hostage-taking, torture and ill-treatment of women, particularly activists, journalists and human rights defenders (see above).

3.5. Who is documenting conflict-related sexual violence

3.5.1. Civil society documentation efforts

Since the start of the conflict in 2014, Yemeni CSOs have been documenting violations and conducting national and international advocacy aimed at rallying international support for accountability-related mechanisms and for other transitional justice measures. In May 2024, in the context of Yemen's Universal Periodic Review by the UN Human Rights Council, a total of 30 civil society organisations – including five individual Yemeni organisations and three Yemeni coalitions – submitted written statements covering various human rights issues and concerns, including arbitrary arrest and detention, enforced disappearances, ill-treatment of detainees and sexual and gender-based violence.¹⁴⁸ Recommendations included measures to promote accountability and reparations for conflict-related victims and survivors, such as increasing documentation of violations, conducting independent investigations in order to hold those responsible accountable and providing training and other forms of capacity-building for Yemeni judges.¹⁴⁹

Yemeni CSOs face many challenges in their work, whether due to the overall security environment, threats and other types of aggravated risk for human rights defenders, difficulties in reaching victims and survivors, insufficient

financial and technical support, or the many obstacles related to legal registration. Nevertheless, since 2011, the activities of Yemeni CSOs in the field of human rights have been essential components of the promotion and protection of human rights in Yemen. They have helped fill the vacuum left by the unfulfilled commitments of the National Dialogue Conference since 2014, and will be pivotal in any future transitional justice process in Yemen, as well as in the success of any measures that may be adopted in the interim.

Since the beginning of the conflict in 2014, Yemeni CSOs have also increased their monitoring and documentation of violations affecting children, including CRSV against children. This work has included documenting attacks on schools and other educational facilities, landmines and contamination by explosive remnants of war, recruitment of children into armed forces and groups, and treatment of children in detention. Some CSOs have established frameworks for collaboration – such as networks and coalitions – in order to raise public awareness and mobilise more resources for child protection in Yemen.¹⁵⁰

Studies and reports by Yemeni civil society organisations documenting and monitoring cases of sexual violence related to the conflict are referenced in this study. However, very few organisations have the capacity to conduct this work in a systematic manner due to a lack of funding and the requisite technical skills or expertise to conduct such work according to international standards and best practices. Another problem is that many CSOs in Yemen struggle to register as associations under Yemen's legal and regulatory framework.¹⁵¹ This has been exacerbated since the conflict started in 2014, as parties to the conflict have imposed different requirements for CSOs to operate in their areas of control.

3.5.2. Government initiatives to monitor and document conflict-related sexual violence

The Yemeni National Commission for the Investigation of Alleged Human Rights Violations (NCIAHRV) is at present the main official body in Yemen that is systematically gathering and verifying information about violations of human rights and international humanitarian law in

148 See UN Human Rights Council, 'Summary of stakeholders' submissions on Yemen. Report of the Office of the United Nations High Commissioner for Human Rights' (20 February 2024) A/HRC/WG.6/46/YEM/3 https://digitallibrary.un.org/record/4039531/files/A_HRC_WG.6_46_YEM_3-EN.pdf accessed 10 December 2024.

149 Ibid.

150 For example, the Justice for Yemen Pact (Justice4YemenPact) a coalition of ten Yemeni human rights organisations and civil society actors: <https://justice4yemenpact.org/about/>.

151 See Civic Freedom Monitor: Yemen, International Center for Not for Profit Law (ICNL), update 28 November 2024, <https://www.icnl.org/resources/civic-freedom-monitor/yemen> accessed 10 December 2024. See also Statement International Center for Transitional Justice, 'Statement - UPR Pre Session' (February 2024) https://upr-info.org/sites/default/files/country-document/2024-03/Statement_ICTJ.pdf accessed 10 December 2024.

relation to the conflict in Yemen, including conflict-related sexual violence. Established in 2012, the Commission has a mandate to monitor and investigate alleged violations of international human rights law and international humanitarian law that have taken place in Yemen since 2011. It issues periodic reports on its activities annually.

The NCIHVHR has over the years increased reporting on sexual violence. Violence against women has been included in its reports since 2019,¹⁵² with specific references to CRSV since 2020. In its 2023 report, the Commission noted the dangerous situation women are experiencing in Yemen amidst the weakened authority of the state and the escalation of the war in many regions of the country, and stated that it had given significant attention to this aspect.¹⁵³

Compared to the actual scale of sexual violence believed to exist in Yemen, the number of cases reported by the NCIHVHR is still low. In its reports, the Commission has specifically referred to challenges it has faced in investigating gender-based violence, including the reluctance of certain groups of victims to come forward and report violations due to the sensitivity of the violations and the difficulty of providing evidence.¹⁵⁴

According to the IRGY, the Ministry of Legal Affairs and Human Rights in Yemen also monitors and documents violations related to the conflict in the country, issues reports on abuses and has opened a hotline to receive complaints.¹⁵⁵

3.5.3. International monitoring and documentation

Concerned by allegations of violations of international humanitarian law and abuses of human rights law in Yemen, the UN Human Rights Council established the Group of Independent Eminent International and Regional Experts on Yemen in 2017. The GEE was tasked

with monitoring and reporting on the human rights situation since September 2014, establishing the facts and, where possible, identifying those responsible.¹⁵⁶

Between 2017 and 2021, the GEE published four reports describing violations and issuing recommendations to support accountability and secure truth, justice and reparations for victims of the conflict in Yemen.¹⁵⁷ All four reports include cases of conflict-related sexual violence; many involve sexual violence occurring in conjunction with other human right violations, such as torture and other forms of ill-treatment in places of detention, arbitrary detention and enforced disappearances. Many, but not all, refer to violations against Yemeni women. The GEE cautioned that there were many more sexual violence cases by parties to the conflict requiring further investigation. In 2021, however, the GEE's mandate was terminated,¹⁵⁸ marking a significant decrease in human rights monitoring of Yemen by international mechanisms and a serious set-back for victims, especially as sexual and gender-based violence was already so under-reported in the context of the conflict.

The four reports published by the Group of Independent Eminent International and Regional Experts document cases of conflict-related sexual violence.

The Panel of Experts on Yemen, established under the UN Security Council's Sanctions Committee to document and gather information relevant to the potential designation of individuals or entities for acts threatening peace and security in Yemen, has also documented cases of sexual and gender-based violence. Since its establishment in 2014,¹⁵⁹ the Panel of Experts has submitted nine reports to the Security Council, six of which mention sexual

152 NCIHVHR, 'Seventh Report. The work of the National Commission to Investigate Alleged Violations of Human Rights (NCIHVHR) in Yemen from 1/2/2019 until 31/7/2019' (August 2019) <https://www.nciye.org/reports/Seventh-Report/SeventhReport-en.pdf> accessed 10 December 2024.

153 NCIHVHR, 'The 11th Periodic Report on the Activities Carried out by the National Commission to Investigate Alleged Violations to Human Rights (NCIHVHR) in Yemen from 1/8/2022 to 31/7/2023' (September 2023) p 69 <https://www.nciye.org/reports/Eleventhreport/Eleventhreport-en.pdf> accessed 10 December 2024.

154 Ibid, page 74, and NCIHVHR, 'The 12th Periodic Report on the Activities Carried out by the National Commission to Investigate Alleged Violations to Human Rights (NCIHVHR) in Yemen from 01/08/2023 to 31/07/2024' (September 2024) p. 71.

155 'National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21. Yemen', Universal Periodic Review (Forty-sixth session, 29 April-10 May 2024) A/HRC/WG.6/46/YEM/1 (15 February 2024) paras. 25-29.

156 UN Human Rights Council, 'Resolution adopted by the Human Rights Council on 29 September 2017. Human rights, technical assistance and capacity-building in Yemen' (3 October 2017) A/HRC/RES/36.31 <https://undocs.org/A/HRC/res/36/31> accessed 10 December 2024.

157 See UN Human Rights Council, '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' (13 September 2021) A/HRC/48/20.

158 See 'Statement by the Group of Experts on Yemen on HRCR rejection of resolution to renew their mandate' Press release (8 October 2021) <https://www.ohchr.org/en/press-releases/2021/10/statement-group-experts-yemen-hrc-rejection-resolution-renew-their-mandate?LangID=E&NewsID=27636> accessed 10 December 2024.

159 UNSC, Resolution 2140 (2014), (26 February 2024) S/RES/2140 (2014) [https://www.undocs.org/S/RES/2140%20\(2014\)](https://www.undocs.org/S/RES/2140%20(2014)) accessed 10 December 2024.

and gender-based violence in relation to the armed conflict in Yemen. In 2021, the Panel designated one Yemeni individual specifically for acts of sexual violence committed against women.¹⁶⁰

Similar to the GEE, a significant number of the cases investigated by the Panel concern sexual violence occurring in conjunction with other violations such as arbitrary arrest and detention, ill-treatment and enforced disappearances. The Panel has also broadened its investigative work to encompass cases that establish a nexus between sexual violence and trafficking in persons.¹⁶¹ It has taken up cases of grave violations against children, including cases of sexual violence against children who are detained, children recruited by armed groups and other parties to the conflict and early or child marriage.¹⁶² The Panel, like the GEE, has said it remains strongly convinced that rape and other forms of sexual violence against men, women and children in Yemen remain severely underreported, mainly due to the stigma associated with these violations.¹⁶³

The Special Representative of the UN Secretary-General on Sexual Violence in Conflict has compiled reports over the years based on information collected by the United Nations. To date, the Office of the Special Representative has published fifteen public reports, eleven of which include information about conflict-related sexual violence in Yemen, including against migrants and refugees. Another focus of the reports has been the relationship between the

high numbers of IDPs in Yemen and the increased risk of sexual violence against women and girls, including child marriage. Sexual violence against boys and girls in Yemen was featured prominently in the 2023 report, especially in relation to grave violations committed against Yemeni children in the context of the armed conflict.¹⁶⁴

Since the establishment of the Monitoring and Reporting Mechanism in 2005 to monitor, document and report on violations committed against children in armed conflict, the Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict has published three reports on Yemen. All three reports contain multiple references to sexual violence against children based on information verified by the country task force. The reports published in 2018 and 2021 highlight the fact that rape and other forms of sexual violence against children in Yemen remain seriously underreported, due to fear, stigmatisation and the lack of appropriate services for survivors.¹⁶⁵ Even though the reports do not specifically address the topic of children born of conflict-related sexual violence, they provide information that is helpful for understanding the topic. For instance, the 2013¹⁶⁶ and 2019¹⁶⁷ reports highlight early marriage of girls, one consequence of which can be early and unintended pregnancies. In October 2023, the Special Representative conducted a visit to Yemen to discuss steps aimed at minimising the impact of the conflict on children, including the provision of comprehensive assistance to child survivors of grave violations.¹⁶⁸

160 This includes the designation in 2020 of the Head of Sana'a's Criminal Investigation Department, following the identification of a Houthi network involved in repressing women who oppose the Houthis, including through sexual violence.

161 See 2016 report: "[...] the Panel notes that the trafficking of young third country nationals from the Horn of Africa has increased during the conflict. Young trafficked Ethiopian women from Yemen interviewed [...] said that young women and girls faced the additional risk of sexual violence and rape. [...] Sexual violence is, in all likelihood, far more prevalent than the current reporting suggests" [UNSC Panel of Experts, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' (26 January 2016) S/2016/73, para 156 <https://www.securitycouncilreport.org/un-documents/document/s201673.php> accessed 10 December 2024].

162 See UNSC Panel of Experts, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' (26 January 2016) S/2016/73 and UNSC Panel of Experts on Yemen, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' S/2023/833 (2 November 2023).

163 UNSC Panel of Experts on Yemen, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' S/2023/833 (2 November 2023) para 135.

164 Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Report of the Secretary-General on Conflict-Related Sexual Violence (2023)' (24 May 2024) p.44.

165 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Children and armed conflict in Yemen. Report of the Secretary General' (3 June 2019) S/2019/453, pp. 9-10 <https://documents.un.org/doc/undoc/gen/g24/028/12/pdf/g2402812.pdf> accessed 10 December 2024. See also Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Children and armed conflict in Yemen. Report of the Secretary General' (27 August 2021) S/2021/761, p. 7 <https://undocs.org/S/2021/761> accessed 10 December 2024.

166 The 2013 report refers to allegations concerning a high number of girls who had been forcibly married to members of Ansar al-Sharia. According to the report, as a result of this, many girls had become pregnant. Some had been later abandoned along with their children. See Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Report of the Secretary-General on children and armed conflict in Yemen' (28 June 2013) S/2013/383, p. 10 <https://undocs.org/S/2013/383> accessed 10 December 2024.

167 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Children and armed conflict in Yemen. Report of the Secretary General' (3 June 2019) S/2019/453 p.10.

168 For more information see: 'UN Special Representative of Secretary-General for Children and Armed Conflict Concludes Visit to Yemen' (30 October 2023) <https://childrenandarmedconflict.un.org/2023/10/un-special-representative-of-secretary-general-for-children-and-armed-conflict-concludes-visit-to-yemen/> accessed 10 December 2024.



