Study

Fragile Walls

A study of domestic violence against women during the war in Yemen (2014 – 2021)

Mwatana
for Human Rights

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Introduction

Gender-based violence (GBV) remains an international phenomenon that is widespread across the world. It affects millions of women and girls as one of the most common violations of human rights. In an international survey published in 2013, the World Health Organization (WHO) estimated that nearly one in three women aged 15 years or older had experienced physical and/or sexual violence, or both, at least once in their lives.[1] Other forms of violence also prevail in Arab countries, including "honor" killings; early, forced and temporary marriages; sexual harassment in public spaces; and harmful practices such as female genital mutilation (FGM) and the denial of rights and access to education and basic services for women and girls.[2]

In Yemen, there is insufficient data on the phenomenon of violence faced by women and girls in society, the public sphere, and in the private sphere (what is known as domestic violence). Domestic violence is generally dealt with as a family affair. It takes place within the confines of homes and others may not interfere because the violence is practiced by family members, such as the father, husband or brother, who possess authority granted to them by Yemen's patriarchal society. The latter is governed by patriarchal customs and traditions. In Yemen, there is no law on domestic violence. Instead, incidents of domestic violence are governed by general provisions of national law, which include many discriminatory provisions that allow for, and condone, violence against women.

The spread of domestic violence indicates an imbalance in the social structure of the family as the first, solid protection for family members. It also constitutes a defect in societal values and norms, and a failing in the structure of the state, and its various laws and institutions, including the police and judicial institutions. Moreover, violent behavior within the family affects children and women, since they lack a sense of security and stability, which negatively affects their development and their physical and mental health.

The present study examines the phenomenon of domestic violence against women during the ongoing armed conflict in Yemen, particularly from 2014 to 2021. The goal of this qualitative study is to determine and shed light on the prevalent patterns, conditions, and causes of violent behavior towards women within the family, with a specific focus on physical forms of domestic violence. Additionally, the research aims to uncover the ways though which survivors, society, the police, and judicial institutions have dealt with cases of domestic violence. This study also seeks to identify common characteristics present among female survivors and victims of domestic violence, as well as among the perpetrators of such violence. The research makes a critical contribution due to the limited studies and data collection focused on domestic violence against women in Yemen. Nonetheless, the study has certain limitations due to the difficulties faced by the study team in researching this sensitive and novel topic. Ultimately, the study and its recommendations seek to contribute to the promotion and protection of women's rights and freedoms in the case of violence.

(1) WHO, Regional and International Trends of GBV (2013) [in Arabic]: https://apps.who.int/iris/bitstream/handle/10665/82753/WHO_NMH_VIP_PVL_13.1_ara.pdf?sequence=7.

(2) UN Women, Ending Violence against Women and Girls [in Arabic]: https://arabstates.unwomen.org/ar/what-we-do/ending-violence-against-women.

Executive summary

For more than seven years, the armed conflict has continued to exacerbate the situation of women and girls in Yemen. In a society suffering from escalating levels of violence, deteriorating living conditions, and the collapse of state institutions, women face gender-based violence both in the public and private spheres. The latter includes domestic violence against women, which concerns harmful and abusive behavior by immediate and extended family members directed towards women and girls within the family. This violence can take many forms, including physical, sexual, economic, and psychological abuse and threats of abuse. Violence against women constitutes a serious violation of women's human rights and gravely endangers their health and well-being. It is deeply rooted in power inequalities between men and women, the abuse of power, and harmful norms and practices.

In Yemen, there is a dearth of data on the phenomenon of domestic violence against women and girls. Violence committed within the family is usually treated as a private matter, to be dealt with behind closed doors. In reality, domestic violence against women is a societal problem that has been identified as one of the most common violations of human rights across the world. Data on domestic violence is important to better understand this phenomenon and devise responses geared towards the elimination of violence against women and the promotion and protection of their rights and freedoms.

This research study deals with domestic violence against women during the armed conflict in Yemen. Given the limited studies dedicated to this phenomenon, the present study makes a critical contribution by shedding light on patterns, conditions, and causes of violent behavior against women within the family. The study is based on qualitative data collected on a selected sample of 58 cases involving domestic violence against women in the period between 2014 and 2021. The study covers eight Yemeni governorates: Sana'a (both the governorate and Amanat Al Asimah), Taiz, Al-Hudaydah, Ibb, Hajjah, Abyan, Aden, and Hadramawt. The selection of cases took into account the need to reflect within the sample the geographical diversity between regions in Yemen, among other important factors. The study used in-depth interviews and focus group discussions as the data collection tools. In respect of the 58 selected cases, a total of 80 interviews with survivors, relatives, and family members of survivors and victims of domestic violence were carried out. In addition, five interviews were conducted with experts working in the areas of women's support services, law enforcement, and the justice sector. Two focus groups were held with lawyers working in different governorates, including lawyers specialized in personal status cases.

The study starts with examining the extent to which the protection of women from domestic violence is incorporated in national and international legal frameworks. It is shown that, in contrast to the strong international legal framework for the promotion and protection of women's rights, the Yemeni legal system lacks a law dealing with the protection of women from domestic violence. Instead, there are several legal loopholes that contribute in one way or another to the phenomenon of domestic violence against women. Based on the results of the qualitative research, the study proceeds with discussing the most prominent patterns of domestic violence against women during the war the armed conflict, including homicide, rape in the family, and physical assault, among other patterns. The study also addresses the obstacles faced by female survivors seeking to access justice for the domestic violence they endured. The views of the interviewed survivors and relatives of victims about the causes of domestic violence are also discussed. This discussion is followed by an analysis of the characteristics of domestic violence survivors, victims, and perpetrators identified in the cases studied. Finally, the main results of this study are outlined and, on this basis, a set of recommendations addressed to several key actors is presented.

Key Recommendations

Recommendations related to laws and regulations for addressing domestic violence against women

- Review the Personal Status Law with the aim of amending discriminatory provisions.
- Amend national laws and regulations to bring them in line with international treaties dealing with the rights of women and children.

Recommendations to the current official authorities

- Activate the role of government institutions in facilitating women's access to police and justice in all governorates, and improve the performance of these institutions in dealing with abused women in order to arrest the perpetrators and hold them accountable in accordance with the law.
- Establish and facilitate the creation of shelters for women and provide additional services, including psychosocial support and legal aid.

Recommendations to civil society organizations including protection and rights programs

- Provide psychological support and legal aid to women across the various governorates, including remote rural areas.
- Develop tools to monitor judicial and law-enforcement institutions, including how they respond to cases of domestic violence against women.

Recommendations to international organizations and donors

- Ensure the sustainability of projects to respond effectively to the needs of victims of domestic violence. To this end, projects should not be limited to a few months. They require technical support to build local capacities, along with sufficient financial support to run adequate shelters, help reform referral channels for survivors of domestic violence, and facilitate women's access to justice, among other objectives.
- Put pressure on relevant authorities to work towards effective reforms in law enforcement and judicial institutions regarding how these institutions deal with cases of domestic violence against women.

The local context

The armed conflict in Yemen began in September 2014, when the Iranian-backed Ansar Allah (Houthi) armed group and forces loyal to former President Ali Abdullah Saleh took control of the capital, Sana'a, by force. The conflict's pace intensified in March 2015, when the Saudi and UAE-led Coalition began its military operations against the Houthis and Saleh forces in support of the internationally recognized government of President Abd Rabbuh Mansour Hadi. All parties to the conflict throughout Yemen have committed violations of international humanitarian law and international human rights law in the absence of accountability, and civilians in Yemen have suffered from various violations. Yemen has become known as the worst man-made humanitarian crisis in the world.

The escalating conflict has dramatically impacted the living conditions of large segments of the population as a result of the economic deterioration and the collapse of state institutions and public services in the country. The spread of epidemics and natural disasters has further exacerbated the suffering of millions. Estimates for the year 2021 indicated that about 20.7 million people, which is equivalent to 66% of Yemen's population, needed some form of humanitarian assistance.[3] The ongoing war has led to the collapse of state institutions, including the justice system that was already in a fragile state since the pre-war period. This collapse coincided with a significant deterioration in the economic, social, and security conditions, which had negative impacts on the lives of large segments of the population, especially women, marginalized groups, and others suffering economic and social vulnerabilities.

As the war approaches its eighth year, reports continue to be published on the level of escalation of violence and the deterioration of humanitarian conditions in Yemen. Yet, few of them address the prevalence and patterns of domestic violence against women in the wartime period. The current conflict in Yemen has contributed to the exacerbation of inequalities and discrimination in society and the spread of violence, which has proliferated into the private family space. The latter acts as a mirror that reflects the deteriorating conditions of society as a result of the continuation of the long conflict. Several reports have indicated the escalating levels of violence against women during the war, accompanied by the collapse of official and societal protection institutions that women can normally resort to for protection, and that should limit the escalation of this phenomenon and its dire consequences on society in general.[4]

Indicators tend to give a bleak picture of the situation of women and girls in the war, where women and children constitute 73% of the approximately 4 million displaced persons, and 30%

(3) UNFPA Yemen Country Office, 2021 UNFPA Humanitarian Response in Yemen (2021): https://www.unfpa.org/resources/2021-unfpa-humanitarian-response-yemen#:~:text=A%20staggering%2020.7%20million%20people,access%20to%20reproductive%20health%20services.