Women personalities are expressions through their veils.
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4. SURVIVORS' PERCEPTIONS, NEEDS, PRIORITIES AND RISKS

4.1. Impacts of conflict-related sexual violence on victims

The findings of the in-country study showed clearly that social stigma is regarded as the greatest harm caused by sexual violence in Yemen. Respondents to the survey of service providers described how stigma haunts the survivor and their family for life, with some resorting to suicide or running away for fear of scandal. One interviewee said:

“women who have suffered CRSV/SV carry a great burden inside them. It is something they will always try to hide because even years after its occurrence, it puts them at risk of being stigmatised and abandoned by their husbands and by their families.”¹⁶⁹

The stakes are very high for those who report sexual violence. As one interviewee explained it, reporting sexual violence can mean forfeiting the very few safety nets that are available to women.¹⁷⁰ A woman needs to be reassured that nothing will happen to her if she reports the violence; otherwise, she risks being disowned by her family or facing violence from male relatives who consider she has dishonoured the family.¹⁷¹

A study on sexual violence against children during the conflict found that fear of stigma and social disgrace discouraged victims from reporting incidents, or even telling their own families.¹⁷² The same study found that, in half of the 18 cases investigated – all of which were cases where the sexual violence was reported – the victims themselves were subjected to harassment and assaults, and treated by both the conflict parties and investigating authorities as ‘deviants’.¹⁷³ Five victims were placed in detention for long periods, and four decided to withdraw their complaints due to the threats received.¹⁷⁴ In one case study from the report, a 12-year old girl was charged with adultery after reporting

an alleged kidnapping and sexual assault. In another case, a 14 -year old boy who alleged he was raped by a military commander was detained after his mother filed a complaint. Another investigative report on violations against children during the conflict, which documented seven cases of sexual violence across seven governorates in 2022-2023, noted that social stigma had a significant impact in limiting victims’ access to any form of support.¹⁷⁵

Organisations providing services to survivors of sexual violence in the six Yemeni governorates surveyed for this report also mentioned the impact on survivors’ mental health, including depression, anxiety and post-traumatic stress, as well as on their physical health, such as unwanted pregnancies, complications from unsafe abortions and sexually transmitted infections, including HIV. The research team was told that girls who were forced to marry young tended to suffer from complications during pregnancy and childbirth, with some resorting to suicide. According to these service providers, the most common form of support needed was psychological support, followed by other medical support, economic empowerment, legal support and safe spaces and community centres.

Interviewees also highlighted the negative impact survivors face due to a lack of understanding of this type of sexual violence, and its effects within their communities, combined with the inaction by prosecutors and the courts. Survivors often feel isolated and unable to rely on the support they should expect from family, community and state authorities.

4.2. Survivors’ current needs

There are few published studies or initiatives specifically aimed at identifying the needs of survivors of CRSV. A small number of studies have been conducted with the aim of informing humanitarian programming.

¹⁶⁹ Interview conducted in December 2023.

¹⁷⁰ Interview conducted in December 2023.

¹⁷¹ Interview conducted in December 2023.

¹⁷² Watch for Human Rights, ‘I’m Afraid of Scandal’ (April 2024) pp. 8 and 11. The title of the report came from the reality described by one of the victims.

¹⁷³ Ibid, pp. 16-17.

¹⁷⁴ Ibid.

¹⁷⁵ Yemeni Coalition for Monitoring Human Rights Violations, ‘Children of Yemen, Ongoing Violations’ (April 2024) <https://justice4yemenpact.org/wp-content/uploads/2024/04/YCMHRV-Investigative-Report-Children-of-Yemen-Ongoing-Violations-.pdf> accessed 10 December 2024.

Oxfam commissioned a baseline study on GBV in Yemen in four governorates – Aden, Lahj, Taiz and Sana’a. This study, conducted in 2020, sought to understand community perceptions of SGBV and barriers to reporting it, in order to inform the planning and implementation of projects to address it.¹⁷⁶ Another study produced by international organisations aimed to ascertain the differential impacts of the conflict on men, women, boys and girls in order to inform their programming relating to gender in Yemen.¹⁷⁷ However, the International Rescue Committee points out that the general lack of consultation with and participation of women’s organisations and women and girls in the planning and response to the conflict by humanitarian actors is a key factor compounding the lack of an adequate gender-sensitive response in Yemen.¹⁷⁸

87% of interviewed service providers identified financial support, economic empowerment, and access to essential protection as the most critical unmet needs of survivors.

As part of the in-country study conducted for this report, service providers in six governorates of Yemen were asked what they would identify as the main needs of survivors that were currently *not* being met. The most frequently mentioned needs (both raised by 87% of respondents) were the provision of financial support and economic empowerment, as well as the ability to meet protection needs. The latter was attributed to the recent reduction in available funding and the closure of some safe spaces. Other unmet needs mentioned were:

- Provision of health services, including clinical care for survivors of sexual violence (83%);
- Provision of psychological support for men, especially those subjected to harassment and rape and released prisoners (65%);
- Training and support for CSO staff to learn both how to better care for survivors and how to manage cases (43%);

- Provision of legal support (65%);
- Provision of shelters for women exposed to violence, especially in areas where violence was widespread and no shelters existed (26%);
- A recurring theme was the lack of safe places where survivors could talk openly about what happened.

4.3. Survivors’ perceptions, views and priorities on forms and modalities of reparations

During the course of the study, very few pre-existing studies or consultations were found that sought to ascertain the perceptions, views or priorities of survivors of CRSV on issues relevant to reparations. In one rare instance, the GEE members asked survivors of sexual violence they met for their views on reparations.¹⁷⁹

In the 2019 GEE report, it was noted that some survivors called for financial reparations,

“noting that whilst it could never fully compensate them it would go some way towards helping them rebuild their and their family’s lives.”¹⁸⁰

One broad population report touched on reparation, though it did not specifically target survivors of war-related violations or sexual violence. The European Institute for Peace consulted nearly 16,000 people across nine governorates about their short- and long-term needs and their priorities for a sustainable and inclusive peace, and published a report in 2021. Among the questions asked was what reconciliation means to respondents. The top answers were: ending the violence, restitution, respecting political differences and building trust in state institutions.¹⁸¹

The report found that the idea of restitution as a central element of reconciliation was one of the most significant demands of those who suffered during the war. Respondents wanted to know how they could get their land, farms and businesses back; to what extent relatives could be compensated for the loss of loved ones; and

176 Oxfam Yemen, ‘Naseej Project Baseline Report’ HUM/2018/400-606 (September 2020) <https://www.oxfamitalia.org/wp-content/uploads/2022/06/Naseej-Project-Baseline-Report-Yemen-1.pdf> accessed 10 December 2024.

177 Care, GenCap and Oxfam, ‘From the Ground up: Gender and Conflict Analysis in Yemen’ (October 2016).

178 International Rescue Committee, ‘Protection, Participation and Potential: Women and Girls in Yemen’s war’, (January 2019) p.9 <https://www.rescue.org/sites/default/files/document/3550/yemenwomenandgirlspolicybrieffinalreadyfordissemination.pdf> accessed 10 December 2024.

179 UN Human Rights Council, ‘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’ (3 September 2019) A/HRC/42/CRP.1*, para 658.

180 Ibid.

181 European Institute of Peace, ‘Pathways for Reconciliation in Yemen’ (December 2021) pp.20-21 <https://www.eip.org/wp-content/uploads/2021/12/EIP-Pathways-For-Reconciliation-in-Yemen-FNL-1.pdf> accessed 10 December 2024.

how those seriously injured or chronically ill could receive some form of tangible recognition. When asked what form of compensation they would suggest – choosing between financial compensation, moral compensation (such as an apology) or rehabilitation (psychological or community) – the majority chose either financial compensation or rehabilitation.¹⁸²

During interviews conducted for the present study in 2023, questions were asked about healing and long-term recovery, as well as the elements that should be included in long-term plans for reparations. It should be stressed that, for the most part, these conversations were held with stakeholders working with survivors of CRSV, rather than with survivors themselves.

Many mentioned that rehabilitation programmes would be needed, including psycho-social support and medical treatment. Others mentioned material support to help women rebuild their lives, such as training and resources to help those who need to relocate so they don't suffer further from stigma and start a new life elsewhere, or to help them return to their homes if they have been displaced due to the war. One stakeholder suggested positive discrimination and preferential treatment to obtain education and employment opportunities.

Another common response was the importance of the recognition of survivors of CRSV as victims, as the community does not view them as victims but as perpetrators, and of taking steps to assist their reintegration into society. One interviewee said that a concerted effort is required to declare that what has happened is not the fault of women; they must be exonerated from this "collective guilt", and the blame must shift from victims to perpetrators. It was suggested that awareness campaigns should be organised to inform society that survivors of sexual violence are victims and should not be blamed. One interviewee drew a direct link between reparation and reconciliation.

Several interviewees highlighted the need for accountability, saying that this would be a high priority for survivors. As one person put it:

"Every survivor is dreaming of liberation and redress, but the main thing is to have accountability for the one(s) who attacked them, that is most important to them."

Another said:

"Those who do not fear punishment will continue doing it."

An overarching recommendation was to look for responses that are appropriate for Yemen, which might not be the same solutions that work elsewhere, and to recognise the centrality of the family in Yemeni society. Some suggested that community level actors – who people are used to turning to in response to violence – as well as families, should be targeted as part of any approach to reparations with a view to challenging stereotypes that associate sexual violence with stigma. As one interviewee explained it:

"How their family reacts will influence a survivor very much: she will either get encouragement to recover; or feel ashamed and won't leave her room."

Similarly, some mentioned that reparations measures must be based on need and data, targeted at specific categories of victims, and that what might be appropriate for one governorate or part of the country may not be the same in others.

Another recommendation was to ensure that persons with disabilities, other vulnerable persons and marginalised groups – such as the Muhamasheen community – are actively engaged and included in any discussions and processes regarding reparations.

182 Ibid, p.27-28: In five out of nine governorates (Shabwah, Hudaydah, Sana'a, Hajjah and Al-Dhale'e) the largest number of survey respondents opted for financial compensation, and in Hajjah and Al-Dhale'e, more than half of the respondents selected this option. In the remaining four governorates (Taiz, Al-Maharah, Aden and Marib), psychological or community rehabilitation was preferred. However, only in Taiz did half of the respondents choose this option. While the idea of moral compensation did not compare with either financial or rehabilitative measures in any of the governorates, 13–36% of the respondents in each governorate identified this as their preferred type of compensation. In Shabwah, it ranked second.



5. ACCESS TO ASSISTANCE OR INTERIM RELIEF

5.1. Framework for provision of assistance to survivors of GBV and CRSV in Yemen

5.1.1. International framework

According to UNICEF, Yemen is one of the world's largest humanitarian crises,¹⁸³ triggering a massive international response. The UN's Humanitarian Response Plan (HRP) for Yemen for 2024 states that over half the country's population, 18.2 million people, require humanitarian assistance and protection services.¹⁸⁴ The HRP plan integrates multi-sectoral responses that seek to provide humanitarian assistance and protection services whilst emphasising collaboration with development partners to support long-term solutions.¹⁸⁵

According to the HRP, gender-based violence constitutes a separate area of responsibility under the protection cluster, and GBV mainstreaming in five other key clusters has been prioritised in the 2024 HRP. GBV programming is focused on providing specialised services to people at risk, such as safe spaces and shelters for women and girls, as well as livelihood support for survivors.¹⁸⁶ While it is reasonable to assume that survivors of conflict-related sexual violence are among the beneficiaries, these GBV programmes are not specifically targeted at this category.¹⁸⁷ Nor is the assistance provided linked to any of the reparations initiatives undertaken by the IRGY.

To respond to GBV in Yemen, two clusters were established under the auspices of United Nations agencies: a Protection Cluster, established in 2015 and directed primarily at refugees, and a Women's Protection sub-cluster established in 2017. The latter has focused mainly on building the

capacity of partners, coordinating on management of cases (such as adopting common operating procedures for things like referral pathways) and organising joint activities, such as the annual international campaign 16 Days of Activism against Gender-Based Violence.

However, the Women's Protection subcluster has been negatively affected by two developments: restrictions placed on the activities of partner organisations by the authorities, and reductions in funding to the UN Population Fund and other agencies. The budget shrinks year on year, reportedly due to overall decrease in funding for the Yemen HRP and the prioritisation of humanitarian aid. The research team was told that the reduction in donor funding has severely affected the programmes of partner organisations in multiple ways. Programmes such as safe spaces and specialised psychosocial centres are being threatened with closure, and the impact of the cuts is already being felt: the number of psychosocial support sessions offered to survivors has been reduced, and some organisations that used to provide medical services in remote areas are no longer able to do so.

The key UN agencies working on gender-based violence in Yemen, including sexual violence, are UNFPA and UN Women. UNFPA provides protection and reproductive health services to women in Yemen, including essential reproductive medicines, and leads the provision of response services to survivors of GBV. These services include, *inter alia*, counselling for women who have undergone or have had to deal closely with some form of female genital mutilation, as well as mental health support for survivors of GBV.¹⁸⁸ UN Women provides coordination and programme support to strengthen gender equality, mainstream gender in humanitarian response and address the urgent needs of vulnerable women and girls.

183 UNICEF, 'Yemen crisis: Yemen is one of the world's largest humanitarian crisis - and children are being robbed of their futures' (20 November 2024) <https://www.unicef.org/emergencies/yemen-crisis> accessed 10 December 2024.

184 See OCHA, 'Yemen: Humanitarian Response Plan (HRP) 2024' (January 2024) <https://www.unocha.org/publications/report/yemen/yemen-humanitarian-response-plan-hrp-2024-january-2024> accessed 10 December 2024.

185 Ibid.

186 Ibid. p. 48. According to the Plan, the gender-based violence sectoral response is also expected to launch an initiative to improve capacity on the clinical management of rape cases and survivors' access to healthcare. The gender-based violence sectoral response is sustained by 26 operational partners in Yemen.

187 Efforts to reach out to UNFPA and UN Women in the course of the study to try and ascertain whether they had any plans in place to provide assistance to survivors of CRSV specifically were unsuccessful.

188 According to information available in UNFPA's Yemen website, in addition to a mental health hotline, UNFPA has also established six psychological support centres. In 2023, an estimated 100,000 people received psychological support through the hotline and in person at the centres – over three quarters of whom are survivors of GBV ['Tackling the hidden mental health crisis in Yemen' (UNFPA News, 8 January 2024) <https://yemen.unfpa.org/en/news/tackling-hidden-mental-health-crisis-yemen> accessed 10 December 2024].

In addition, UN Women has promoted the women, peace and security (WPS) agenda in Yemen, supporting policy research on the integration of transitional justice as part of Yemen's WPS national action plan.¹⁸⁹

In conclusion, the Humanitarian Response Plan for Yemen integrates multi-sectoral responses that prioritise the needs of the most vulnerable in Yemen. However, assistance to victims of gender-based violence – including sexual violence – is not yet part of a coordinated and system-wide UN approach to the provision of assistance and support in Yemen.

5.1.2. National framework

Public health systems in the IRGY-controlled areas form part of the response to sexual violence. In some hospitals, a referral system is in place so that women can be referred to a range of services they might need. Importantly, however, only some hospitals are part of this network and low awareness and inconsistency in government support for these women's rooms undermines their effectiveness.

At the policy level, according to the IRGY's 2020 national report to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee),¹⁹⁰ the Yemeni National Committee for Women is tasked with preparing draft national strategies, plans and programmes on women, as well as channelling proposals received from other government institutions and civil society organisations for adoption by the Supreme Council. The Committee is responsible for preparing reports under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which includes reporting on sexual violence and GBV cases and providing an analysis of the measures taken to address these.¹⁹¹

The research team met with several women working with government bodies with responsibilities for women's health in the IRGY controlled areas. They described

units within each ministry that are part of the National Committee for Women, which has branches in every governorate in the IRGY-controlled areas. A Ministry of Health representative said that the Ministry had established 35 protection units inside health facilities and trained 600 health workers on GBV, as well as 150 doctors on how to deal with rape cases.¹⁹² They had also organised awareness-raising events, conducted a study on women's shelters, and prepared a plan for a national strategy for GBV and Clinical Management of Rape (rape kits), and on how to empower female health workers. Furthermore, the Commission on Reproductive Health and Women had prepared a strategic plan on violence against women, women's empowerment and reproductive health.¹⁹³

5.1.3. Yemeni civil society service providers

There is a plethora of intersecting agencies involved in supporting survivors of CRSV in Yemen in different ways. These include civil society organisations, associations and networks that provide different types of assistance, either directly or indirectly. Although few of these services are specifically or uniquely designed for survivors of CRSV, survivors may still benefit from programmes aimed at victims of gender-based violence, vulnerable populations, or simply as part of regular medical services, such as in the context of reproductive or public health.

The leading Yemeni organisation providing protection services to survivors of violence is the Yemeni Women's Union (YWU), one of the country's oldest women's organisations.¹⁹⁴ The YWU has 23 major branches and 165 activity centres across the country and focuses on activities that seek to empower women in Yemen and eliminate all forms of discrimination. These activities include the provision of essential protection services – such as mental health support, legal and health support and cash assistance services to IDPs, survivors of violence and other vulnerable populations.¹⁹⁵ Since the beginning of the conflict in 2014, the YWU – as many other civil society

189 See UN Women 'Putting transitional justice at the heart of WPS National Action Plans can help usher in lasting and inclusive peace in MENA', Press Release (26 October 2022) <https://arabstates.unwomen.org/en/stories/press-release/2022/10/putting-transitional-justice-at-the-heart-of-wps-national-action-plans-can-help-usher-in-lasting-and-inclusive-peace-in-mena-un-women-says> accessed 10 December 2024.

190 See 'Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports' (19 August 2020) CEDAW/C/YEM/RQ/7-8, p. 10 <https://undocs.org/CEDAW/C/YEM/RQ/7-8> accessed 10 December 2024.

191 The National Committee for Women was established in 1996 as part of the then government's efforts to advance and empower women. Through a series of decrees, the Committee was restructured and in 2003 became part of the Supreme Council for Women's Affairs. The Committee has prepared a strategic plan for 2023 and 2027, laying out a national plan to increase the representation of women in ministries and government institutions as well as activities to prevent and address violence against women. See 'National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21. Yemen', Universal Periodic Review (Forty-sixth session, 29 April-10 May 2024) A/HRC/WG.6/46/YEM/1 (15 February 2024) <https://undocs.org/en/A/HRC/WG.6/46/YEM/1> accessed 10 December 2024.

192 Interview conducted in December 2023.

193 Interview conducted in December 2023.

194 According to information available on the Yemen Women's Union website, the organisation was founded in the 1960s. See <https://yemenwu.org/en/about/1>.

195 See the Programmes from the Yemen Women's Union: <https://yemenwu.org/en/programs/1>.

organisations in Yemen – has suffered many setbacks, including security incidents, which have compromised its ability to deliver assistance and other services for survivors of violence and other vulnerable populations.¹⁹⁶

5.2. Main services provided in Yemen and Egypt, according to the in-country study

The in-country study aimed to identify the main Yemeni and international organisations providing services to survivors in the six selected governorates in Yemen. Interviews were conducted with 21 Yemeni organisations and four international organisations operating in those areas. The same exercise was conducted in Cairo and Giza in Egypt, involving 11 organisations. One of the questions asked was about the main types of services they currently provide to survivors of sexual violence, including CRSV.

Psychological and medical support

The findings from the in-country study revealed that the most common service provided was psychological support, offered by 20% of respondents across the six Yemeni governorates. Thirteen centres, funded by the UN Population Fund, provided a range of services in-house, and other organisations referred cases to them. However, a special department for difficult cases requiring continuous monitoring and follow-up had to be cancelled in 2023 due to lack of funding. Medical support to survivors was provided by 15% of respondents. In Egypt, 90.9% of individuals seeking services from the interviewed organisations received psychosocial support, and 36.4% required medical support.

These results corroborate indications from other sources that few appropriate services are available to provide psychological support to survivors of CRSV. One report identified a lack of qualified psychologists in Yemen, noting that services are crowded and survivors do not necessarily find them helpful.¹⁹⁷ The GEE reports that survivors of CRSV told them they had been unable to access psychosocial support, and noted the total absence of male-specific sexual violence services.¹⁹⁸ Others interviewed mentioned that specialist medical services for sexual violence are extremely limited, and

that survivors requiring medical treatment as a result of CRSV tend to seek treatment only if they suffer a medical emergency, in which case they are most likely to go to the general emergency room of a hospital or clinic. However, women can feel vulnerable in such settings because they fear that what has happened to them will become known, which would also increase their vulnerability, and because hospitals are sometimes patrolled by armed groups.

Service providers told the study team that they cannot openly say that they are protecting and supporting survivors of sexual violence as this would jeopardise their permission to operate from local authorities or cause problems in the community. Consequently, they have to do this work out of sight and under the umbrella of general medical and mental health programmes.

5.2.1. Access to safety and protection

Results of the field study found that only 6% of service providers in Yemen were able to offer space in a shelter. Shelters for women and girls exposed to violence are now limited to just eight across the entire country, managed by the Yemeni Women's Union. However, these shelters were reported to be insufficient to meet the demand and their locations in only some cities and not in all governorates made them inaccessible for some. Again, this confirms information from other sources, indicating that there are very few safe shelters for survivors of sexual violence across the country, and that those outside the cities are unlikely to be aware of the ones that do exist. In Egypt, 27.3% of cases involved individuals seeking shelter and housing.

Studies have shown that survivors are more likely to rely on support and protection from their family and on informal community mechanisms – such as the wives of senior and influential tribal actors, religious leaders or sheikhs – than to turn to external service providers such as CSOs.¹⁹⁹ This is particularly the case outside the main cities.

5.2.2. Access to livelihood support

The in-country interviews found that one of the most common services provided by the organisations interviewed in Yemen was different forms of livelihood

196 See for instance the following press reports from 2022 and 2024: Mohammed Nasser, 'Houthi "Zeinabeyyat" Wing Storms Women Union HQ in Ibb' (Asharq Al Awsat, 16 October 2022) <https://english.aawsat.com/home/article/3933936/houthi-zeinabeyyat-wing-storms-women-union-hq-ibb> accessed 10 December 2024.

197 Mwatana, 'Fragile Walls. A study of domestic violence against women during the war in Yemen (2014 – 2021)' (30 August 2022) p.60 <https://www.mwatana.org/reports-en/fragile-walls> accessed 10 December 2024.

198 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, para 658.

199 Oxfam, CARE and Gencap, 'From the Ground up: Gender and Conflict Analysis in Yemen' (October 2016). Also, Mwatana's study on domestic violence in the conflict found the main refuge for domestic violence survivors was the family or a figure like the sheikh of the village: Mwatana, 'Fragile Walls. A study of domestic violence against women during the war in Yemen (2014 – 2021)' (30 August 2022) p. 60.

support, described as economic empowerment (15%), including vocational training. In Egypt, the organisations interviewed reported that 36.4% of cases they dealt with required some form of economic support.

5.2.3. Access to legal services

Legal support was provided by 13% of those consulted for the in-country interviews in Yemen, including providing lawyers and helping survivors obtain documentation such as personal identity cards. The Yemen Women's Union, which operates across the country, is one of the few organisations providing legal support to survivors who wish to report sexual violence. The YWU has trained some women lawyers on how to provide support to survivors of sexual violence and has also worked to raise awareness among the police about treating survivors as victims rather than as guilty persons, and to ensure they refer survivors to the services they need. Organisations interviewed in Egypt said 72.7% of the cases they dealt with received legal assistance.

5.2.4. Other services

The in-country study found that the other most common services provided by the organisations interviewed in Yemen were safe spaces and community centres (13%); multi-sector support (11%); advocacy, network and training (7%). In Egypt, 9.1% of cases dealt with concerned resettlement.

5.3. Challenges and obstacles to service provision

As part of the in-country interviews conducted across the six governorates in Yemen, service providers were asked to identify the main challenges and difficulties they faced in trying to support women subjected to violence. Ninety-one percent reported that the sensitivity of the issue constituted the main obstacle and led to the issue remaining largely hidden and unspoken. Alarming, a large percentage, 87% of all respondents, reported that there was an absence of any service provision at all in certain districts (in some instance due to the reduction in funding mentioned above), while 83% reported that the services available for survivors of violence were few and did not meet their purpose, especially as regards psychological and medical support. Problems included the lack of specialised medical treatment and, in particular, the lack of health care services for women who had been raped.

A problem reported by 74% of respondents was that some service providers are forced to set limits on the number of referrals they are able to deal with, or to set conditions such as restricting the number of psychological support sessions to six, regardless of need. Services tend to be concentrated in the capital city of a directorate, which cannot easily be accessed by those living further away. Although efforts have been made to send out monitoring teams, the lack of funds for transportation costs can prevent some individuals from traveling to access needed services. Therefore, services are often not available where they are most needed, such as close to IDP camps or in areas far from the cities.

Other problems reported included poor quality of services (reported by 70% of respondents), including poor training, especially in how to provide clinical care to rape victims; medical care limited to basic first aid and high staff turnover; lack of specialised expertise (70%), especially in rural areas; and limited awareness of available services among individuals and society at large (65%).

One interviewee said a major factor affecting their work is the lack of proper data collection and data analysis on CRSV. Not only do survivors not report incidents, but there is no systematic approach on the part of the authorities, and officials simply do not know what to do when confronted with cases of CRSV.²⁰⁰ The research team heard that organisations were too often disorganised and poorly coordinated, among themselves and with international partners and government agencies, and felt that the Protection Cluster could do more to help with capacity building.

In terms of what would make the work to support survivors more effective, respondents emphasised the need for training frontline staff – including doctors and midwives, especially in rural areas – on how to collect evidence of rape and how to spot cases and refer them appropriately, among other aspects.²⁰¹ They also identified the need for training operator of hotlines established by some organisations. It was suggested that opportunities such as the annual campaign 16 Days of Activism against GBV, as well as general public health and nutrition campaigns, could be used to raise awareness and send the message that survivors need to be accepted as victims rather than guilty parties. The need to raise awareness among psychologists to enable them to provide better services was also mentioned.²⁰²

²⁰⁰ Interview conducted in December 2023.

²⁰¹ Interview conducted in December 2023.

²⁰² Interview conducted in December 2023.