(4) International Rescue Committee, 4 Ways the War in Yemen has impacted Women and Girls (2019): https://www.rescue.org/article/4-ways-war-yemen-has-impacted-women-and-girls ; Amnesty International, Yemen: One of the Worst Places in the World to be a Woman (2019): https://www.amnesty.org/en/latest/campaigns/2019/12/yemen-one-of-the-worst-places-in-the-world-to-be-a-woman; Rohwerder, B., Conflict and Gender Dynamics in Yemen, K4D Helpdesk Report (2017): http://www.gsdrc.org/wp-content/uploads/2017/07/068_Conflict-and-Gender-dynamics-in-Yemen.pdf.

of the displaced families are currently supported by women. It is estimated that 5 million women and girls are of childbearing age, and 1.7 million pregnant and baby-caring women have limited or no access to reproductive health services, including antenatal care, safe delivery, postpartum care, family planning, and emergency obstetric services. With the escalation of the conflict, the rate of displaced women and girls is on the rise, and thus their need for protection simultaneously increases with the collapse of societal, institutional, legal, and family protection walls. As a result, many women are forced to adopt negative coping mechanisms to survive, including child marriage, human trafficking, beggary, child labor, and others.[5] Early or child marriage rates are the highest among internally displaced persons (IDPs), with one in five internally displaced girls between the ages of 10 and 19 being married, compared to one in eight girls of the host community. Moreover, one woman dies reportedly every two hours during childbirth from preventable causes, due to limited or a lack of care and access to services. Humanitarian indicators for the year 2021 also showed that 1 million pregnant and baby-caring women suffered from acute malnutrition at some point during that year, which increases the risks to their new-born children and can lead to cases of severe stunting as a result of increasing food insecurity. [6]

As for indicators and figures on GBV, including domestic violence against women, there is a complete absence of data on its prevalence at the national level from relevant agencies.

Therefore, Mwatana for Human Rights (Mwatana) decided to conduct a research study to collect and analyze data concerning domestic violence against women during the armed conflict in Yemen. As further discussed in the following section, the study is based on qualitative research methods to compile data on domestic violence against women, including in-depth interviews and focus groups, regarding cases selected from different Yemeni governorates that fall under the authority of the various parties to the armed conflict. In doing so, the study responds to the concrete call made by the UN Declaration on the Elimination of Violence against Women, which has remained unaddressed by Yemeni state institutions, to: "Promote research, collect data and compile statistics, especially concerning domestic violence."[7]

(5) OCHA, Humanitarian Update (October 2021): https://www.unicef.org/mena/media/14701/file/Yemen%20Humanitarian%20Update%20_.

(6) UNFPA Yemen Country Office, 2021 UNFPA Humanitarian Response in Yemen (2021): https://www.unfpa.org/resources/2021-unfpa-humanitarian-response-yemen#:~:text=A%20staggering%2020.7%20million%20people,access%20to%20reproductive%20health%20services.

(7) Declaration on the Elimination of Violence against Women, adopted by UN General Assembly Resolution 48/104 (1993), Article 4(k) [in Arabic]: https://www.ohchr.org/AR/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx.

Methodology

The study's methodology employs qualitative research methods to analyze the phenomenon of domestic violence against women in Yemen. Qualitative data was collected concerning a selected sample of cases through a significant number of in-depth interviews with female survivors, relatives, and family members of survivors and victims of domestic violence, in various age groups and from varying geographical, social, and economic backgrounds. Additionally, focus groups and expert interviews were conducted by the study team. The study was implemented following the procedure as described in the next sections.

Selection of cases

The geographical scope of the cases selected for the study covers eight Yemeni governorates: Sana'a (both the governorate and Amanat Al Asimah), Taiz, Al-Hudaydah, Ibb, Hajjah, Abyan, Aden, and Hadramawt. The selection was carried out in consultation with a select group of female and male lawyers working in the field of personal status cases in different governorates, as well as Mwatana's research and legal support teams that are entrusted with the task of documenting and verifying human rights violations, including violations that affect women. These governorates reflect the diversity that exists between these geographical regions as they encompass different warring parties with control over these areas, the cultural and social diversity that exists in the Yemeni local context, and the varying impacts of the war on the different regions of the country. This geographical diversity was considered as an important factor to be able to analyze the nature and spread of certain types of domestic violence that may result from differences in cultural and social contexts as well as the impact of the war on these regions. The selected governorates have witnessed displacement and have been affected by the war. Hadramawt might be the governorate that has been the least affected by military action, but it has witnessed displacement to its cities and villages from areas affected by the war. Additionally, the prevailing security conditions for the study team in the governorates and the accessibility to cases of domestic violence against women were considered.

Given the highly sensitive and private nature of the topic, it was not possible to conduct a study in the traditional way and to take random samples from the population. For this reason, the study applied intentional and snowball sampling methods as an effective approach for determining the sample.[8] The study team faced significant challenges in how to access domestic violence cases. Usually such cases do not go beyond the walls of the home, unless the violence and harm caused to the victim escalate, for instance resulting in the opening of a criminal case or a case being brought before court. Therefore, through a network of lawyers and experts in law enforcement agencies, cases that reached the judiciary and the prosecution service were identified. The legal support team at Mwatana was involved in investigating the record of cases concerning violations

(8) Snowball sampling is a common sampling method in qualitative research used in the case of hard to identify study participants. For the present study, identified participants who met the study's criteria were asked at the end of our interviews with them to assist in identifying other potential participants who meet the study criteria with the aim of determining a larger sample size.

and violence against women that it had previously monitored, as well as in discussions with a group of male and female lawyers from several governorates, including specialists in personal status cases. Based on these efforts, interviews with respondents related to these identified cases, and information obtained from legal and judicial assistance service providers and providers of safe spaces, assisted in reaching a larger number of domestic violence cases by applying a snowball sampling method.

A total of 58 cases of domestic violence against women from the aforementioned governorates that fulfilled the study criteria and the documentation principles of Mwatana were selected.[9] These cases were chosen to reflect the urban and rural geographical factor; age; types of violations or patterns of violence that occurred; the frequency, continuity, and evolution of violence to other patterns; the war variable; and its impact on the type and frequency of violence. The study includes 32 cases in urban areas compared to 26 in the countryside. The rural and urban split is important for determining the extent to which women have access to justice and services that help or support survivors of violence. The time period of the cases selected ranges from 2014 to 2021.

The cases of domestic violence against women included in the study are only a sample and do not reflect the actual percentages of each type of domestic violence against women in Yemeni society. Due to the used methodology, the study can provide insights into the phenomenon of domestic violence against women during the armed conflict in Yemen based on an analysis of the selected cases, but its findings face limitations in the extent of their generalizability beyond the sample studied. The study's recommendations are however of general importance to the issue of domestic violence against women in Yemen.

Data collection tools

The study started with conducting two focus groups: the first with male and female lawyers of Mwatana working in various governorates, and the second with a select number of male and female lawyers specialized in personal status cases. In these focus groups, we discussed the most common type of domestic violence cases and how to access cases. Additionally, we discussed patterns of domestic violence against women and its causes, the extent to which the frequency and severity of domestic violence is affected by the current war, and how to address, through the work of male and female lawyers, the inadequate responses by police and judicial institutions to domestic violence against women.

(9) Mwatana's documentation process follows a research methodology that relies on several principles, including obtaining informed consent from victims and witnesses, adhering to the principle of confidentiality, protecting the interests of witnesses, verifying that witnesses' information is accurate and not contradictory, and obtaining documents and evidence confirming that the violation occurred.

In a following stage, an in-depth interview toolkit was developed, which includes open-ended interview questions to allow respondents to tell their stories in sufficient detail. The following topics are covered in this toolkit:

- Background on the social and economic circumstances of the case under study, which includes the respondent's social, educational, and economic situation
- Patterns of violence and its triggers
- Hierarchies of domestic violence and its extension beyond the family circle
- Impact of the war
- Services available and protection mechanisms (legal and social), and whether women can access these services and access justice

A total of 80 interviews were conducted for the sample of 58 selected cases that met the study criteria and Mwatana's principles for documentation of violations, in addition to the two focus groups and five interviews with experts in police and judicial institutions and shelters.

Table (1): The number of interviews, cases, and focus groups per governorate

Governorate	Number of *interviews	Number **of cases	Number of focus groups and expert interviews
1. Sana'a governorate and capital	16	12	• 2 focus groups with lawyers, including experts in personal status law, in Sana'a and other governorates (40 persons). • 5 interviews with experts working with shelters, providing legal support to survivors of violence, and working in law-enforcement and judicial bodies.
2. Hajja	7	7	
3. Al-Hudayda	4	4	
4. Taiz	12	10	
5. Ibb	5	5	
6. Abyan	12	6	
7. Aden	10	7	
8. Hadramawt	14	7	
Total	**80**	**58**	**7**

* Some interviews were conducted with relatives or family members of the victims and survivors, including in cases where the victim died or where it was not possible to directly access the person in question for another reason.

** The number of cases constitutes the sample on which the study is based. The selection of cases benefitted from the implementation of a snowball sampling method.

The interviews were carried out by Mwatana's team of male and female lawyers and several Mwatana researchers, all of whom are trained in research methodology. The interviews were conducted as much as possible by female lawyers and researchers, so that survivors or families of victims could feel more free to disclose the details of their case. Ethical and professional considerations were emphasized when conducting the interviews according to the standards of scientific integrity in terms of obtaining the respondents' informed consent[10], and assuring them of strict confidentiality procedures and of the possibility of withdrawing from, or refusing to conduct, the interview whenever they wished. The interviews were carried out in the selected governorates during the months of October and November 2021.

Given the sensitivity of the topic addressed in the study, the research team was faced with challenges in how to access and interview possible respondents in cases of domestic violence against women within the family. For some of the cases, the research encountered many difficulties due to the refusal of the survivors, or of their families, to talk and the fleeing of families from their homes to other regions, or of the survivor, as a result of fear of social stigma. Some respondents were even interviewed in other cities. In the event of the victim's death, reaching her next of kin to talk about the situation was difficult, especially when they asked about the benefit they would gain from the interview when their relative had already departed. Some bargained to obtain a payment to talk about the case, and accordingly these cases were rejected as they contradict with Mwatana's principles of monitoring and documentation.

(10) Informed consent is when the respondent gives his or her consent after clearly understanding the aim of the interview, its impacts, and results, including the consequences of giving his or her consent. Respondents should also be informed that they can refuse to answer any question and should not be coerced (i.e. being persuaded to do something based on force or intimidation). Inter-Agency Standing Committee, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Work: Reducing Risk, Promoting Resilience and Aiding Recovery (2015).

Definition of key terms

Domestic violence: The terms "violence," "abuse," and "beating" are often used interchangeably to describe violence that occurs within the home. The Declaration on the Elimination of Violence against Women defines "violence against women" as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."[11] This Declaration also urges states to "[e]xercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are committed by the State or by private persons."[12]

For the purposes of this study, we define domestic violence as practices involving any harmful and abusive behaviors and actions that target particularly women, sons, and daughters within the family. The focus of the present study is solely on domestic violence against women. The circle of persons carrying out those behaviors can include both immediate and extended family members, such as aunts, uncles, and anybody else who is related to the abused person by kinship, whether they live with the victim in the same household or not. This definition encompasses multiple forms and degrees of violent practices, such as physical abuse including beatings and torture, killing, deprivation of resources and basic rights like education and access to health and other services, deprivation of inheritance, custody or alimony, imprisonment and confinement in the home, psychological and emotional abuse, murder, and sexual abuse, including rape.

Survivor and victim: The terms "survivor" and "victim" can be used interchangeably with regard to a person who has been subjected to targeted violence. It is preferable to use the term "survivor" in the psychological and social support sectors because it refers to the ability of the person to survive and be resilient.[13] In this study, the term survivor will be used for those who managed to escape from domestic violence or are still struggling for salvation, and the term victim for those who died due to domestic violence, either through torture that led to the person's death or premeditated murder.

Child or early marriage: Child marriage, also referred to as early marriage, is any marriage that takes place before the age of eighteen. This definition is affirmed by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, which define child marriage as any marriage in which at least one of the parties is under the age of 18.[14]

(11) Declaration on the Elimination of Violence against Women, Article 1.

(12) Declaration on the Elimination of Violence against Women, Article 4(c).

(13) Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Work, Op. Cit.

(14) Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/ General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices, UN Doc. CEDAW/C/ GC/31-CRC/C/GC/18 (14 November), para. 20.

Rape in the family: The term "rape in the family" refers to rape as a serious form of sexual violence that occurs in the family, often perpetrated by males against women, girls, or children who are related to the perpetrator.

Legal frameworks and the protection of women from domestic violence

National law

Yemen does not have a law dealing specifically with the protection of women against domestic violence. However, many crimes and violations committed within the family are covered by the general provisions of the Penal Code. In some cases, punishment is disproportionately reduced in relation to the seriousness of the crime.

This section deals with some of the legal and legislative loopholes that have contributed in one way or another to strengthening the phenomenon of domestic violence against women. These loopholes can be found in constitutional and other legal texts, which impede women's access to justice and the exercise of their rights, including redress for the serious and less severe psychological and physical harms suffered at the hands of their relatives.

Constitutional texts subject to discriminatory interpretation

Although the Yemeni Constitution recognizes equality between citizens in rights and duties, Article 31 of the same Constitution contradicts this principle by stating that women are sisters of men and have rights and duties guaranteed and required by Islamic Sharia and prescribed by law. Therefore, the Yemeni Constitution provides a wide scope and is open to multiple interpretations, which results from the disagreement among Islamic Sharia jurists on many issues related to women and what Sharia requires women to do. Furthermore, there are some strict jurisprudential opinions against women. This situation has justified and provided a legal entry point for arbitrary practices against women. An example thereof is the permissibility of a husband to prevent alimony, abandon his wife at home, and imprison her under the pretext that she is disobeying him and not fulfilling her marital responsibilities.

Article 3 of the Constitution recognizes Islamic Sharia as a source for all legislation. As a result, there exist multiple doctrinal opinions on the same issue, which necessitates leaving the matter to the discretion of the court and preferring the most appropriate jurisprudential opinion when there is no legal text to decide the issue. This, in turn, leads in many cases to the application of jurisprudential opinions that may, in principle, be prejudiced against women.

Pursuant to the Yemeni Constitution, the state is obligated to protect motherhood and childhood. The Constitution further stipulates that the family is the basis of society (the law maintains the family and strengthens its ties in accordance with Articles 26 and 30 of the Constitution). Nevertheless, there is still a significant legal blind spot in terms of the protection

of women from violence within the family, including a lack of accurate definitions to encompass crimes of domestic violence. The law also fails to provide deterrent legal penalties and does not regulate means of proof appropriate to the nature and privacy of family life, which has led to the spread of domestic violence against women.

Discriminatory legal provisions in the Personal Status and Civil Laws:

In the marriage contract

Article 6 of Law No. (20) on Personal Status of 1992 defines marriage as a bond between contract spouses by a contract. Article 7(2) of the same law stipulates that the validity of the requires an affirmative statement that benefits the customary marriage from the guardian of the person contracted with it. At the same time, Article 138 of the Civil Code states that, the contract is an offer from one of the contracting parties, an acceptance from the other. This clearly shows that the Personal Status Law, in above-mentioned Article 7, violates the basic rule concerning contracts by requiring the acceptance of the woman's guardian and not of the woman herself. This contradicts the legal and Sharia principle regarding the validity of contracts, and burdens a woman with the obligations of a marriage contract that she has not accepted.

Article 23 of the Personal Status Law refers to a woman's consent to marriage by simply stating that "the consent of the virgin is her silence." Consequently, women are deprived from their right to speak out and their mere silence is understood as their consent to marry. The authority to accept the offer of marriage is left to the guardian, who has sufficient authority to . override the woman's will to accept or reject the marriage

The law does not stop here. In accordance with Article 21 of the Personal Status Law, the guardian has the right to appoint someone else to handle the marriage of any of the women in his family. The guardian can be the spouse who will marry the girl, for example her cousin, and in such cases he still retains the power to decide on her will, not only from the point of view of guardianship, but also from the point of view of his desire to marry her, which can further complicate the problem. This can, for example, give rise to a situation where a person wants to marry a woman who does not want him. However, he has the right to prevent her from marrying anybody else. Moreover, he has the right to force her to marry him, and the right to regard her silence, by the text of the law, as consent, which is contrary to general contractual . transactions where opinions cannot be inferred from a person's silence

Permissibility of child marriage

Yemeni law does not set a minimum age for marriage. Instead, it legalizes the marriage of sonalrminor girls and female children, leaving the matter to the guardian. Article 15 of the Pe that the Status Law provides that the contract signed by the guardian of a young girl is valid and person who is contracted to "any child" cannot enter into marriage with her until she is suitable .for "intercourse," even if she is over fifteen years old

However, if we resort to reason, not every child who gets her period becomes a woman fit for ,rarriage. After all those legal texts that restrict a wife's freedom and decision-making powem a nd burden her with duties of an unknown nature, the law adds that it is permissible to marrya irl simply because she has reached puberty and appears at first glance to be suitable forg exual intercourse. The law then adds that the minor's marriage contract may not bes onsummated unless an interest is thereby fulfilled, but it is silent as to what exactly thec . interest is and who decides it

Civil code complicates the marriage guardianship question

Under the Civil Code, special guardianship, which is the guardianship exercised by fathers, relatives, and husbands on women, comes before general guardianship, which falls under the jurisdiction of the court. This system results in a legal loophole concerning the authority of guardians in marriages. For example, in the case of a guardian's Adhal (refusal: the woman's guardian refuses the marriage without a legitimate excuse), the woman must provide evidence of the arbitrary refusal by her guardian. Nevertheless, the mandate to decide on the woman's marriage does not pass directly to the court, but rather to those who succeed the father as guardian, then the next in line, and so on. If there is no guardian from her family, guardianship that involves the authority to decide on the marriage is then transferred to the court. In addition, Article 19 of the Personal Status Law gives the refusing guardian the right to delay the final decision for a period of up to one month to get to know the suitor better. If the first guardian continues to refuse after the month has passed, the guardianship passes to the second guardian, then the third, then the fourth, and so on and so forth. How many months must a woman wait while the guardians keep changing until she is allowed to marry when her case finally reaches the court?

Consequences of marriage contracts

The provisions of the Personal Status Law have been used as an excuse and justification for the practice of domestic violence against women. This law includes general and overly vague legal terms that are not elaborated to clarify their purpose. An example includes the following expression used in Article 40(4) of the Personal Status Law: "not leaving the marital home except with his permission or for a legitimate excuse." The law does not specify the concept of a "legitimate excuse" nor does it list examples of it. This is used as a pretext for issuing rulings against women that prevent them from exercising their legitimate rights, such as the right to alimony and housing. Usually, the justification for a husband's refusal to pay alimony rests on his wife's departure from their home to her family's home without permission.

In addition, the same article obligates a woman to comply with her husband's orders and to perform her duties in the marital home. The law does not specify what these conjugal duties are, but leaves it open to prevailing customs in the country and the judge's assessment. Also, the law requires a woman to seek permission from her husband when she wants to leave the house.

The law states that the husband has no right to prevent his wife from leaving the house unless he has a "legitimate" reason, or it is contrary to customary practices, but it should not lead to a breach of honor or of her duties towards her husband. However, it is not specified what is meant by the terms honor and marital duties of a wife towards her husband. The law leaves both terms general and vague to be interpreted according to Sharia and customs. It also gives priority to the husband's wishes and obedience to him over the woman's duties towards her parents, such as determining the exact cases of when she can go to take care of her parents in case of disability without the husband's consent and made it illegal to go out in any case other than the determined cases.

Lastly, giving room to custom in the assessment of what the law calls the right of obedience and the duties of the marital home, requires in many cases a wife's submission to her husband and his family, in accordance with their customary standards of service and obedience. This resort to custom may result in her being deprived of many of her rights if she does not comply with their rules of obedience.

Challenges of annulling the marriage contract and Mukhala`a

While men have the right to divorce without restrictions, even arbitrarily, women are subjected under Yemeni law to strict rules of annulment and mukhala`a.