More than half of respondents (52%) mentioned the impact of restrictions and obstructions imposed by authorities who are reluctant to allow awareness-raising activities or service provision relating to gender-based violence and protection. Applying for permits to carry out activities can be met with complex, restrictive and lengthy procedures, and organisations are subjected to continuous inspection and obstruction, such as at the numerous security checkpoints.

Organisations in some areas reported harassment of staff working on women's protection by armed groups, or that restrictions on women's freedom of movement interfered with their work. Some organisations have suffered systematic threats and intimidation campaigns against their premises and staff. The particular problems in the North have led some organisations working in this field to transfer their activities to the South or to shift to other areas of work. International monitors have also reported on measures taken to obstruct civil society protection networks.²⁰³ The UN Special Rapporteur on the situation of human rights defenders raised concerns about obstruction to such activities²⁰⁴ and restrictions on the freedom of movement of women working for NGOs and international non-governmental organisations, through the introduction of requirements for women to travel with a male guardian (*mahram*).²⁰⁵

Service providers in Egypt raised similar challenges, as well as additional ones faced by organisations seeking to support Yemeni survivors of CRSV and GBV. These included problems encountered in helping survivors obtain appropriate documentation, navigating legal requirements and residency rules, and inconsistencies in responses by both Egyptian and Yemeni authorities. There were also difficulties in establishing effective referral systems and dealing with gaps in the availability of specialised services. These groups also mentioned a shortage of funds, challenges in providing protection and safe houses for survivors, criminality and fear of exposure due to the sensitivity of the cases they were dealing

with. The net result was that these organisations felt ill-equipped to provide the tailored and nuanced responses that survivors needed.

Some organisations providing support and services to survivors of CRSV in both Yemen and Egypt reported experiencing difficulties in registering under the legal frameworks governing civil society organisations. The registration procedures for civil society organisations in Egypt, and in particular the 2019 law regulating the exercise of civil work, include legal and administrative requirements²⁰⁶ that may be difficult for Yemeni organisations to comply with. Meanwhile, in Yemen, groups sometimes struggle to register as associations under the country's legal and regulatory framework.²⁰⁷

Challenges reported by interviewed service providers in supporting women subject to violence

- **91%** – Reported that the **sensitivity of the issue** is the main obstacle, keeping the problem largely hidden and unspoken.
- **87%** – Mentioned that there is **no service provision at all in certain districts**.
- **83%** – Indicated that **available services for survivors are few and insufficient**, particularly in psychological and medical support.
- **80%** – Mentioned the **poor quality of services**, including **inadequate training** of service providers.
- **74%** – Reported that some **service providers are forced to set limits** on the number of referrals they can take or to set conditions to the services they provide.
- **70%** – Highlighted the **lack of specialised expertise, particularly in rural areas**.
- **65%** – Noted that there is **limited awareness** among individuals and society at large about available services.
- **53%** – Mentioned that **restrictions and obstructions by authorities** represent an obstacle to the provision of services.

203 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, paras 616, 635-636.

204 UN Human Rights Council, 'Success through perseverance and solidarity: 25 years of achievements by human rights defenders. Report of the Special Rapporteur on the situation of human rights defenders' (21 December 2022) A/HRC/52/29, para 74 <https://docs.un.org/en/A/HRC/52/29> accessed 10 December 2024.

205 UN General Assembly, 'Situation of human rights defenders. Note by the Secretary General' (7 July 2023) A/78/131, para. 74 <https://docs.un.org/en/A/78/131> accessed 10 December 2024.

206 See Civic Freedom Monitor: Egypt, International Center for Non-Profit Law (ICNPL), update 5 November 2024, <https://www.icnl.org/resources/civic-freedom-monitor/egypt> accessed 9 January 2025.

207 See Civic Freedom Monitor: Yemen, International Center for Not for Profit Law (ICNL), update 28 November 2024. See also International Center for Transitional Justice, 'Statement - UPR Pre Session' (February 2024).



Veiled identity.
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6. EXISTING AVENUES FOR REPARATIONS AND STATUS OF IMPLEMENTATION

6.1. Domestic legal and policy frameworks and domestic avenues for reparations for CRSV

6.1.1. Ad hoc mechanisms established by the conflict parties to provide compensation for civilian harm

The Saudi/UAE-led Coalition, the IRGY and the Sana'a-based authorities have all set up bodies to investigate and respond to civilian harm during the conflict. Even in theory, only some of these mechanisms could include sexual violence within their mandates. In practice, however, no compensation has been recommended or paid in relation to sexual violence to date. In a report published in 2022, Mwatana and the Lowenstein International Human Rights Clinic reviewed the mandates, operations and effectiveness of these mechanisms and conducted 81 interviews with civilian victims, their family members and human rights lawyers in Yemen between May 2020 and January 2022.

The Sana'a-based authorities established bodies to hear complaints and petitions for redress against members of Ansar Allah, including for abuses in detention and disappearances. However, the Mwatana and Lowenstein Clinic report concludes that these bodies did not operate transparently, failed to conduct real investigations, particularly against powerful actors, and sometimes resulted in retaliation against complainants. Moreover, they only intervened in a tiny number of cases.²⁰⁸

The Yemeni IRGY, together with its partners in the Arab coalition led by Saudi Arabia and the UAE, established a Joint Incident Assessment Team to investigate combat

operations that unlawfully affected civilians and “provide a mechanism for accountability, redress, prosecution and reparation consistent with standards of international human rights law and international humanitarian law.”²⁰⁹

The mechanism was mandated to make ‘condolence payments’, but only to civilian victims of Coalition airstrikes, and payments were always made without an apology or acknowledgement of fault; rather, recipients were asked to sign a receipt describing the payments as voluntary assistance.²¹⁰

6.1.2. Mechanisms established by the IRGY with the potential to provide reparation for CRSV

Transitional justice efforts that were launched through the National Dialogue Conference were brought to an abrupt halt with the beginning of the conflict in 2014 and the country has yet to resume efforts to put in place an overarching framework. Since then, the IRGY has taken certain steps to address accountability – including measures that could support future reparations for victims of violations linked to the armed conflict in Yemen – but the government initiatives to date do not specifically contemplate victims and survivors of conflict-related sexual violence.²¹¹

In a submission to the UN Human Rights Council in early 2024, as part of the Universal Periodic Review of Yemen, the IRGY stated that it attaches great importance to strengthening mechanisms to monitor, report and redress crimes of sexual violence.²¹² According to the government, victims receive support through the Yemen Women’s Union (whose activities are described above), while “prosecutor’s offices seek to galvanize the courts

208 Mwatana and Lowenstein International Human Rights Clinic Yale Law School, “Returned to Zero”. The Case for Reparations to Civilians in Yemen’ (June 2022) pp.12-14. https://law.yale.edu/sites/default/files/area/center/schell/returned-to-zero-report-2022-en-1_compressed.pdf accessed 10 December 2024.

209 ‘National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21. Yemen’, Universal Periodic Review (Forty-sixth session, 29 April-10 May 2024) A/HRC/WG.6/46/YEM/1 (15 February 2024) para. 55.

210 Mwatana and Lowenstein International Human Rights Clinic Yale Law School, “Returned to Zero”. The Case for Reparations to Civilians in Yemen’ (June 2022) p 11 and UN Human Rights Council, ‘Situation of Human Rights in Yemen, including violations and abuses since September 2014. Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Eminent International and Regional Experts and a summary of technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry’ (17 August 2018) A/HRC/39/43 para 104.

211 For instance, a Compensation Fund created in 2013 for claimants to the Commission on Land-Related Disputes and a Commission on the Forcibly Retired. The start of the conflict in 2014 interrupted the work of both commissions, including disbursement of compensation for claims approved. According to Jens Kambeck, “[...] by November 2014, the Commission had issued four decrees approving 17,261 valid claims” [Jens Kambeck, ‘Returning to Transitional Justice in Yemen. A Background on the Commission on the Forcibly Retired in the Southern Governorates’ (CARPO, 27 June 2016) https://carpo-bonn.org/media/pages/publikationen/carpo-reports/returning-to-transitional-justice-in-yemen/74681806d0-1733145308/carpo_policy_report_03_2016_printerfriendly.pdf accessed 10 December 2024.

212 ‘National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21. Yemen’, Universal Periodic Review (Forty-sixth session, 29 April-10 May 2024) A/HRC/WG.6/46/YEM/1 (15 February 2024) p. 18.

to provide justice and redress” and other initiatives have been established, including creating two rehabilitation centres for female victims of violence.²¹³ The IRGY has also announced steps towards establishing a compensation and reparation fund for human rights violations as part of its annual plan for 2023.²¹⁴ It is not yet clear whether, and if so how, such a fund can be expected to address reparations for victims and survivors of gender and conflict-related sexual violence.

6.1.2.1. ROLE OF THE YEMENI NATIONAL COMMISSION FOR THE INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

The National Commission for the Investigation of Alleged Violations of Human Rights in Yemen (NCIAVHR) at present the only official body in Yemen that is systematically gathering and verifying information about violations of human rights and international humanitarian law related to the conflict in Yemen, including CRSV. The Commission, established in 2012, has a mandate to monitor and investigate alleged violations of international human rights law and international humanitarian law that have taken place in Yemen since 2011, including CRSV. It publishes periodic reports and takes up its findings with the relevant authorities, though it does not obtain responses from the authorities in Sana’a. The Commission does not have the power to initiate prosecutions, but it can transfer investigation files to the public prosecutor’s office. It can also recommend measures to redress the violations and to provide reparations to victims.

Although the NCIAVHR cannot issue awards of reparation as such, it has increasingly seen its role as encompassing efforts to make sure that victims of the cases it investigates receive support. In its 2023 report, the NCIAVHR indicated that it had referred around 330 individual victims and their families to appropriate agencies to receive urgent assistance.²¹⁵

While initially it referred mostly to ‘compensation’, since 2021 the NCIAVHR has made an increasing reference to ‘reparations’ for victims, and has expressed its determination to ensure that its recommendations are operationalised across key actors in the justice system, such as the country’s Prosecution Service and the Judiciary.²¹⁶ In the course of its investigations, the NCIAVHR asks victims about their recommendations and views regarding reparations.²¹⁷ Through its monitoring and investigative work over the years, the NCIAVHR is also contributing to a repository of information that can provide a basis for further investigations into CRSV cases occurring since the beginning of the conflict in 2014, as well as contributing to the establishment of a historical record of serious violations of human rights and international humanitarian law in Yemen, including sexual violence.

In 2024, the NCIAVHR established an online application process for victims to file complaints about human rights violations. One stated aim of this initiative was to increase the number of reporting channels available for victims, especially for those in areas inaccessible to the NCIAVHR.²¹⁸ This may potentially encourage survivors to submit complaints or reports about sexual violence, especially if the application provides options that give firm guarantees about privacy and personal data.

In 2017, the NCIAVHR submitted a proposal to the Supreme Judicial Council recommending the establishment of a dedicated court with exclusive jurisdiction over cases received from the NCIAVHR: a specialised court in Yemen with jurisdiction to deal with human rights cases. Currently, the NCIAVHR role is limited to fact-finding and it does not have the power to adjudicate cases or award reparation. The Commission argued that, given the current lack of expertise within the ordinary court system to deal with human rights violations and international humanitarian law violations, only a dedicated court could provide victims in Yemen

213 Ibid.

214 ‘Replies of Yemen to the list of issues in relation to its third periodic report’ Committee on Economic, Social and Cultural Rights (30 December 2022) E/C.12/YEM/RQ/3, para. 34 <https://documents.un.org/doc/undoc/gen/g22/620/48/pdf/g2262048.pdf> accessed 10 December 2024.

215 NCIAVHR, ‘The 11th Periodic Report on the Activities Carried out by the National Commission to Investigate Alleged Violations to Human Rights (NCIAVHR) in Yemen from 1/8/2022 to 31/7/2023’ (September 2023) p. 24.

216 “The Commission also works with the judiciary to operationalize accountability and reparation mechanisms. It also hands over completed files, where the Commission has completed its investigation, to the Public Prosecution.” [NCIAVHR, ‘Tenth Periodic Report of the National Commission to Investigate Alleged Violations of Human Rights. 1/7/2021-31/7/2022’ (August 2022) p. 9.

217 See UN Human Rights Council, ‘Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights’ (1 October 2024) A/HRC/57/74, para 19 <https://undocs.org/en/A/HRC/57/74> accessed 10 December 2024.

218 UN Human Rights Council, ‘Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights’ (19 September 2022) A/HRC/51/62 <https://undocs.org/A/HRC/51/62> accessed 10 December 2024.

with an effective remedy and reparations.²¹⁹ Furthermore, the NCIHVHR argued that such a court would constitute an important “first step” ahead for other victim-related measures, such as the establishment of mechanisms to give witnesses and victims the protection they need to feel safe in reporting violations.²²⁰ To date, no steps have been taken to implement the NCIHVHR’s proposal.