Annulment in Yemeni law can be activated for one of the following reasons:

- In the case of a spouse's incompetence in religion and morals, as mentioned in Article 48 of the Personal Status Law. The law does not specify for what type of moral incompetence a woman can request annulment of the marriage. The criteria by which religious and moral competence can be determined are also not clarified.
- When a husband leaves his wife or is married to more than one wife and does not provide for his family, as stated in Articles 50, 51 and 53 of the Personal Status Law. However, the law does not address how much time is considered "leaving" a wife without alimony. It also does not discuss questions of justice and equality in providing for more than one wife, which involves the right of a wife to request annulment when the husband fails to provide. Instead, the law only authorizes the annulment if the husband was unable to provide for them and house them, thus each wife has the right to annul their respective marriage. The wife bears the burden of proving her husband's financial situation. The court usually grants her a small amount, according to what she was able to prove in court regarding the husband's financial capacity.
- In the case of a husband who has been sentenced to a prison term of three years or more, on the condition that the husband has served a prison term of not less than one year, as provided in Article 52(b) of the Personal Status Law. Therefore, a wife must wait until a ruling has been issued against her husband and one year has passed from the date of his imprisonment to have the annulment of the marriage declared by a court.

In the above-mentioned cases, the judge has the discretion whether or not to consider the

reasons for the request for annulment. If a reason for annulment is considered proven, the judge will order it. Otherwise, the marriage will continue, even if it is against the woman's will.

In the case of annulment on the grounds of hatred, Article 54 of the Personal Status Law obligates the woman to return the dowry. This places a financial burden on the woman and consequently makes it difficult to claim the annulment. As a result, she may continue the marriage against her will to avoid this financial burden.

Mukhala'a is defined in Article 72 of the Personal Status Law as: "a separation between the spouses in exchange for compensation, money or benefit, from the wife or from others even if the money or benefit is unknown." The law allows for Mukhala'a in return for compensation to be provided by the wife or others to the husband, whether money or other benefits. The law does not specify the amount of money or benefits to be provided. Even in this case, Mukhala'a is only possible with consent of both spouses, as provided in Article 73 of the Personal Status Law. By linking Mukhala'a with the consent of the husband, the matter is left in the hands of the man and the wife is left with a financial burden in return for the husband's agreement to their divorce.

Rape survivors and provisions on proving parentage

Article 123 of the Personal Status Law stipulates that "the filiation of an unknown parentage or a verified pregnancy is established for a person who acknowledges his parentage, even if he is terminally ill, under the following conditions:

- Parentage is not falsified by reason, customs, or sharia.
- The man does not confess that the child was conceived through extra-marital sex.
- The acknowledged person does not disagree with the claim of parentage if he is an adult, or if he doesn't disagree with the claim later after he becomes an adult."

The law links in this article proof of parentage of unknown parents to the will of the parent who needs to acknowledge that the child is their son or daughter. Yet, in cases of rape, the perpetrator usually flees after committing the crime. The law does not offer any solutions for children born of rape. Instead, they are left to live with the denial by their fathers and without identity.

In this regard, we recall a painful case from the cases studied: A girl, who had been acknowledged by someone other than her actual father, lived as a result without identity and paid with her life after spending years under torture carried out by this person.

Discriminatory provisions in the Yemeni Penal Code

Articles 59 and 233 of the Penal Code stipulate that the child has no right for retribution in the case that the perpetrator is a father in cases of murder and assault. Instead, blood money and reparation are required. In murder cases, an offender can be additionally sanctioned for a period of maximum three years or can be required to pay a fine. In the event of assault, the offender can be sanctioned for a period up to three months or by way of a fine, while the victim has the right to forgive the offender. The law permits punitive penalties but does not require them. The matter

is left to the court's discretion: either the offender is sentenced to imprisonment for a period not exceeding three months or to a fine. This opens the way for domestic violence by fathers against their children, because they can rely on the weakness of the penalties prescribed by law and on the difficulty of proving the violence, because these crimes take place in the family home away from outside witnesses. The matter is more complicated for girls and women, given that the law requires only half of the blood money when the crimes are committed against women, compared to what is owed to male victims. In the case of Irsh, which is a sum of money to be paid by the offender as a compensatory penalty for the bodily injuries inflicted on the victim, Article 42 of the Penal Code provides that compensation to a woman shall be half of what is owed to a man, if the amount of money awarded to a woman in court exceeds one-third of the amount of blood money awarded to a man, leaving the determination of the extent of unspecified injuries inflicted on a man or woman to the discretion of the judge.

Crime of rape

In the case of the crime of rape, which is addressed in Article 269 of the Penal Code, the law imposes a penalty of up to ten years for the offender, while leaving the determination of this matter to the judge's discretion. The penalty can be increased in the event that the crime was committed by two or more persons; the offender was supervising, protecting, raising, guarding, or taking care of the victim; the victim was medically treated by the perpetrator; the victim sustained serious physical or health damage as a result of the crime; or the victim became pregnant. In these cases, the penalty can involve imprisonment for a period of two up to ten years, leaving the determination to the judge's discretion as well. The penalty becomes more severe when the victim is not older than fourteen years or the act caused the victim to commit suicide. In these circumstances, the penalty includes a prison term of not less than three years and not more than 15 years, to be determined by the judge. The leniency of penalties for rape has led perpetrators who are relatives of the abused women to feel relatively safe from punishment, especially since it is difficult to proof rape.

Crimes under the banner of "honor"

Article 232 of the Penal Code provides punishment for so-called "honor crimes", which encompass the following:

> "If the husband murders his wife and whoever commits adultery with her when both are caught "red-handed," or assaults both of them leading to either death or disability, no punishment is required thereof, but the husband is sentenced to imprisonment for a period not exceeding one year or a fine. The same sanction applies to whoever catches any of his relatives, offspring, or sisters "red-handed" with the crime of adultery."

The legislator was not satisfied with solely providing the possibility to impose a lenient prison term of one year for predetermined homicide. The provision also enables the judge to just impose a fine, despite the commission of a full-fledged murder or a serious intentional assault leading to disability.

Crimes of disgraceful acts

Article 273 of the Penal Code includes a definition of disgraceful acts in violation of chastity: any act which conflicts with public morality or involves losing one's chastity, including by undressing, intentional exposing genital organs, and speaking or gesturing in a manner . contradictory to chastity and good conduct

Article 274 provides imprisonment for no more than 6 month or a fine for those who commit . such acts as heard or seen by others

Article 275 imposes a sentence of up to one year in prison or a fine to anyone who commits a disgraceful act with a female without her consent. If the act is carried out with her consent, both will be punished with imprisonment for a period not exceeding six months or a fine of not . more than one thousand Yemeni Rial

These provisions make clear that the type of punishment imposed for a disgraceful act is optional, in the sense that it is subject to the discretion of the judge. The provisions govern the limits of the punishment that can be imposed for the crime of harassment. The punishments prescribed in these texts are weak compared to the seriousness of the crime and do not protect women, especially in cases where women are subjected to harassment within the family. Even if the incident is proven, the punishment is small. This may be one of the reasons why women . may decide to not seek justice

In some cases, law enforcement officials and judicial actors have used these texts against women, by accusing them of violating public morality and indecent acts. Here, it becomes clear . how important it is to provide for accurate definitions and formulations and to clarify them

Challenges in proving crimes under the Yemeni law of evidence

Women face many complications and challenges in proving crimes of domestic violence, because the mandatory rules of the law of evidence apply. Witnesses may not be ases,cavailable, considering that crimes take place within the walls of the home. In some and the where witnesses are present, they may testify untruthfully for fear of social stigma ime, inrfamily's disintegration. Also, the lack of acknowledgment by perpetrators of their c nteaddition to the lack of qualified forensic doctors in most Yemeni governorates, pres xperts,eobstacles to establishing the facts of the case and seeking the assistance of court en womenhespecially for crimes that need to be proven with a forensic report, such as rape. W nts haveihave taken legal action and have filed complaints that they were raped, their compla aswbeen used by prosecutors as proof of the crime of adultery, especially if the woman pregnant at the time of filing. As a result, women have been taken into custody for rape.finvestigation, while being required to prove that they were subjected to the crime o ultery.dOtherwise, a woman's complaint of rape will be recognized as proof of the crime of a tead ofsIn this case, the victim would need to appear before court as an alleged criminal in veathe actual perpetrator, which is accompanied by social stigma. To counteract this gr ,situation, legal provisions should be enacted for proving all forms of domestic violence

consistent with the nature of domestic violence and the fact that these crimes take place behind closed doors.

International law

Domestic violence against women is recognized under international law as a serious violation of human rights and a form of discrimination against women. A comprehensive international legal and policy framework exists that promotes and protects the rights of women and articulates states' obligations to address and eliminate violence against women. Several international human rights treaties and other international instruments prohibit violence against women, most notably the following:

- Convention on the Elimination of All Forms of Discrimination against Women of 1979:(15) Although the Convention does not expressly address domestic violence against women and girls, the UN Committee on the Elimination of Discrimination against Women (CEDAW), which is a body of independent experts monitoring the Convention's implementation, clarified that this Convention covers all forms of violence against women, including domestic violence.(16)
- Declaration on the Elimination of Violence against Women of 1993: The Declaration, which was unanimously adopted by the UN General Assembly, recognizes that violence against women can occur not only in public life but also in private life, including acts of physical, sexual, and psychological violence in the family, and identifies violence against women as a "manifestation of historically unequal power relations between men and women."(17)
- Resolutions of UN bodies have also addressed the issue of violence against women, including domestic violence against women and violence against women in situations of armed conflict.(18)

CEDAW recognizes gender-based violence, including domestic violence against women, as a form of discrimination that seriously impairs or nullifies women's ability to enjoy human rights and fundamental freedoms on an equal basis with men. Gender-based violence is thus closely connected with discrimination against women and violations of human rights and fundamental freedoms.[19] Violence within the family is identified as being "one of the most insidious forms of violence against women" that puts "women's health at risk and impair[s] their ability to participate in family life and public life on a basis of equality."[20]

Other international treaties and declarations that do not explicitly address domestic violence

(15) Convention on the Elimination of All Forms of Discrimination against Women (1979), 1249 UNTS 14: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.

(16) UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 19: Violence against Women (1992) (hereafter: General Recommendation No. 19).