6.1.2.2. ROLE OF PUBLIC PROSECUTION AUTHORITIES AND THE JUDICIARY

Ordinary domestic courts in Yemen have jurisdiction over sexual violence cases. However, the armed conflict has left the judiciary system in a highly weakened state and unable to protect and guarantee the rights of Yemeni citizens – including their human rights – or to enforce judicial decisions. In 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that in most areas under IRGY control, the judiciary had been on strike or prevented from working. Prosecutors’ offices had also been closed entirely until August 2021.²²¹ In 2023, the OHCHR noted that the Yemeni judiciary had “substantial capacity gaps to ensure access to justice, fair trials and criminal accountability for victims of human rights violations”.²²² The GEE noted in their 2020 report that the Yemeni judicial system was affected by “corruption, inadequate protection of fair trial rights, discrimination against women and attacks and serious threats to judicial actors.”²²³ A Yemeni public official told the study team that there was a high level of ignorance among law enforcement personnel, despite laws in Yemen that penalise such behaviour.

Rape and other forms of sexual violence are crimes under Yemeni law.²²⁴ However, survivors who wish to report sexual violence and seek prosecution and punishment

of those responsible face numerous challenges. Bringing legal actions implies, to a certain extent, publicly acknowledging that sexual violence has occurred, which, as noted previously, can put women at further risk of violence. It also requires money for a lawyer and forensic reports. Another barrier for women is that they often lack identification documents. The *mahram* restrictions in areas controlled by the Sana’a-based authorities have made it increasingly difficult for women to obtain ID documents without the presence of a male relative. Furthermore, as is the case everywhere, sexual violence is difficult to prove. Most survivors belong to vulnerable and marginalised groups, while their perpetrators are in positions of power, whether as members of armed group or powerful figures in the community.

A detailed report published by the Sana’a Centre, which analyses the potential role of the judiciary in achieving transitional justice and reconciliation in Yemen, reflects on the impact of the war on Yemen’s judiciary. While it concludes that the judiciary is currently ill-equipped to spearhead transitional justice in the country, the report emphasises that it will be crucial for the judiciary to assume a foundational role in post-conflict Yemen, serving as a channel for restoring the rule of law and public trust in state institutions.²²⁵ The report concludes that judicial reform and professional development, as well as steps to rebuild the credibility and independence of the judiciary, will be an essential element of post-conflict Yemen.²²⁶

6.1.2.3. OTHER RELEVANT NATIONAL LAWS AND INSTITUTIONS

In addition to the National Dialogue conference and its outcomes mentioned above, a number of other bodies were established in Yemen prior to the current conflict.

219 UN Human Rights Council, ‘Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations and violations and abuses committed by all parties to the conflict. Report of the United Nations High Commissioner for Human Rights’ (24 August 2021) A/HRC/48/48, para 24 <https://undocs.org/A/HRC/48/48> accessed 10 December 2024.

220 Ibid, para 52(c): the High Commissioner for Human Rights recommended such measures were needed “to protect victims and witnesses who cooperate with the National Commission of Inquiry from any form of intimidation or reprisal, including by establishing a witness protection mechanism and providing safe spaces where they can have privacy to speak with the Commissioners and investigative staff of the National Commission”.

221 See UN Human Rights Council, ‘Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights’ (19 September 2022) A/HRC/51/62, para. 14.

222 See UN Human Rights Council, ‘Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights’ (22 September 2023) A/HRC/54/74, para 23 <https://undocs.org/A/HRC/54/74> accessed 10 December 2024.

223 UN Human Rights Council, ‘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’ (28 September 2020) A/HRC/45/6, para 98.

224 According to Mwatana’s report on domestic violence, rape is a crime under Yemeni law (Penal Code, Article 269). However, the penalties imposed in the event of conviction are relatively lenient. There is also a crime of Disgraceful Acts (Penal Code, Article 273), which includes acts that conflict with public morality or involve losing one’s chastity. Mwatana, ‘Fragile Walls. A study of domestic violence against women during the war in Yemen (2014 – 2021)’ (30 August 2022) p.37.

225 Mohammed Al-Shuwaiter, ‘The Role of the Judiciary in Achieving Transitional Justice and Reconciliation in Yemen’ (Sana’a Center for Strategic Studies, 15 May 2024), p.4 https://sanaacenter.org/files/The_Role_of_the_Judiciary_in_Achieving_Transitional_Justice_and_Reconciliation_in_Yemen_en.pdf accessed 10 December 2024.

226 Ibid, p.27.

Some of these have remained largely inactive since 2014, such as the Supreme Council for Mother and Child²²⁷ and the National Committee for International Humanitarian Law Affairs. Others continue to operate, including the National Women's Committee, the Ministry for Legal Affairs and Human Rights and the IDP Camp Management Executive Unit, which is responsible for IDPs and the protection of displaced children.

6.1.2.4. OTHER GOVERNMENT EFFORTS TO MONITOR AND INVESTIGATE VIOLATIONS, INCLUDING CONFLICT-RELATED SEXUAL VIOLENCE

In 2018, the Ministry of Human Rights of the IRGY reported to the Human Rights Council that it had established a studies and research department to support the monitoring and documentation of violations²²⁸ related to the conflict in the country. The Ministry provides support to efforts to systematically document cases and compile information about human rights violations.²²⁹ In most instances, the Ministry refers complaints it receives to the NCIHRV. One form of support provided by the Ministry is offering advice on appropriate legal avenues. In the case of gender-based violence, the Ministry makes referrals to the Yemeni Women's Union to receive legal aid and psycho-social counselling.²³⁰ In 2020, the Ministry reported that between January and December 2019, it had received 28 complaints "*pertaining to women*"²³¹ though it was not clear whether those were cases of sexual violence or, if so, whether they were related to the conflict.

According to information reported by the government in 2022 to the UN Committee on Social, Economic and Cultural Rights, the Ministry of Legal Affairs and Human Rights has put in place a "hotline" to receive complaints and reports of violations in different governorates.²³² The report provides information about some of the main categories of violations reported, but does not mention CRSV.

6.1.2.5. LOCAL OR TRADITIONAL MECHANISMS FOR ADDRESSING VIOLATIONS

As a consequence of the collapse of state authorities and institutions due to the war, there has been an increase in those resorting to traditional community mediation rather than reporting violations to the police or security services. The sheikh, for example, may talk to the family of the perpetrator to find a solution, such as arrange for them to marry or pay money.²³³ The GEE reported on an increased reliance on traditional forms of mediation and redress for gender-based violence, such as material compensation to male relatives.²³⁴

One interviewee drew attention to the existence of Reconciliation Committees, such as the one in Taiz, which run parallel to state justice institutions.²³⁵ These types of initiatives, which have gained increasing traction in Yemen during the war, will need to be taken into account in any post-conflict planning, including to understand their impact and potential role – negative or positive – in cases of CRSV.

227 Referred to in Yemen, 'Consideration of reports submitted by States parties under article 44 of the Convention. Fourth periodic report of State parties due in 2008' Committee on the Rights of the Child (23 October 2012) CRC/C/YEM/4, para 24 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FYEM%2F4&Lang=en accessed 10 December 2024.

228 Yemen, 'National Report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1: Yemen' Universal Periodic Review (8 November 2018) A/HRC/WG.6/32/YEM/1, para 43.

229 According to the national report prepared by the internationally recognised government for the third cycle of the Universal Periodic Review exercise (2018), the Ministry of Human Rights established a Special Studies and Research Department to strengthen the administrative structure for monitoring and documenting human rights violations. National Report Yemen, Working Group on the Universal Periodic Review, A/HRC/WG.6/32/YEM/1, 8 November 2018, page 6, paragraph 21. <https://www.ohchr.org/en/hr-bodies/upr/ye-index>. According to the national report prepared by the internationally recognised government for the fourth cycle of the Universal Periodic Review exercise (2024), the Ministry's work in monitoring and documenting violations is carried out by a network of local observers in different governorates across Yemen. National Report Yemen, Working Group on the Universal Periodic Review, A/HRC/WG.6/46/YEM/1, 15 February 2024, page 6, paragraph 26. <https://www.ohchr.org/en/hr-bodies/upr/ye-index>.

230 'Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports' CEDAW Committee (19 August 2020) CEDAW/C/YEM/RQ/7-8, p. 10.

231 Ibid.

232 'Replies of Yemen to the list of issues in relation its third periodic report' Committee on Economic, Social and Cultural Rights (30 December 2022) E/C.12/YEM/RQ/3 para 28. According to the government, a total of 3,694 human rights violations and 18,171 violations of the UN-sponsored humanitarian truce were reported through the "hotline". Violations reported include the killing of civilians, due to *inter alia* indiscriminate shelling, landmines and sniper fire amongst other causes (more information available on para 29 of said report).

233 Yemeni tribal traditions involve making amends for material and moral harm through payment of damages based on a notion of tribal protection over women and children and others, and what constitutes proper amends are affected by tribal standing: Paul Dresch, *The Rules of Barat, Texts and Translations of Tribal Documents from Yemen* (Deutsches Archäologisches Institut/CEFAS, 2006) Part 2, Customary Law, pp.77-85.

234 UN Human Rights Council, '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' (3 September 2019) A/HRC/42/CRP.1*, para 636.

235 Interview conducted in December 2023.

6.2. Relevant international legal and policy frameworks and international avenues for reparations for conflict-related sexual violence in Yemen

6.2.1. International law frameworks

Under international law, all states are required to make full reparation for loss or injury caused by violations of international law for which they are responsible. Obligations to respect, ensure respect for and implement international human rights law and international humanitarian law, based on relevant treaty and customary law, include the duty to provide effective remedies to victims, including adequate, effective and prompt reparation.²³⁶

Yemen is party to some of the main international human rights treaties, including several that deal with sexual violence and access to justice and which specifically include the right to reparation for such violations.²³⁷ Yemen's IRGY has engaged with the UN Human Rights Council's Universal Periodic Review process and submits periodic reports to various treaty-monitoring bodies, though it has not accepted the optional procedures that would allow for the consideration of individual complaints. Yemen is also party to international humanitarian law treaties that protect civilians during armed conflict, including the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. Members of the international Saudi-led coalition are also party to at least some of these treaties and have the same responsibilities to make full reparation under international law.²³⁸ Furthermore, there are also bodies with power to scrutinise the conduct of members of the Saudi-led international

coalition alleged to have committed violations in Yemen, including CRSV. For example, Sudan is a State Party to the African Charter on Human and Peoples' Rights.

6.2.2. International political frameworks

UN efforts to convene peace talks in Yemen have been ongoing since 2011. An Office of the Special Envoy of the UN Secretary-General was established in 2012 and, at the time of writing, is still trying to broker peace. The UN Security Council has been involved in the situation in Yemen since Resolution 2201 of 15 February 2015. While a temporary ceasefire was achieved in April 2022, and negotiations continued intermittently, no durable nationwide ceasefire or agreement has been achieved as of the time of writing. Alongside these developments, Yemeni civil society, and in particular the women's movement, has advocated for the involvement of women in peace negotiations and for the process to include accountability for war-related violations.²³⁹

6.2.3. Positions of key international actors

UN Security Council (UNSC) resolutions on Yemen have reiterated the need for *"comprehensive, independent and impartial investigations consistent with international standards into alleged human rights violations and abuses [...] to ensure full accountability"*.²⁴⁰ They have also annually reaffirmed the need for all parties to comply with their obligations under international law. From its 2021 resolution onwards, the UNSC has condemned conflict-related sexual violence, including in detention facilities, refugee camps and elsewhere.²⁴¹ In its 2022 resolution, the UNSC called specifically for *"a remedy and assistance*

236 UN General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' UNGA Res 60/147 (15 December 2005) paras 3 and 15.

237 These include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), International Covenant on Civil and Political Rights (ICCPR, 1966), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984), Convention on the Rights of the Child, (CRC, 1989).

238 Saudi Arabia and the UAE are both party to CEDAW, CAT and CRC, for instance, as well as the four Geneva Conventions and Additional Protocols I and II. CEDAW expressed concerns about *"credible and consistent information that the State party, through its military operations in Yemen, is responsible for the violations of the rights of Yemeni women and girls"* [CEDAW, 'Concluding Observations on the combined third and fourth period reports of Saudia (14 March 2018) (CEDAW/C/SAU/CO/304, para 17, <https://www.ohchr.org/en/documents/concluding-observations/cdawcsauco3-4-concluding-observations-combined-third-and-fourth> accessed 10 December 2024].

239 The UNSC Panel of Experts on Yemen, in its 2020 report, called on the UNSC to hold a focused discussion on the challenges faced by women in Yemen, including with regard to sexual violence, the extent to which women have been meaningfully included in the peace agreements concluded in 2018 and 2019 and, if not, how to overcome challenges to that. UNSC Panel of Experts on Yemen, 'Final Report of the Panel of Experts on Yemen' S/2020/70* (27 January 2020) para 128(c).

240 UNSC, Resolution 2140 (2014), (26 February 2024) S/RES/2140(2014) [https://www.undocs.org/S/RES/2140%20\(2014\)](https://www.undocs.org/S/RES/2140%20(2014)) accessed 10 December 2024. and UNSC, Resolution 2201 (2015), (15 February 2015) S/RES/2201(2015) [https://undocs.org/S/RES/2201\(2015\)](https://undocs.org/S/RES/2201(2015)) accessed 10 December 2024.

241 UNSC, Resolution 2564 (2011), (25 February 2021) S/RES/2564(2021) p.2 and para 8 <https://main.un.org/securitycouncil/en/content/sres2564-2021> accessed 10 December 2024, and UNSC, Resolution 2624 (2022) (28 February 2022) S/RE/2624 (2022), p.2 <https://documents.un.org/doc/undoc/gen/n22/271/73/pdf/n2227173.pdf> accessed 10 December 2024.

for survivors of sexual violence in conflict as detailed in resolution 2467.”²⁴² In its reports under these resolutions, the Panel of Experts on Yemen has more explicitly called for establishment of an independent international accountability mechanism for violations of international humanitarian law and international human rights law perpetrated by all parties and to provide redress to the victims and their families.²⁴³

Although the UN Security Council has not yet issued a clear call for a reparations mechanism to address violations committed by warring parties in Yemen, including CRSV, there have been continuous calls for respect for international law, accountability and, in general terms, for redress for sexual violence linked to the conflict.

In the context of reviews of Yemen’s compliance with its obligations under international human rights law by the UN Human Rights Council and bodies established under specific human rights treaties, some states have specifically raised the need for measures to ensure reparation for CRSV.²⁴⁴

6.3. CSO-led initiatives on reparations

Some civil society organisations in Yemen have engaged in efforts around reparations, though most initiatives have focused on the need for reparatory justice in general and not specifically on reparations for survivors of conflict-related sexual violence. In July 2022, 36 Yemeni civil society organisations came together and launched a Declaration for Justice and Reconciliation, setting out their common demands for achieving a just, inclusive and sustainable peace in Yemen. Redress and reparations were among the demands.²⁴⁵ The Declaration also contains a chapter on grievances which lists violations that should be addressed in a future transitional justice process and includes sexual and gender-based violence.

The joint report by Mwatana and the International Human Rights Clinic at Yale Law School (referred to above) sought to draw attention to the right of civilians in Yemen to reparation and the obligations of different parties to the conflict to provide it.²⁴⁶

Other advocacy initiatives have focused on seeking to place the issue of CRSV and/or reparation on the agenda of peace negotiations. For instance, the Feminist Peace Roadmap, developed by Peace Track Initiative in collaboration with women leaders from Yemen, is intended as a guiding framework to support the peace process in Yemen. This roadmap encourages a gender-sensitive approach to the peace process that enshrines a commitment to human rights, transitional justice and reparations.²⁴⁷ It also recommends that peace negotiations and the peace process in general reflect the priorities and needs of different groups, including women survivors of war, survivors of sexual and gender-based violence, mothers and wives of abductees, displaced women, arbitrarily detained women, victims of torture, women heads of households, girls forced into marriage, women prisoners of war, recruited women and girls, and rural women.²⁴⁸

Both the Feminist Roadmap and the Declaration for Justice and Reconciliation are based on the premise that there is a need for a transitional justice framework that sets out the overall approach to dealing with Yemen’s past and the country’s legacy of violence and abuse, as well as to meeting the needs of victims and survivors in Yemen.

It has primarily been Yemeni civil society that has advocated for the integration of reparation and other transitional justice topics into peace negotiations in Yemen.²⁴⁹ Other initiatives include activities organised around the 16 Days of Activism against Gender-based Violence, an annual civil society-led campaign that is supported by the United Nations and mobilises civil

242 UNSC, Resolution 2624 (2022) (28 February 2022) S/RE/2624 (2022), p.2.

243 For instance, UNSC Panel of Experts on Yemen, ‘Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)’ S/2023/833 (2 November 2023) para 191(q).

244 For instance, in the context of Yemen’s Universal Periodic Review in 2024, the Seychelles called on Yemen to “develop an action plan to ensure responsive mechanisms are put in place for victims and survivors of sexual violence and gender-based violence”; this was included in a list of recommendations that enjoy the support of Yemen: UN Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review, Yemen’ (17 April 2019) A/HRC/41/9, para. 123.145 <https://digitalibrary.un.org/record/3804651?ln=en> accessed 10 December 2024.

245 The Yemen Declaration for Justice and Reconciliation (July 2022) <https://yemenjustice.org/en/> accessed 10 December 2024.

246 Mwatana and Lowenstein International Human Rights Clinic Yale Law School, “Returned to Zero”. The Case for Reparations to Civilians in Yemen’ (June 2022) p. 152.

247 ‘Feminist Peace Roadmap in Yemen: a guiding framework for mediators and negotiators’ (Peace Track initiative, March 2023) <https://peacetrackinitiative.org/wp-content/uploads/2023/02/Rodamap-updated-1.pdf> accessed 10 December 2024.

248 Ibid p. 5.

249 In addition to the Feminist Peace Roadmap and the Yemen Declaration for Justice and Reconciliation, see also Mwatana, ‘To achieve comprehensive and sustainable peace, human rights issues must be made an urgent priority in efforts to stop the war’ Press Release (20 April 2023) <https://www.mwatana.org/posts-en/sustainable-peace> accessed 10 December 2024; Sana’a Center for Strategic Studies, ‘Yemen International Forum Report 2023’ (October 2023) (“Without Justice, No Justice Without Accountability”), <https://sanaacenter.org/publications/main-publications/21026> accessed 10 December 2024, amongst others.

6. EXISTING AVENUES FOR REPARATIONS AND STATUS OF IMPLEMENTATION

society organisations across Yemen.²⁵⁰ Another annual event is the Feminist Summit, a nation-wide conference led by Yemeni women that seeks to “*shape the identity of the Yemeni women’s struggle movement for peace-building, development, and safe-guarding human and women’s rights*”. Every year the Feminist Summit brings

together hundreds of representatives from Yemeni civil society organisations, other national stakeholders, international community representatives and diplomats to debate and agree on a core set of recommendations addressed to audiences at international, regional, national and local levels.²⁵¹



Sixth Feminist Summit in Aden, Yemen. 10-11 December 2023.
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250 UN Women, ‘In focus: 16 Days of Activism against Gender-Based Violence’ <https://arabstates.unwomen.org/en/news/in-focus/end-violence-against-women-0> accessed 10 December 2024.

251 According to the Declaration of the Sixth Feminist Summit that took place in Aden between 10 and 11 December 2023, the key demands made by Summit participants in the realm of transitional justice can be summarised as follows: (1) the international community should have a genuine will for reparations and it should advocate for direct, sustained and long-term commitments and equal partnerships between civil society organisations, women’s organisations and the international community; (2) the Presidential Council should increase focus on the implementation of reparation programmes with no delays in addressing grave human rights abuses. This should serve as an important tool to help victims and survivors overcome the impact of conflicts and crimes they have suffered, achieve restitution and help the victims to rebuild normal lives as citizens like all others, restore their trust in the state and receive recognition for the harm suffered. See <https://www.wogod.org/post/1287> accessed 10 December 2024.



The essence of the community without recognition.
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7. ANALYSIS OF OPPORTUNITIES FOR REPARATIONS

7.1. Opportunities for reparations within national frameworks

While there is not yet a peace agreement bringing Yemen's conflict to an end, this does not mean that progress cannot be made on a national framework and programme for reparations for conflict-related sexual violence. Below are some opportunities for advancing this agenda, as identified by the Yemeni government itself or other national entities, as well as suggestions that emerged in the course of interviews conducted for this report.

7.1.1. Establishment of a national framework for reparations and for transitional justice

The starting point for any meaningful programme for war-related reparations in Yemen is a national policy and plan. In the absence of a nationwide transitional justice framework that sets out an overall strategy to achieve truth and justice for the violations committed during the conflict in Yemen and to provide redress to victims, it will be challenging to implement a comprehensive scheme of reparative measures for victims and survivors, including those who have suffered harm from conflict-related sexual violence. With the exception of the National Commission of Inquiry, most other steps taken by Yemeni Governments towards transitional justice were put on hold with the start of the conflict in 2014.²⁵²

Recent steps taken by the IRGY in this direction open up opportunities for the development of a national reparations policy. In April 2024, the Consultation and Reconciliation Committee (CRC) – which reports to the Presidential Leadership Council –²⁵³ set up a series of specialised committees focusing on key thematic areas.²⁵⁴ One of these was a “Reconciliation and Transitional Justice Committee” to examine suggestions and proposals for a future transitional justice process in Yemen, as well as the issue of reconciliation and its contribution to rebuilding relationships damaged by violence and conflict in Yemen.

This development opens up an opportunity to address reparations as part of a national transitional justice framework. While many of the measures agreed during the National Dialogue Conference (see above) are not attainable in the current circumstances while the conflict continues, there are nevertheless forward-looking steps that the IRGY can already take in support of future transitional justice processes and mechanisms in Yemen.

One such step could be for the IRGY, in collaboration with Yemeni civil society and relevant national institutions, to define a set of key principles to guide the development of a comprehensive approach for war-related reparations in Yemen, ideally within a wider transitional justice framework. This could be achieved, for instance, by establishing a national inter-ministerial mechanism composed of representatives of the relevant ministries and the Consultation and Reconciliation Committee, which could engage with Yemeni civil society organisations and seek any necessary technical support and advice.

Without steps that institutionalise engagement on reparation and wider transitional justice, it will become increasingly difficult for the government to ensure coherence across proposals made by different national entities, as well as to implement them. It will also be very difficult, in the absence of such a commitment, to identify clear roles and responsibilities for the relevant entities, to the detriment of victims' right to truth, justice and reparation.

7.1.2. Strengthening the documentation of conflict-related sexual violence

Several of those interviewed during this study commented on the need to create a body of information on which to build an approach to reparations for CRSV in Yemen. One interviewee pointed out that one important reason for the lack of government policies on reparation is the absence of

²⁵² These included, amongst others, the Southern Yemen Land Remedies Commission and the Commission to Address Issues of Employees Forced Out of Their Jobs in the Civil, Security and Military Fields. Both commissions were established by Presidential Decree (Presidential Decree No. 2 of 2013). Decree No. 253 of 2013 also established a Compensation Fund for the two commissions. There were other transitional justice measures and commitments made during the National Dialogue Conference (2013-2014). For more information, consult National Dialogue Conference Outcomes Document at <https://www.peaceagreements.org/wwview/1400/National%20Dialogue%20Conference%20Outcomes%20Document> accessed 10 December 2024.

²⁵³ The Presidential Leadership Council is the executive body of Yemen's internationally recognised government, established in April 2022.

²⁵⁴ Decision No. (1) of 2024 by the Chairman of the Consultation and Reconciliation Authority regarding the formation of the specialized committees (permanent committees) of the Consultation and Reconciliation Authority in support of the Presidential Leadership Council.

data to inform such policies.²⁵⁵ Others pointed to the need to first gather information about the needs of survivors in a consistent manner, to create a national database to determine the real number of those people requiring help, and design measures that are intended for specific groups of victims, within a single unified programme.²⁵⁶

Despite some efforts made by Yemeni civil society organisations and by the National Commission of Inquiry to document CRSV in Yemen, the number of documented cases remains low compared to the actual number of violations. As this report has sought to illustrate, the stigma associated with sexual violence, the fear that victims and survivors experience for their safety and the lack of support and services for survivors of CRSV have made sexual violence one of the most difficult human rights violations to document in Yemen.

A number of recommendations have been made with a view to improving this situation. For instance, the suggestion presented to the Human Rights Council in September 2023 to establish a complaints mechanism through a mobile phone-based application and website, which aimed to address some of these obstacles and to open up more opportunities for victims and survivors to access justice in safety.²⁵⁷ More can be done to support the work of CSOs already working with survivors of CRSV or documenting violations, through capacity strengthening and resources.

Another measure could be to integrate the use of digital open-source information into the investigative work carried out by the National Commission of Inquiry. This would strengthen the Commission's ability to investigate sexual violence whilst mitigating risks for survivors of CRSV and witnesses by addressing ethical issues surrounding trauma, consent, and privacy.²⁵⁸ It would also provide better opportunities to conduct investigations about sexual violence that respect and protect the

interests of survivors.²⁵⁹ Incorporating digital open-source investigations to its toolbox could make an important contribution to understanding the magnitude of sexual violence in Yemen, as well as its characteristics and variations across different regions of the country.

7.2. Potential international avenues for reparations for CRSV in Yemen

7.2.1. Establishing an administrative reparation programme for Yemen with international cooperation

The UNSC has been seized of the situation in Yemen since 2011 and is probably the only UN body with the authority to establish an administrative reparation programme (that is, a non-judicial programme) with compulsory legal authority, at least in the absence of a state request or consent.²⁶⁰ So far, however, the UNSC has not taken the opportunity to do that. It has established and maintained a sanctions regime against those threatening the peace, security or stability of Yemen, and appointed a Panel of Experts that reports annually and has highlighted the need for reparation.²⁶¹ In its November 2023 report, the Panel included among its recommendations to the Security Council to establish an independent accountability mechanism for violations of international humanitarian law and international humanitarian law perpetrated by all parties to the conflict in Yemen, and provide redress and support to the victims of such violations.²⁶²

While the UNSC has so far not taken any steps in this direction, the UN Human Rights Council, in 2017, decided to establish a Group of Independent Eminent International and Regional Experts on Yemen to monitor and report on the situation of human rights since September 2014, establish the facts and, where possible, identify those responsible.²⁶³ The GEE issued four reports before its mandate was terminated in 2021, recommending,

²⁵⁵ Interview conducted in December 2023.

²⁵⁶ Interview conducted in December 2023.

²⁵⁷ See UN Human Rights Council, 'Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights' (22 September 2023) A/HRC/54/74, para. 46(f).