(17) Declaration on the Elimination of Violence against Women, Preamble and Articles 1 and 2(1).

(18) See e.g. UN Security Council Resolution 1325 (2000); UN General Assembly Resolution 58/147 (2003).

(19) General Recommendation No. 19, paras. 1, 4, and 7.

(20) General Recommendation No. 19, para. 23.

against women are still relevant to consider because they recognize states' duty to protect women's fundamental human rights and freedoms that are commonly violated in domestic violence cases. These rights include, but are not limited to, the right to life, the right to equality, the right to be free from all forms of discrimination, the right to equal protection under the law, and the right not to be subjected to torture, or other cruel, inhuman, or degrading treatment or punishment.

International instruments that address these rights are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, which guarantee the same rights to women as men. Together, these instruments form the so-called International Bill of Human Rights. Other binding international treaties relevant to domestic violence cases include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been interpreted to require state authorities to prevent and protect victims from domestic violence involving torture and other ill-treatment of women,[21] and the Convention on the Rights of the Child, which requires states parties to take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of violence.[22] The international legal system also provides important standards in matters relating to marriage and family relations, based on equality of men and women, including the right of men and women of marriageable age to enter into marriage, the right to freely choose a spouse and to enter into marriage only with free and full consent, and the same rights and responsibilities for men and women during marriage and at its dissolution.[23]

Yemen has ratified these international human rights treaties and is thus bound by them. This comes with concrete and binding obligations for Yemen under international law, particularly to take at the national level appropriate and effective measures to eliminate all forms of violence against women, including domestic violence. Yemen is required to prevent, investigate, and punish perpetrators of domestic violence, and to provide protection to victims of such violence. Responsibility may fall on Yemen when it fails to comply with these due diligence obligations. These obligations stem from states' duty to respect, protect, promote, and fulfil human rights.[24] In this regard, UN treaty bodies, particularly CEDAW, have called upon states parties to ensure,

(21) UN Committee against Torture, General Comment No. 2, UN Doc. CAT/C/GC/2 (24 January 2008), para. 18.

(22) Convention on the Rights of the Child (1989), 1577 UNTS 3, Article 19(1): https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

(23) See for instance International Covenant on Civil and Political Rights (1966), 999 UNTS 171, Article 23: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights; International Covenant on Economic, Social and Cultural Rights (1966), 993 UNTS 3, Article 10(1): https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights; Convention on the Elimination of All Forms of Discrimination against Women, Article 16; Convention on the Rights of the Child, Article 19.

(24) UN Secretary-General's In-Depth Study on All Forms of Violence against Women, UN Doc. A/61/122/Add.1 (6 July 2006), p. 17-18.

among other issues, that:[25]

- Violence against women is prosecuted and punished;
- Laws against violence and abuse within the family, rape, sexual assault, and other forms of gender-based violence provide adequate protection to all women and respect their safety and dignity, including appropriate prevention and support services as well as effective complaints procedures and remedies;
- Judicial, law enforcement, and other government officials receive gender-sensitive training;
- Effective measures are taken to overcome attitudes and practices that perpetuate violence against women;
- Legislation removes the defense of honor regarding the assault or murder of a female family member.

However, as shown in the previous section, Yemen has only partially implemented its legal obligations under these international treaties into domestic law. At present, there is, for instance, no law or specific legal provision that criminalizes domestic violence against women. Despite Yemen's duty to submit reports to CEDAW, as a state party to the Convention on the Elimination of All Forms of Discrimination against Women since 1984, to show the progress being made in implementing this Convention, little progress has been recorded, even before the war, regarding legislative steps aimed at criminalizing violence against women and dealing with issues of domestic violence and deprivation of women's human rights, fundamental freedoms, and resources.

(25) General Recommendation No. 19, para. 24; UN Handbook for Legislation on Violence Against Women (2009), p.6.

Patterns of domestic violence against women during the war

The present section discusses the most prominent patterns of domestic violence against women during the war that transpired through in-depth interviews with survivors, relatives, and family members of survivors and victims. In a preliminary stage of the study, several patterns were identified based on a review of the data collected by the monitoring and legal support team at Mwatana on the selected cases, as well as based on the results of focus group discussions with lawyers from different governorates. The following points summarize the most prominent patterns that were discussed:

- Homicide (including so-called "honor crimes")
- Physical harm and torture
- Rape in the family
- Deprivation of rights and resources

Important to bear in mind is that discrimination and violence against women have been prevalent from before the current war. Many studies carried out in the pre-war period[26] identify multiple types of domestic violence as well as violence occurring within the broader community, including early or child marriage, harassment, and harmful practices such as female genital mutilation (FGM), which is very common in coastal areas. Indeed, the present study found that 65% of female survivors and victims faced certain patterns of domestic violence already before the start of the war. This finding was reached by tracking the life-stories of the selected cases of domestic violence. Based on in-depth interviews with these survivors and victims, several prominent patterns of domestic violence that existed before the war have been identified:

- Deprivation of education, especially in rural areas: In around 36% of the cases, respondents suffered from deprivation of education, and the most fortunate of them finished the third or fourth grade of primary school.
- Physical violence: Respondents in around 37% of the cases were beaten, 8% were tortured, and 2% had their freedom of movement taken away.
- Early and forced marriage: In around 19% of the cases, respondents had been subjected to early and forced marriage.
- Deprivation of economic rights: In 16% of the cases, respondents were deprived of their inheritance.

As the following discussion will show, these patterns intensified significantly during the war for a proportion of the study cases to include more severe patterns, such as murder, rape in the family, and increased physical violence.

(26) Demographic Survey of Yemen (2013): https://dhsprogram.com/pubs/pdf/FR296/FR296.pdf P.185-187;
UN Country Assessment on Violence against Women: Yemen (2010): https://www.un.org/womenwatch/ianwge/taskforces/vaw/Country_Assessment_on_Violence_against_Women_August_2_2010.pdf.

a) Homicides

In this study, 12 homicides that occurred during the war were documented, in addition to a case of suicide following torture. In two of the homicide cases, the perpetrator was from a well-off family, and the economic conditions were neither a reason for the outbreak of disputes nor a cause for the amount of violence that the two victims were subjected to. The victims suffered torture, threats, and intimidation for long periods before they were killed, and the fear of threats to harm them or their families was a major motive to remain silent about their experiences of torture and for their failure to report.

It appears from the cases, that homicide is often the last link in a long chain of assault and torture carried out by the perpetrator against the victim, coupled with her inability to deter the perpetrator, complain, or seek help from others to save her life. The documented homicides include so-called "honor crimes". Three cases of premeditated honor killings were monitored (further discussed in the next section), which are murders of women who are believed to have offended their family's reputation according to the family's concept of good reputation and honor.

Where homicide is not related to "honor", access to justice becomes more feasible than in cases of "honor killings". Some of the homicide cases documented in this study found their way to the justice system, and sentences were issued against the perpetrators, although they were not implemented.

Examples of homicides

- In 2021, a young woman died due to severe burn injuries caused by her husband in the city of Mukalla, Hadramout governorate. He tried to evade punishment for this crime. However, due to a public outcry and the actions taken by women's rights organizations and civil society in Hadramout, along with the proliferation of news about the case over social media, the Public Prosecution's decision described the crime as "a brutal premeditated murder."
- After one year and three months of marriage, a girl was killed in a village in Ibb governorate in 2016. She was suffocated, severely bruised all over her body with injuries to the skull, and pregnant of twins at the time of her death. Her father fell ill and could not pursue litigation, but the support from fellow villagers helped him to proceed with the process. The court case lasted three years until the verdict was issued nearly two years ago.
- In 2017, a girl from a marginalized and poor family was killed. She lived a harsh life during which she gave birth to two children and was subjected to various forms of beatings and physical torture. The perpetrator called his wife's family, saying, "Come to take your daughter, I killed her because she went to beg with you, you beggars." Through an investigation involving the perpetrator's family and an examination of the victim's body by the security authority, it was found that the perpetrator had beaten and tortured her and kept her confined to the house for nearly two weeks without first aid and with little food until she died. Mwatana followed up on the case and submitted several memoranda to request the prosecution and arrest of the perpetrator, which took place in 2020.

b) Homicides under the banner of so-called "honor crimes"

The term "honor killings" is commonly used as a justification for intentional killings in the family by males. This practice has supporters who consider the perpetrators as honorable and masculine, for having washed the family's reputation. Honor killings are murders of women believed to have damaged the reputation and honor of their family even if they were victims of rape.

In this study, three cases of homicide were documented in the context of these so-called "honor crimes". These crimes occur in Yemen because of a strict culture that reduces the honor of the family or tribe to the behavior and body of women, and considers women as being shameful and a burden that may distort the honor of the family if they are not reined in. Hastening the process of getting girls married is considered as a way to transfer the burden of preserving the honor and reputation of the family to another man.

In one of the documented cases of so-called honor killings, a 15-year-old girl was killed by her brothers under torture, beatings, and hanging at the instigation of the expatriate father living outside Yemen. In an interview conducted by Mwatana's team, other details were revealed of the injustice inflicted on the victim's sisters by the father before her death. The expatriate father had been refusing to marry off his daughters despite the presence of several suiters. One of the victim's sisters stated, "My father is easier to say kill your daughter than to spell out the word 'my daughter's husband'." It was claimed that the victim died as a result of taking poison, but the villagers' suspicions were raised due to the family's haste to bury the victim and their refusal to let any other family members wash and shroud her in the coffin, which led to the discovery of the crime. The victim's sister said, "When I examined the body with my brother, accompanied by the policemen, when we uncovered the shroud to see my sister's body, it was blackened and covered with bruises and there were many wounds on her body. Her hand was broken from beating as if by an axe. Beside the body were electric wires and other tools that were used to torture her for two weeks before her death."

This case confirms that domestic violence proceeds in stages, with the murder of the woman being the latest in a continuous series of violations. A multiplicity of violations affected the victim and her sisters, from deprivation of rights, property, the right to choose a life, a marriage, an education, and other rights, to torture, incitement, killing, and ending with impunity because of discriminatory legal texts that do not support women.

c) Rape in the family

The study documented 19 cases of rape, which took place in the family circles close to the victimized women, girls, and children by their closest relatives, such as the father, uncle, brother, stepfather, and brother-in-law.