²⁵⁸ Alexa Koenig and Ulic Egan, 'Power and Privilege: Investigating Sexual Violence with Digital Open Source Information' (2021) 19 Journal of International Criminal Justice p. 76.

²⁵⁹ Ibid, p. 55.

²⁶⁰ Open Society Justice Initiative, 'UN Entities' Powers to Establish Administrative Reparations Programs' Briefing Paper (March 2022), section 4, p.9 <https://www.justiceinitiative.org/publications/un-entities-powers-to-establish-administrative-reparations-programs> accessed 10 December 2024.

²⁶¹ Established under UN Security Council resolution S/RES/2140 of 26 February 2014, shortly before the start of the current conflict.

²⁶² UNSC Panel of Experts on Yemen, 'Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)' S/2023/833 (2 November 2023) para 191(q).

²⁶³ UN Human Rights Council, 'Resolution adopted by the Human Rights Council on 29 September 2017. Human rights, technical assistance and capacity-building in Yemen' (3 October 2017) A/HRC/RES/36.31.

alongside other measures, that the parties to the conflict ensure accountability for perpetrators and justice for victims.²⁶⁴

Despite these recommendations, no UN body has taken substantive steps towards creating a reparation mechanism. Potentially, UN bodies such as the General Assembly or the Human Rights Council have the power to establish mechanisms that lay the groundwork for future reparations mechanisms, including establishing investigative bodies like the GEE, and initiating studies and making recommendations relevant to reparation. For instance, they could identify the parties to the conflict who have obligations to provide reparation, commission studies on the needs of affected communities or suitable modalities of reparations, make proposals for the shape of an administrative reparation programme, and call upon states to provide reparations to victims, as they have in other contexts.²⁶⁵

Furthermore, where a state (or states) expresses the will to set up a process or a reparation programme and requests the assistance of the UN, various parts of the UN can provide support and cooperation. For example, the Office of the UN High Commissioner for Human Rights has been providing technical assistance and capacity-building to the Yemeni National Commission of Inquiry since 2016.²⁶⁶ The IRGY of Yemen has indicated, in its National Report under the Universal Periodic Review in 2024, its willingness and its intention to work towards accountability and redress, for instance undertaking to “*continue to develop mechanisms to provide relief to beneficiaries and to meet minimum needs*”, and to cooperate with UN bodies in that regard, thereby potentially opening the way for joint work on a reparation mechanism.²⁶⁷ It is conceivable, for instance, that the UN could commission a body (such as an

expert group or commission) to make detailed proposals on a reparation programme, as the UN Commission of Inquiry on Darfur did.²⁶⁸ Such proposals could outline the forms of reparation, beneficiaries, persons/groups responsible for providing reparation and funding sources.

7.2.2. International avenues for court-ordered reparation

One potential avenue for Yemeni victims of CRSV to obtain judicial reparations for CRSV is through the International Criminal Court (ICC), as its jurisdiction includes rape, sexual slavery, enforced prostitution, forced pregnancy and other forms of sexual violence as war crimes and crimes against humanity, and it has a mandate to award reparations to victims.²⁶⁹ Indeed, the GEE called on the UNSC to refer the situation in Yemen to the ICC to ensure there is no impunity for the most serious crimes.²⁷⁰ Since Yemen is not currently a State Party to the Rome Statute, the only ways in which crimes committed in Yemen could come under the ICC’s jurisdiction would be (i) via a UNSC referral, or (ii) through Yemen itself making a declaration accepting the jurisdiction of the ICC for crimes committed on its territory or by its nationals, as provided under Article 12.3 of the Rome Statute.

Other avenues for criminal accountability for CRSV in Yemen that might potentially bring with them the power for courts to award reparation would be if the UN were to create a hybrid tribunal or a precursor to a judicial body such as an investigative mechanism, if requested by the Yemeni government. It is also possible that third states may investigate and prosecute individuals who come within their jurisdiction exercising so-called ‘universal jurisdiction’.²⁷¹

264 UN Human Rights Council, ‘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’ (13 September 2021) A/HRC/48/20, para 90(a).

265 Open Society Justice Initiative, ‘UN Entities’ Powers to Establish Administrative Reparations Programs’ Briefing Paper (March 2022), section 4.

266 UN Human Rights Council, ‘Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights’ (2 September 2020) A/HRC/45/57 <https://undocs.org/A/HRC/45/57> accessed 10 December 2024.

267 ‘National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21. Yemen’, Universal Periodic Review (Forty-sixth session, 29 April-10 May 2024) A/HRC/WG.6/46/YEM/1 (15 February 2024) para. 120 <https://undocs.org/en/A/HRC/WG.6/46/YEM/1> accessed 10 December 2024.

268 Open Society Justice Initiative, ‘UN Entities’ Powers to Establish Administrative Reparations Programs’ (March 2022), p.32-33.

269 See in particular Articles 71.(g) (definition of crimes against humanity), 8.2(b)(xxii) and 8.2.(e)(vi) (definition of war crimes) and 75 (reparation to victims) of the Rome Statute of the International Criminal Court (17 July 1998).

270 UN Human Rights Council, ‘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’ (13 September 2021) A/HRC/48/20, para 92.

271 For instance, there have been two convictions in German courts of former ISIS members for enslaving Yazidi women and girls on the basis of German laws conferring extraterritorial jurisdiction for international crimes, reported by the International Bar Association [Jeniffer Venis, ‘War crimes: Universal jurisdiction secures convictions for genocide against Yazidi people’ (International Bar Association, 3 August 2020) <https://www.ibanet.org/War-crimes-Universal-jurisdiction-secures-convictions-for-genocide-against-Yazidi-people> accessed 10 December 2024].



Hidden stories.
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8. CONCLUSION AND CONCRETE STEPS FOR THE WAY FORWARD

As this report has shown, the protracted nature of the conflict in Yemen, the splintering of its political, governmental and legal structures, and the limited scope for the international community to act beyond humanitarian response and assistance have presented obstacles to the establishment of reparations and other transitional justice measures for victims and survivors of conflict-related violations in Yemen, including sexual violence.

In recent years, the IRGY has taken steps to build institutional frameworks to work towards transitional justice. The establishment of a Consultation and Reconciliation Committee in 2022 – reporting directly to the Presidential Leadership Council – and the decision taken in April 2024 to form a subcommittee on transitional justice and national reconciliation are positive developments that can pave the way for future reparations and for the recognition of victims, including survivors of CRSV. It is encouraging that these broader discussions about transitional justice are starting to reappear both on the agenda of the Yemeni government and in civil society discourse.²⁷² It is to be hoped that these initiatives will lead to a comprehensive reparations scheme for war-related harm, including CRSV.

At the same time, there is an urgent need for immediate action, as reparation is needed from the moment a person has been subjected to sexual violence in conflict – whether in Yemen or elsewhere. GSF's position is that waiting until the end of a conflict, the closing of aid delivery, the development of a transitional justice process, or the verdict of a legal case is not an option if meaningful and comprehensive reparation is to be made.²⁷³

The information gathered and the discussions held during the preparation of this study have shown that there are both interim reparative measures and urgent interim reparations (as defined above in section 1.2.2.) that can be taken by different actors in the short term to alleviate the devastating impacts of the violence, improve the physical

and psychological well-being, safety and socio-economic position of survivors of CRSV in Yemen, and start to deliver some form of justice. Moreover, there are immediate steps that can be taken to prepare the ground for a more comprehensive reparations scheme.

One goal that both the Yemeni government and the international community could adopt in this direction is to significantly increase the provision of needed services in the short term, to tackle the limited support available to survivors of CRSV in Yemen, which has been exacerbated by a severe lack of funding and insufficient prioritisation of sexual and gender-based violence in Yemen. Another short-term goal could be to build the capacity of institutions that will be key to any future, more comprehensive reparations, such as Yemen's judiciary, the National Commission of Inquiry, the National Women's Commission and civil society organisations. It is also essential that these institutions are enabled to adopt specific protection measures and programmes that help to create a safe and enabling environment for survivors, victims and witnesses of CRSV to report violations and to access justice and redress.

A second major step forward would be for the Yemeni state to take into consideration the needs and interests of victims and promote their inclusion in transitional justice and peace-building processes and mechanisms. Ensuring the involvement of victims and survivors provides important assurances that strategies and plans on reparations will benefit all affected communities or categories of victims and will be based on actual needs. The Global Survivors Fund's approach places emphasis on the inclusion of survivors in any decision-making process from the outset. Only those who have experienced CRSV truly know what they have suffered and what they need, so reparation programmes must be co-created with them to ensure they allow survivors to move forward, reclaim their dignity and rebuild their lives. According to GSF's approach, by being co-creators in the design of reparation measures, survivors are not only better placed to identify

272 For instance, on 14 August 2024, a panel was hosted by the Sana'a Center for Strategic Studies to mark the one-year anniversary of the adoption of the Yemen Declaration for Justice and Reconciliation. The declaration articulates the demands of over 40 Yemeni civil society organisations for a clear transitional justice framework within a future peace settlement in Yemen [Sana'a Center for Strategic Studies, 'A long road to justice: one year on from the Yemen Declaration for Justice and Reconciliation' (16 August 2024) <https://sanaacenter.org/publications/news/23244> accessed 8 January 2025].

273 GSF, 'The Time for Reparation is Now. Call for Action for the 2022 International Ministerial Conference on Preventing Sexual Violence in Conflict Initiative' (November 2022) https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/GSF_PSVI_The_Time_for_Reparation_is_Now_EN_Nov2022_WEB_1_.pdf accessed 10 December 2024.

what form of reparations they need, but the co-creation process is itself reparative for survivors since they are heard and supported. Furthermore, greater inclusion of victims and survivors in any reparation-related process also helps strengthen government accountability by contributing to more participatory forms of governance. Future steps for Yemen in this regard should include exploring what improvements can be made to render existing compensation schemes and processes more participatory and inclusive of victims and survivors, as well as what interim reparative measures and/or urgent interim reparation might need to be initiated.

As part of a broader strategy to address CRSV, some Yemenis interviewed highlighted the importance of awareness campaigns to ensure that survivors of sexual violence are seen as victims and not blamed for their experiences. Additionally, there was a strong emphasis on the need for responses that are culturally and contextually appropriate for Yemen, which would involve working

closely with families and communities. As such, before policies regarding awareness campaigns are adopted, it is essential for Yemeni civil society, together with survivors, to define and consider the approaches that will best serve the goal of shifting the rhetoric around CRSV.

Finally, any action to advance reparations for CRSV in Yemen must be informed by specific contextual factors. One factor that needs to be taken into account is the diversity of Yemen, which means that it cannot be assumed that the same approaches will be appropriate throughout the country. Yemen is home to enormous cultural, social and political diversity that differs from one area to another. As a result, any efforts to advance reparations must be carefully contextualised. In addition, any steps taken need to take into account the still uncertain and volatile security situation in Yemen, and in particular the very real risks faced by women in general and by organisations known to be working in the field of women's protection or on any issue related to sexual violence in the country.



9. RECOMMENDATIONS

The recommendations below reflect limitations and challenges that emerged during the research conducted for this study. As noted in section 1.2 (“Methodology”), these factors have placed numerous constraints on the ability to make generalisations or extrapolate from the findings included in this study. Additional research is needed to further expand on the findings and above all, to generate better responses for victims and survivors of conflict-related sexual violence.

The recommendations set out below reiterate many of those previously made by Yemeni and international organisations and mechanisms on the subject of sexual and gender-based violence in Yemen. The recommendations also seek to provide the internationally recognised government and other stakeholders with ideas, perspectives and information that can be helpful for the formulation of policies and other measures to benefit survivors and victims of conflict-related sexual violence. A survivor-centred approach to reparations for conflict-related sexual violence in Yemen – including, but not limited to, additional research and consultations – will be essential for arriving at more evidence-based recommendations as to what constitutes appropriate reparation measures and redress for victims and survivors of CRSV in the country.

The internationally recognised government of Yemen has many challenges ahead. It continues to address the situation in Yemen mainly through emergency and other humanitarian responses. Yet the scale and nature of the harms and needs require comprehensive transitional justice measures that not only address the material impacts but also provide recognition and redress for victims, while contributing to peace, development and the Sustainable Development Goals.²⁷⁴

Considering this situation and the continued need for aid and development initiatives that addresses the needs of the most vulnerable, whilst at the same time recognising the importance of reparations and other transitional

justice measures, the following recommendations focus on measures that the internationally recognised government and other stakeholders can take in different realms. These measures are aimed at supporting survivors of conflict-related sexual violence and promoting survivors’ and victims’ right to reparation in both the short and the long term.

To the Internationally Recognised Government of Yemen

Measures to establish national programmes for reparations and other assistance to survivors and victims of conflict-related violence, including, where relevant, urgent interim reparation:

- Commit to commencing work on comprehensive policies and measures concerning the right of victims in Yemen to reparations and redress, by defining, in close collaboration with civil society organisations in Yemen, the steps necessary to conduct a mapping of victim organisations and of organisations that represent conflict-related victims in Yemen.
- Adopt a ‘do no harm’ approach to victims and survivors, ensuring their safety and dignity are at the core of any work carried out.
- Design and implement coordinated assistance for victims and survivors of conflict-related sexual violence, taking into account the different services available, the institutional role, action and capacities of the relevant governmental actors and entities, in order to ensure a comprehensive approach to the diverse needs of survivors of CRSV, their vulnerability and their ability to access care and services;
- In close collaboration with civil society organisations and relevant national entities, prepare a programme of consultations with different victim and survivor groups – with particular attention to certain vulnerable groups, including those who have suffered conflict-related sexual violence – to learn about their needs and demands and to generate insights into avenues for reparations.

274 This applies particularly to Sustainable Development Goal [SDG] 16 which refers to promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. According to the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, “transitional justice alone cannot bring about change; other interventions in the areas of development and peace-building are needed [...] The SDG framework provides an important process in this respect, where linkages between justice, development and security are made.” See “Sustainable Development Goals and transitional justice: leaving no victim behind” (14 July 2022) A/77/162, p. 21 <https://www.ohchr.org/en/documents/thematic-reports/a77162-sustainable-development-goals-and-transitional-justice-leaving-no> accessed 10 December 2024.

- Support Yemeni civil society organisations, the Ministry of Legal Affairs and Human Rights and the National Commission of Inquiry to strengthen the coordination of referral systems to enable survivors of conflict-related sexual violence to access crisis and emergency support, including medical and psychosocial support.
- Work closely with legal assistance networks and civil society organisations to conduct an assessment of the risks faced by witnesses and survivors who report conflict-related sexual violence, adopting gender- and child-sensitive approaches. Based on this assessment, make recommendations for establishing a protection programme for witnesses and survivors of CRSV.²⁷⁵
- Support and engage with victim and survivor associations, including by ensuring their active and meaningful participation in all conversations where the rights of victims and survivors are affected.
- Promote and undertake awareness-raising initiatives for all survivors and victims on human rights, on victims' rights – including the right to a remedy and reparation – and on transitional and transformative justice.
- Promote an enabling environment for civil society organisations in Yemen, including by reviewing the legal and institutional framework regulating their work and activities, easing the administrative burden on CSOs, and addressing and removing security and other regulatory restrictions that hinder the activities and operations of CSOs in Yemen.

Strengthening transitional justice dialogue between government, executive and the judiciary

- Promote information sharing and exchange about transitional justice to improve the judiciary's awareness of how to engage appropriately with victims and survivors, as well as its ability to provide the necessary inputs and feedback to its partners in the government and executive branches;
- Open a dialogue amongst the relevant national actors, including civil society organisations in Yemen, with the aim of identifying the legal foundation needed for the establishment of a specialised jurisdiction for human rights claims, reviewing the implications regarding the needs and requirements of the judiciary, the prosecution and the National Commission of Inquiry; and identifying effective ways forward, including support needed from international actors.
- Promote an effective and regular working relationship between the Consultation and Reconciliation Committee, operating under the Presidential Leadership Council and the National Commission for the Investigation of Alleged Human Rights Violations;
- Support regular communication about transitional justice among the Ministry of Legal Affairs and Human Rights, the Supreme Judicial Council, the Supreme Court of Justice, the National Commission for the Investigation of Alleged Human Rights Violations and the Consultation and Reconciliation Committee, namely by developing communication protocols;
- Continue supporting the Ministry of Interior, in particular its family and child protection units, with training about gender responsive policing of violence against women and girls, child-friendly approaches to the investigation of sexual crimes involving minors or child witnesses, and victim-centred methodologies for information-gathering and identification of needs;
- Continue promoting recruitment of women officers in the Ministry of Interior and support the promotion of female constables into senior positions to promote more effective responses to gender-based violence and broader societal change about gender violence;
- Strengthen engagement with Yemeni civil society from across the country concerning policy and decision making on transitional justice and national reconciliation, and consider establishing a permanent mechanism to interact with civil society organisations and with human rights defenders.²⁷⁶
- Consider the establishment of a victim status under Yemeni law to enable access to reparations and participation in transitional justice and reconciliation processes.

²⁷⁵ See also the recommendation included in the 2023 annual report submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council, addressed to the internationally recognised government of Yemen to "[t]ake adequate measures to protect victims and witnesses who cooperate with the National Commission of Inquiry from any form of intimidation or reprisal, including by establishing a witness protection mechanism and providing safe spaces where they can have privacy to speak with the commissioners and investigative staff of the National Commission". See UN Human Rights Council, 'Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights' (22 September 2023) A/HRC/54/74, para 43(d).

²⁷⁶ This recommendation draws significant inspiration from the 2023 annual report submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council: "the National Commission of Inquiry should [...] continue to strengthen its engagement with civil society, including in the areas of transitional justice and accountability, and establish a permanent mechanism to interact with human rights defenders." See UN Human Rights Council, 'Implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen. Report of the United Nations High Commissioner for Human Rights' (22 September 2023) A/HRC/54/7, para 46 (c).

Measures to improve compliance with international human rights law and international humanitarian law

- Pledge support for the universality of human rights by withdrawing reservations from the Convention on the Elimination of All Forms of Discrimination against Women and by ratifying core human rights treaties and optional protocols, namely:
 - The International Convention for the Protection of All Persons from Enforced Disappearances;
 - The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
 - The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
 - The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - The Optional Protocol to the Convention on the Rights of Persons with Disabilities;
 - The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Amend the Personal Status Law in order to ensure its conformity with international human rights law and standards;
- Continue supporting the professionalisation of the armed forces and other military and security personnel of the state of Yemen in order to guarantee the fundamental rights and the human rights of the population and communities and ensure respect for such rights;
- Enact legislative measures, consistent with the obligations of the state of Yemen under international humanitarian law and standards, to prevent and address online gender-based violence (OGBV). Specific forms of OGBV that should be criminalised include: online threats and physical and/or sexual violence; severe harassment online, including sexual harassment; the non-consensual publication of private information on the internet with malicious intent.²⁷⁷

Cooperation with United Nations bodies and mechanisms

- Report regularly on the implementation of the human rights treaties and instruments ratified by Yemen, namely by submitting the relevant periodical treaty-specific reports according to the agreed deadlines and making them available to the general public in Yemen.
- Increase the quality and quantity of reporting concerning conflict-related sexual violence in Yemen under the relevant international treaties and instruments ratified by Yemen, including, but not limited to, the Convention against the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the United Nations Convention against Transnational Organized Crime; the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Increase the quality and quantity of reporting about children born of CRSV under the relevant international treaties and instruments ratified by Yemen, namely the Convention against the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the United Nations Convention against Transnational Organized Crime; the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict; and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Strengthen international cooperation with the United Nations Office for Drugs and Crime and other relevant agencies and bodies to facilitate knowledge transfer and best practice exchanges that reinforce the technical capacity of the Ministry of Interior to prevent and respond to violence against children and to promote child and gender sensitive measures in the criminal justice system, namely in juvenile detention facilities and other kinds of detention places.
- Extend a standing invitation to the Special Procedures Mandate Holders of the UN Human Rights Council, namely the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence; the Special Rapporteur of the Human Rights of Internally Displaced Persons; the Special Rapporteur on the Sale, Sexual Exploitation and Sexual Abuse of Children; and the Special Rapporteur on Violence against Women and Girls, its Causes and Consequences.

277 See International Commission of Jurists, 'Online gender-based violence checklist' (2023) <https://www.icj.org/wp-content/uploads/2023/05/ICJ-OGBV-Law-Checklist.pdf> accessed 10 December 2024.

- Continue supporting the Women, Peace and Security agenda in Yemen, namely by adopting a national action plan for the upcoming years that includes dedicated commitments to addressing conflict-related sexual violence in Yemen, alongside other measures to protect women from violence in Yemen and to strengthen their agency, representation and leadership in the peace negotiations and in a future intra-Yemeni political process.
- Support the Ministry of Legal Affairs and Human Rights with material, technical and financial resources to collect the information and inputs required from other relevant ministries and bodies for the preparation of the national reports concerning international treaties and instruments ratified by Yemen, in particular those directly relevant to conflict-related sexual violence.

Recommendations to the parties to the conflict

- Refrain from committing acts of sexual violence and address those that have been perpetrated through measures for prevention and response in line with international law and standards.
- Review procedures in place for responding to civilian harm, including cases of GBV and CRSV, and ensure compliance with international standards for reparations to civilian victims.
- Ensure that assistance schemes for survivors and victims of GBV and CRSV are developed based on consultations with survivors themselves and respond to their needs.
- Advance the development of victim and survivor-centric reparation policies and frameworks in line with international standards, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, or a combination thereof, depending on the harm and the needs of victims.²⁷⁸ Cooperate with international entities to allow unhindered humanitarian access throughout the country and facilitate the access of survivors and victims of GBV and CRSV to services and assistance.
- Support the assignment of an expert from the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict²⁷⁹ to the Panel of Experts of the Sanctions Committee of the United Nations Security Council to support the Panel's reporting of conflict-related sexual violence in Yemen.
- Consider providing legal advice and technical capacity building based on comparative good practices about transitional arrangements that the Yemeni state can implement in order to ratify the remaining core human rights instruments and other international treaties, in particular those relevant for conflict-related sexual violence.
- Use diplomatic, political and financial leverage to push for the inclusion of transitional justice and national reconciliation in peace negotiations and agreements, as well as in a future intra-Yemeni political process. This should follow a survivor-centred approach that prioritises the rights, needs and wishes of victims and survivors and ensures that they are treated with respect and dignity.
- Support civil society organisations to continue mapping and documenting the various forms of sexual violence against women and men in Yemen. Additionally, support CSOs in Yemen to document and assess the particular challenges, needs and availability and access to services for children born of conflict-related sexual violence and for other subgroups of survivors of CRSV, such as persons with disabilities, migrants and persons with diverse sexual orientations and gender constructions.

Recommendations to the international community

- Provide necessary support to relevant organisations to conduct survivor consultations to identify opportunities for survivor-centric reparations for CRSV in Yemen, including interim reparative measures.

²⁷⁸ See Mwatana and Lowenstein International Human Rights Clinic Yale Law School, "Returned to Zero". The Case for Reparations to Civilians in Yemen' (June 2022) p. 23 ("Ensure that reparation measures are in line with international standards, victim-centered, inclusive and accessible to all civilian victims, based on transparent policies and procedures, include guarantees to prevent corruption and protect against retaliation, and are full and effective, including restitution, compensation, rehabilitation, satisfaction, or guarantees of non-repetition, or a combination thereof, depending on the harm and needs of victims.").

²⁷⁹ The United Nations Team of Experts in Rule of Law and Sexual Violence in Conflict was created by Security Council resolution 1888 (2009). The resolution authorizes the deployment of experts to UN missions or other entities seeking to assist UN member states to address CRSV. See more at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/05/2pager2020SPREAD.pdf> accessed 10 December 2024.

Recommendations to UN agencies and international donors

- Support the establishment of shelters and other kinds of safe spaces for survivors of CRSV, and ensure that they are accessible to those directly affected and others at high risk of CRSV, including internally displaced women and children, persons with disabilities, migrants and victims of trafficking.
- Support the financial and material capacity and resources of organisations in Yemen that provide assistance to survivors of CRSV. Support projects led by organisations in Yemen that provide psychological counselling and other psychosocial support to survivors of CRSV, as well as projects that respond to the urgent needs of survivors for clinical and medical care, cash assistance and other economic empowerment measures that contribute to the integration of survivors into the labour market.
- Contribute to awareness-raising and sensitisation activities on GBV and CRSV, including in rural areas, that disseminate prevention messages as well as messages that reduce the stigmatisation of survivors of CRSV and contribute to an enabling environment for increased reporting and access to care and assistance. Involve families, local organisations, self-help groups and the wider community in these activities to promote ownership and transparent communication.
- Address security precariousness in camps for displaced persons by supporting technical capacity-building for camp management authorities to improve the security and protection conditions in camp sites, in particular for those who are vulnerable to physical attacks including GBV and CRSV.
- Support the capacity of civil society organisations working in Yemen by increasing funding for activities and initiatives that seek to provide support and assistance to survivors and victims of GBV and CRSV. Offer flexible funding procedures and lighter reporting requirements;

find creative solutions to payment difficulties and seek new means of transferring funds; support organisations with diverse registration statuses and bear in mind that many local organisations providing assistance and other forms of support to survivors of CRSV are not registered.

Recommendations to civil society organisations in Yemen

- Promote initiatives to create and strengthen associations and networks of victim and survivor, as well as initiatives that advance visions of justice and reparations that recognise their voices, needs and wishes, and ensure that they are treated with dignity and respect.
- Continue to strengthen the documentation of conflict-related sexual violence in a survivor-centred, gender-sensitive and trauma-informed manner, including with regard to children born of conflict-related sexual violence, men and individuals with diverse sexual orientations and gender constructions.
- In close cooperation with the National Women Committee, the National Commission for the Investigation of Alleged Human Rights Violations, the Ministry of Health and other relevant responsible national authorities, contribute to establishing standards for the documentation of CRSV in Yemen. These standards should aim to improve support and assistance for survivors, ensure confidentiality and data protection, and implement measures to keep data secure.
- Together with survivors of CRSV and GBV, develop approaches and strategies to raise awareness in Yemeni society that survivors of CRSV are victims and should not be blamed for what happened to them, whilst addressing stigma and risks faced by survivors in reporting.
- Address detention risks, including sexual violence, by funding legal aid providers and entities specialising in support for victims of torture.



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