The general patterns of these cases are the following:

- The offender is shielded by impunity, while the victim is accused of being the cause of the rape or of having consented to the sexual activity, and of committing adultery. This pattern is characteristic of most rape cases documented in this study, even though the majority of the victims were under the age of fifteen.
- Women in rural and tribal areas face more challenges, than women in cities, when wanting to file a complaint and report their situation to the police and the judicial system, because of their inability to go to these places alone and without a mehrem (male relative) and the need for an identity card that they usually do not have. In most of the cases, reporting is only done with the help of a family member who can take decisions on behalf of the victim and represent her before the security and judicial authorities.
- Tribal customs dominate in rural areas and the sheikh's authority represents a substitute for the state's authority, especially in family and sensitive issues. The house of the village or neighborhood sheikh plays the role of a shelter, which is supposed to be established by the state and civil society institutions to provide a safe haven for survivors of domestic violence, especially sexual violence, that preserves the girl's privacy, confidentiality, and safety.
- Some rape cases in the family end with victims being imprisoned and with the case being treated as a crime of consensual adultery, despite victims' testimony that they were raped under duress and torture. This pattern was identified in 12% of the cases studied.
- Victims of domestic violence in rural and remote areas lack access to services due to the absence of civil society organizations that can provide legal, health, or psychological assistance to women who face violence. The only option for women in such cases is to resort to the family, the sheikh, or his representative. Additionally, the efficiency of services provided by civil society organizations is affected by weakness, with regard to the legal services provided and the capacities of psychological support providers, who sometimes lack experience and sensitivity or do not adhere to the protocols for clinical management of rape survivors.
- Rape in the family is classified as "incest", which is forbidden according to Islamic law. The perpetrator, who is a relative of the survivor or victim, is forbidden to marry the woman because of their blood relation, sharing in breastfeeding as children, or being in-laws. We face difficulty in defining the term "incest adultery", as the word "adultery" implies consent between the two parties to the relationship, which is not the case in situations of domestic violence that take place as a result of unbalanced power relations between the perpetrator and the victim. This reality necessitates the use of the word rape, instead of incest adultery, for the following reasons:
- Rape cases are often committed by coercion or temptation by using parental or family authority, and because of the difference in physical strength. In most cases, the adult male aggressor has authority over the victim who, as a child and minor, is younger in age and has a weaker physical structure, and is often a female relative of the perpetrator.
- Such sexual assaults and rapes are not consensual, even under the assumption that there is consent from the younger victim, who is too young to understand what consent entails.
- The study cases show that rapists have used beatings and threats of death to delude the victim to believe that she is the one who will be harmed and will be accused of having committed adultery.

Examples of rape cases in the family

- In the case of a 16-year-old girl from a rural area, her family sought to conceal the identity of the real rapist. The girl came to meet a female worker at Mwatana, while she was carrying her nine-month-old baby. She was telling her story with her face cast down as if she was the person to blame, and her body and movements were filled with fear. The rapist was the girl's uncle, but as a result of the outbreak of her story in the family circle and among the village sheikh and the police, an alternative story was fabricated that excluded any accusations towards her uncle. He was twice the age of his niece and had been raping her since she was 14 years old while also beating and threatening to kill and expose her. The blame was imposed fully on the girl, by claiming that she had fallen in love with someone who had deceived her after promising to marry her. According to the grandmother, instead of admitting that the uncle was the rapist, the girl was accused of adultery as a way to lessen the shame for the entire family. The grandmother had the girl married to a young man from another village who had been proposed to her but rejected because of his extreme poverty. She was able to convince the young man that he would marry at no cost to provide cover to the girl who had been assaulted, in her words, by "an evil person." The girl's grandmother sold her jewelry to pay the dowry and wedding costs. After the police took the girl in custody, the case concluded by marrying her off to a poor person and moving her to another place away from the village. As for the rapist, he fled the village since that day.
- The victim told Mwatana that women cannot complain to anyone but "God" and that there are many girls and women who are subjected to violence by their fathers or husbands, and none of these aggressors are punished. Instead, a reconciliation session is held by family members or by the sheikh and notables so that cases do not spill out and become public, to avoid family stigma.
- Another case of domestic violence also occurred in a rural area. In 2015, the victim's father used violence, beat, and raped his daughter at the age of 12. When the victim tried to talk about it with her grandfather, grandmother, and some of her uncles, they refused to allow her to talk about the issue in front of them or to even think about it. As a result, she became afraid of talking about it with them. She went on her own to report her situation, after she found out that she was pregnant after years of repeated rape, imprisonment, and torture. However, the officer did not believe her. She was sent away and accused of defaming her father. In the end, she called her uncle (from the mother's side) in the city to save her. He supported her and reported the case. She was kept in prison during the investigation, where she remained for nine whole months during which her daughter was born. If the uncle had not supported her, she would have remained in prison for an unknown period, and she would not have found out where to go or who would shelter her. The uncle saved her again by insisting that he would take care of her once out of prison and bring her to another city.
- A mother was subjected to repeated violence by her husband since their marriage in 2005, such as beating and coerced sex after physical abuse, which she endured patiently. In 2018, the man started raping their young children. The father was acquitted of raping them despite the mother's reporting. The ruling in the court case stated that this was a malicious report

filed due to family disputes, despite the mother's submission of a medical examination report showing that her children had been raped. "The only party that stood with me was the Yemeni Women's Union, which appointed me a lawyer and provided me with psychological support sessions for me and my children. But the community around me did not have mercy on us. Everyone blames me for reporting my husband's actions and they tell me, "If I kept silent, it would have been better." Rather, they blame me further, saying "where was I when he attacked my children"."

d) Physical assault

Physical assault by beating and the accompanying psychological abuse, humiliation, and verbal insults, were common in all cases examined by the study team. This section reviews cases of attacks and violence, taking place in different governorates, against women who became permanently afraid because of this physical abuse and repeated threats that made them lose the courage to ward off the harm caused. Physical abuse, beatings, and threats of greater harm were not limited to poor families. These forms of violence were present in the studied cases, across socioeconomic classes.

The following violent practices were common in many of the cases of domestic violence taking place in different governorates: forced early marriage (i.e. marriage of minors), forced labor by parents and husbands, forced begging or to work outside the house, women forced to abandon their children and lacking help to hold their children in their arms on the pretext that their father is responsible for their maintenance, control of women's behavior in their clothing choices and when to go out, isolation, imprisonment, harsh beatings, and torture for violating orders or for sluggishness. The cases in governorate Hajja come first in terms of physical abuse, humiliation and ill-treatment, followed by Sana'a, Aden, Abyan, and Ibb. Hajja's cases were the most severe in terms of physical torture, psychological abuse, and forcing women to carry out physical labor. In this region, communities are destitute and isolated from urban areas because of the rough mountainous roads.

The violator was in most cases the woman's husband, followed by her father, then her brother, her son, and relatives such as an uncle or stepfather. The cases showed the extent to which society neglects these violent practices and the lack of support or a safe haven for women, neither socially nor legally, which many women are forced to accept as part of an inescapable reality.

e) Intimate partner violence

In 13% of the cases, women were subjected to spousal violence. Survivors recounted forcefully and in clear detail the use of excessive cruelty in the private relationship and the coercion inflicted on them through beating, restrain, or drugging practices, which they described and rejected as being "illegal." Many of the survivors even used the word rape to describe coercive practices. This type of violence is particularly sensitive, but at the same time society is particularly silent about

it, as it is not permissible to talk about it. Instead, intimate partner violence is entrenched in a culture that encourages submission to it as an obligatory obedience to the husband.

In one case, the survivor - a victim of early marriage at the age of 12 - was able to stand up to her husband, who constantly violated her. He kept accusing her of betraying him and slandered her reputation despite her poverty and helplessness. On an early morning in 2021, after a series of attacks, she gathered her four children and, with her burnt face, bloody forehead, and raped body, took them to the police station and reported her husband. She returned to her family's home, refusing any reconciliation or apology. She went to the police department to report her situation and then filed a lawsuit, as it was submitted immediately after the assault, the evidence was clear, and the court ruled in favor of ending the marriage. The survivor still works several jobs to support her children and pay the living expenses incurred by staying with her family, who complain about their poor condition and how their home is too small for so many people. However, she does not dare to live far from her brothers, due to fear of her ex-husband's constant threats to assault her or her children.

f) Deprivation of rights and resources

Several cases that have been examined in this study center around the denial to exercise basic rights or to access resources and property. Deprivation of education was a common feature in 45% of the cases, involving women who mostly live in the countryside. 17% of the cases involved the denial of the right to choose a life partner or to remain in a marital relationship. 31% of the cases concerned forced early marriage and 9% of the cases were related to shighar[27] marriages, which take place under duress as a kind of barter that involves forced divorce when one of the spouses divorces. This marriage (barter) takes place even among young girls and older men who are more than 15 years their senior.

In about 10% of the cases, women were deprived of their inheritance. The theft of sisters or mothers' inheritance is common. In one case, the mother and sisters were deceived by their son/brother who took their fingerprints on the documents and sold their share of the inheritance without their knowledge due to their lack of awareness and illiteracy. The brother colluded with a state employee who acted alone. In many cases of deprivation of inheritance, women have been forced to refrain from litigation as not to lose their relations with their brothers or family. Women have also been coerced to continue the kinship relationship with their brothers in exchange for giving up their share of the inheritance (especially land) so that the women' husbands and children - referred to as strangers - do not share in any of the property and family lands.

The denial of women's basic rights and decision-making power in crucial issues is justified

(27) Shighar marriage, also known as barter marriage, is a common practice in rural areas by which a man marries a woman and a man from the woman's family marries a relative of her new husband. This practice is similar to bartering a brother and sister to a brother and sister of another family. This happens in the absence of dowry for the two women, because the dowry is annulled over barter. This kind of marriage without dowry is forbidden in Islam. Unfortunately, if a couple divorces, the other couple must also divorce, even if they don't want to.

based on concerns for the protection of family values and of the family from loss and fragmentation. It is also a result of viewing women as being inferior to men and dealing with them as incompetent and in need of parental guardianship to take decisions on their behalf in all matters.

g) Access to justice for survivors of domestic violence

In some of the cases studied, women not only suffered violence in the private sphere of the family, but also experienced further abuse within the security and judicial system, despite the constitutional guarantee of citizen's right to resort to the judiciary to protect their rights and legitimate interests.[28] This increases the burden on women who have been subjected to domestic violence and prevents their access to justice. Social and tribal customs and traditions also stigmatize women who resort to the authorities as deviating from societal values by visiting police stations, prosecution offices, and courts. Additionally, the rampant corruption in these agencies puts many obstacles in the way of women's access to justice, such as the refusal of some court clerks to copy the minutes of court hearings unless in exchange for a sum of money as a bribe.

In this study, women in 39.9% of the documented cases resorted to the police and judicial institutions, of which 15.5% resorted to the police because they had been tortured, severely beaten, or were victims of attempted murder. In some cases, the police obstructed abused women's access to justice, either by refusing to accept reports of domestic violence submitted by women in the first place, or by reprimanding the complainant on the grounds that the submitted complaint is malicious or illogical. In some cases, the police officials requested sums of money to mobilize security teams to arrest the accused. One of the complainants explained, "The soldiers want money in return for the least task they should do." According to survivors' testimonies, in some cases victims were arbitrarily forced by security services to abandon their complaint and reconcile with the perpetrator at the police department against their will, under threat of harm, defamation, or child abduction. This represents a violation of the Police Authority Law, which requires the security services to receive and investigate complaints and reports from citizens. There are nine cases involving abused women languishing in prison as a result of accusations of adultery despite their testimonies of rape, including of minors, or due to homelessness after torture inflicted on them by their parents that led them to commit grave violations of the law such as prostitution.

Another issue faced by some survivors was the tampering with the suspect's interrogation records and the evidence of the crime, which resulted in the prosecutor's decision not to bring a case to trial due to insufficient evidence. In addition, the failure to appropriately qualify an incident, for instance, by changing a serious assault by prosecutors to a non-serious one, led to indictments issued by the prosecutor's office and subsequent court decisions that were disproportionate to the seriousness of the crime.

(28) Constitution of the Republic of Yemen (1991), Article 51.

Litigation expenses or the length of litigation procedures may prevent victims from filing a lawsuit, or appealing prosecutorial decisions or judicial rulings. For example, when women obtain a court ruling to annul their marriage contract because of hatred, the execution of the ruling remains dependent on the woman's ability to return the dowry. Another example is Mukhala'a divorce that involves the separation of the spouses in exchange for compensation to be paid by the wife, or others, to the husband, in the form of either money or a benefit. As a result, the financial burden is placed on the wife to be able to finalize the divorce. Many cases showed that the execution of the judgment was suspended after its issuance due to the financial burdens placed on women for the implementation of the judgment. In other cases, women bore debt burdens to enforce the judgment. For example, in one of the cases studied, a wife was forced by her husband to work as a cleaner in a school to cover the living expenses of their family and her husband because he refrained from providing for them. When she refused to give him money to buy qat, he would insult and hit her. He threatened to burn her with the stove gas canister, beat her repeatedly, and forced their sons to go out begging. He beat them when they didn't collect enough money, until their psychological wellbeing deteriorated greatly. Therefore, the wife requested the annulment of the marriage contract and child support. She obtained it. The amount of alimony to be paid was 35 thousand Yemeni Rial, but the husband did not comply with the alimony ruling. The wife was not able to continue pursuing the enforcement of the court ruling related to alimony due to her difficult economic situation. She is still afraid that her husband will harm her and her children as a result of his constant threats to them. In two other cases, sums were paid to the husband in exchange for divorce according to court rulings. However, the families of the women suffered under heavy debts incurred to implement these rulings.

In addition, women's lack of knowledge of the law, of mechanisms for filing a lawsuit, and of legal procedures prevents them from accessing justice and obtaining their legally guaranteed rights. Consequently, women undergo domestic violence in the belief that they do not have any legal protection against their perpetrators.

One of the challenges is the presence of a small number of local organizations that provide legal aid to survivors of domestic violence. Their work is limited to urban areas, and those who are in need of legal support may not know about the existence of these services and may be unable to commute on their own and look for assistance. This is especially true for those living far from service centers. In addition, these services are dependent on the availability of support from international organizations. There are no guarantees for the continuity and sustainability of these support services, as shown by the suspension of services at the beginning of the war that resulted in the cessation of legal support services and even the closure of shelters. The results of the study show that the survivors who were able to obtain legal aid or shelter services were mostly urban residents. They accessed these services either through the court or through people close to them with knowledge about the existence of the services. Most of the services that survivors talked about concerned legal support services provided through the allocation of a lawyer, or services offered by shelters, especially to minors in shelters affiliated with the Yemeni Women's Union. Several female lawyers reported in the focus group discussion that they were severely reprimanded by a number of judges or prosecutors, who accused them of inciting

women to demolish their homes and break up families.

Causes of domestic violence against women

Conflict conditions and political instability over a decade, which resulted in the escalation of armed violence in large parts of the country, have contributed to an increase in domestic violence and a weak community and state response. When trying to understand and analyze the phenomenon of domestic violence against women and its emerging patterns, it appears that the deteriorating economic and living conditions resulting from the war intersect with gender factors of social, cultural, and religious origins. The survivors and the relatives of victims of domestic violence identified in their interviews several reasons that in their view constitute the causes of the violence that they or their female relatives experienced:

- The change in the cultural and social context during the seven-year war had an impact on the spread of violence and weakened the response of government agencies and civil society organizations to provide protection and funding to support victims of domestic violence.
- Societal extremism towards women has increased due to the escalation of religious discourse by extremist groups in different regions, reinforced by a societal cultural heritage that discriminates against women and imposes strict rules on regulating the relationship between males and females within the family and in the societal public space, while tending to favor males.
- Economic conditions deteriorated in an unprecedented manner because of the depreciation of the local currency, the interruption in the payment of government sector salaries for a large segment of society, the increase in the costs of living, the lack of job opportunities, and the lack of income, in addition to the negative consequences resulting from the violations committed by the warring parties over the course of the conflict, including airstrikes, the use of landmines, and the use of starvation as a weapon of war. All this resulted in the inability of many heads of families to provide food and other essentials for living. This resulted in an imbalance of power relations within the family, which led some to resort to violence. Some of the violators exploited family members economically by, for instance, forcing women and children to beg to provide for their needs.
- Women's inability to access justice is linked to the poor performance of the police and security institutions and their failure to respond to domestic violence, as it is considered a private matter. They even blame the complainants for resorting to them. The police only acts if there are cooperating persons who support the victim, or if the case, especially if it involves criminal acts such as rape, becomes public and these agencies become embarrassed by their silence or lack of response. The prevalence of bribery and corruption was also identified as one of the reasons why powerful violators can turn cases in their favor and against the complainant. Additionally, cases of domestic violence are often adjudicated by customary law, which may contribute to limiting violators' losses or maximizing their chances of impunity, and in return is not necessarily fair to victims. Those who insist on litigation suffer from lengthy procedures, delays in the process, and significant financial losses due to the lack of civil society and

governmental institutions providing legal assistance to these women.

- The affiliations of some offenders with military groups, the flow of cash, and the possession of weapons have given some offenders a kind of psychological sense of power and control, as revealed in the interviews relating to cases in Hodeidah, Aden, Abyan, and Hadramout.
- The increasing dependence on drugs such as qat. Interviews, whether with survivors of domestic violence or their family members, as well as with service providers, indicated the prevalence of drug abuse in some governorates such as Hodeidah, Aden, and Hadhramaut, or excessive alcohol abuse in a number of cases.

Characteristics of the survivors and victims

Survivors and victims of domestic violence across age groups, who were interviewed within the scope of this study, are characterized by the following:

- Their lack of adequate education, which might have prevented them from searching for a way out or filing a complaint. The majority of women have a low level of education that does not exceed the ninth grade at best. The phenomenon of girls being deprived of education in rural areas is more widespread than in urban areas due to the lack of schools for girls and the lack of female teachers whose presence is a prerequisite for keeping girls in school. In addition, girls generally work inside the house, fetch water and firewood, graze livestock, and help with other tasks. Deprivation of education was a dominant feature in most of the cases examined in this study, with the exception of cases concerning women living in cities, which involved a total of four cases, due to the educational level of their fathers and the willingness of these fathers to educate their children.
- Their lack of knowledge of the avenues and methods for submitting complaints or reports, or requesting services provided by relevant organizations or institutions to victims of domestic violence, as their main refuge is the family. Often the problems are resolved by the family or by resorting to a legal person such as the sheikh of the village in the countryside.
- Their fear and the belief of some that the violations and violence they experienced constitute normal behavior on the part of the husband, that they should remain patient and not anger him so that they are not subjected to further violence or abuse.
- Most of them come from broken families: the father and mother separated, or they live at the mercy of a cruel father, a dominating brother, or a husband whose realization of his wife's lack of family protection drives him to persist in imposing his authority and assaulting her. They lack the understanding and support of their families or relatives, and even turn from victims to co-perpetrators of the violations they have fallen prey to.
- Their suffering from severe economic conditions within their respective families.
- Forced early marriage, or forced marriage, has been imposed on women in most of the cases studied. In two cases, the girls were even forced to marry at the age of ten. Sheghar marriage is widespread in rural areas. In Hajjah, sheghar marriages were concluded to avoid paying the costs of marriage, and forced marriage was imposed as a kind of barter, which involves the application of forced divorce whereby both parties to the sheghar marriage are forced to

divorce when one of the couples decides to separate. Two cases of marriage between young girls and men more than 15 years their senior were identified within the scope of this study.

- The denial of their right to choose a life partner, to remain in a marital relationship, or to separate was often witnessed in rural areas. The same was observed among the populations displaced to the cities who brought their customs with them and consider marriage to members of the host community as an opportunity to improve their conditions in that community. Therefore, early marriage is widespread among IDPs and is encouraged by the low cost of dowries compared to other girls outside the IDP community.
- The women were subjected to multiple forms of violence, and many of them were subjected to violence in their families' homes, mostly beatings and ill-treatment. The violence extended to the marital home and took other forms, such as torture and deprivation, or murder for various reasons.
- Characteristics of the perpetrators
- Among the perpetrators of domestic violence against women, the following characteristics were identified in the cases studied:
- Within the scope of the present study, most perpetrators were the husband, then the father, then the brother. In some cases, the perpetrator was the stepfather, uncle, or maternal uncle. According to survivors' testimonies, the dominant characteristic of the perpetrators, and the context to which the women were exposed, was their sense of ownership and power that enabled them to engage in all types of abuse. There is a belief that men have acquired legitimate rights to abuse, insult, threaten, or beat women based on social customs and the authority granted to them in the family sphere.
- In eight cases, the perpetrators were subjected to various forms of violence during their lifetime, especially during childhood and adolescence. During the interviews, the respondents mentioned that their abusive husbands or eldest sons had been subjected to physical abuse, humiliation, or sexual violence, including rape in some cases.
- In 18 cases, the details of brutal patriarchal practices, torture, and attacks on women, including wives, daughters, and sisters of the perpetrators, were similar. Seven of these cases ended in the death of the female victims by torture, burning, or direct killing with weapons.
- The final characteristic concerns impunity: the perpetrators had a kind of confidence that they would be held accountable only in the form of detention for some time, and this encouraged many to continue domestic violence. Their confidence does not come from their knowledge of the existence of loopholes in Yemeni law, particularly in the Personal Status Law, but rather from social beliefs that affirm the absolute authority of the father, the husband, or those who fulfil the role of guardian for the women in the family, with their right to discipline and manage the affairs of women and girls of the family as they see fit.

Summary of the main results

This section summarizes the most salient results of this study that involved identifying patterns of domestic violence during the war and causes of violence against women based on an examination of a sample of cases concerning domestic violence against women:

- The study found that during the war period violence against women within their families increased and patterns of domestic violence spread that caused serious harm to women. The level of domestic violence increased due to economic, political, and social changes. By tracing the life course of the cases studied, the study revealed that women were increasingly exposed to violence and physical abuse within the family, accompanied with weak support at the institutional level from the police and judicial authorities.
- The most prominent patterns of domestic violence that were identified within the scope of the cases investigated in this study are sexual violence and rape, followed by murder and torture, and finally physical assault and deprivation of resources or basic rights. The prevalence of rape and murder among the studied cases is attributed to the fact that such forms of domestic violence often find their way into the criminal justice system and to the general public, either through the local community, relatives of the victims, the media, or other avenues. As a result, such cases were easier to identify and access in the context of this study.
- Often, women who suffered domestic violence had repeatedly experienced different types of violence with varying degrees of intensity that affected their physical, psychological, and mental wellbeing, their behavior, and the way in which they dealt with those around them and their safety. The most prominent finding regarding survivors of domestic violence, observed in this study, was their intense fear of being exposed to more violence and psychological abuse and their sense of humiliation, lack of self-esteem, and inefficiency.
- The study revealed repeated violence against women and girls since childhood. Based on the interviews, the study found that most survivors and victims had been deprived of education since childhood or prevented from continuing their studies. They were also subjected to child marriage, beatings, and abuse as a disciplinary method preferred by the father, brother, or other male guardians. In some cases, women were forced to beg and then faced violence and abuse by the husband, sometimes with the complicity and abuse of other members of his family. Violence continued between beatings, and other forms of domestic violence included starvation, torture, and depriving women of their inheritance, custody of their children, or livelihood while they had no source of income. When domestic violence leading to the murder of the female victim reached the police and the courts, the process was marked by delays, especially when the victim and her family were poor and unable to bear the high costs and to resist the pressure exercised by powerful actors.
- Practices of domestic violence against women are interlinked through the interaction of a complex set of factors at different levels, including social, economic, institutional, and societal factors, as well as the impact of war. In essence, gender inequality and the imbalance of power between women and men are the primary causes of violence against women. Violence is justified by men's inability to cope with the deteriorating economic and societal conditions in the country, as well as their inability to deal with the interactions between these factors at the individual and societal levels and in relationships with others. This results in the expression of

anger, feelings of frustration, betrayal, and helplessness in light of the current situation of war that weighs heavily on everyone. These justifications need to be addressed and understood in a broader framework of gender inequalities that have existed since before the war and are historically embedded in societal practices and norms. Therefore, improving economic conditions, combating drug abuse, or reducing the consumption of qat and alcohol will not end violence against women in the family.

- A deafening silence characterizes domestic violence against women. The cases in this study showed that incidents of domestic violence were often not reported unless the incident was devastating and led to the death of the victim. Domestic violence was treated as a private matter in which the male guardian (such as the husband, father, brother, or even son) has full authority to control the women and make decisions for them, including deciding what they may need, how, and where they may go. The women in the cases studied were neither financially independent nor did they have decision-making ability. In fact, they even required the approval and accompaniment of one of the guardians or the older women in the family to access healthcare facilities.
- Access to justice: In some cases examined by the study, violence against women extended from the private sphere of the family to the jurisdiction of security and judicial institutions. Based on some of the facts in these cases, the police authorities posed a practical obstacle to abused women's access to justice, either by refusing to hear their complaints of domestic violence or by reprimanding them because the complaint was said to be malicious or illogical. In addition, loopholes in constitutional or other legal provisions and customary practices, which fail to protect women against domestic violence, are a further impediment to women fully accessing justice and asserting their rights.
- Domestic violence is not limited to women in socio-economic classes that suffer from economic deprivation or low levels of education. Despite the fact that domestic violence often occurred when these factors were present, the study identified cases of domestic violence in families with a high level of education and a good financial standing. Domestic violence is closely related to unequal power relations within the community and family structure, where patriarchal control dominates relationships between men and women.
- The war has demonstrated the exceptional ability of women to carry a double burden, even when they have suffered domestic violence. Many women in the cases studied worked outside the home, especially those living in cities, to contribute to living expenses in the face of the deteriorating socio-economic situation, in addition to carrying out housework, caring for their children, and enduring violence. Many women even bore the costs of qat and cigarettes for their husbands.
- There is a proliferation of mental illness related to drug abuse among many men. The use of qat, alcohol, and drugs has excessively increased. In their interviews, the respondents indicated an increase in drug abuse particularly among young men and adult males in many governorates, with some using drugs as a negative coping mechanism. Unfortunately, these practices were used as justification for the perpetration of violence and the lack of recourse for victims of violence, especially in the case of murder and rape.
- Impunity for the perpetrator is a dominant characteristic of most domestic violence cases

studied and extends to all forms of domestic violence, even the most serious ones that led to the death of the victim or caused permanent physical and psychological injuries and disabilities. When cases of serious domestic violence became public or subject to public opinion, moderate to severe penalties were imposed, especially in the case of premeditated murder. Even then, justifications were invoked, including that the perpetrator suffered from mental illnesses or that he committed the crime under influence of drugs or alcohol. For instance, in one of the cases, the perpetrator threatened his wife that he would not be punished because the assaults took place while he was in a state of intoxication and thus he would be exempt.

- There are significant institutional and societal shortcomings in responding to the needs of victims and survivors of domestic violence. These shortcoming include the absence of a legal provision on domestic violence, the existence of discriminatory legislation that encourages domestic violence, the collapse of state institutions, the narrow space for civil society, and the resulting lack of services and programs that provide shelter, health, psychological, and legal services, and protect women from domestic violence. Shortcomings also include society's lack of interaction with issues of domestic violence, and the fact that it is considered a private matter to be dealt with within the crumbling walls of the family.
- The privacy of the relationship between men and women in the private family sphere: In the cases examined in this study, domestic violence against women found its roots in a societal system that gives men absolute authority, while women are required to be submissive and obedient. This authority is based on a mixture of societal, religious, and tribal norms, among others.

Recommendations

Recommendations related to laws and regulations for addressing domestic violence against women

- Work on drafting laws - to be issued as soon as political conditions permit - on domestic violence and sexual harassment, including clear explanatory texts accompanying these laws to avoid any confusion or the exploitation of potential loopholes that could lead to impunity.
- Review the Personal Status Law with the aim of amending discriminatory provisions.
- Amend national laws and regulations to bring them in line with international treaties dealing with the rights of women and children.

Recommendations to the current official authorities

- Activate the role of government institutions in facilitating women's access to police and justice in all governorates, and improve the performance of these institutions in dealing with abused women in order to arrest the perpetrators and hold them accountable in accordance with the law.
- Develop tools to monitor the performance of police and judicial institutions in their dealings with abused women and put in place tools to hold individuals who violate women's rights within these institutions to account.
- Establish reception points for the survivors of domestic violence, and activate the protective role of judicial authorities to provide support and help to survivors.
- Establish and facilitate the creation of shelters for women and provide additional services, including psychosocial support and legal aid.
- Raise awareness about the rights of women, and articulate, through different platforms, an official position that supports women and their rights, instead of complicity against them.
- Put an end to all discriminatory practices against women exercised in all official institutions.

Recommendations to civil society organizations including protection and rights programs

- Intensify outreach and awareness raising campaigns targeting societal and official practices that are harmful to women.
- Broaden and deepen effective protection programs and expand the establishment of shelters for women.
- Provide psychological support and legal aid to women across the various governorates, including remote rural areas.
- Push to change discriminatory laws that disadvantage women.
- Develop tools to monitor judicial and law-enforcement institutions, including how they respond to cases of domestic violence against women.
- Develop more studies and field reports to better understand the phenomenon of domestic violence and to explore more ways to protect women.

Recommendations to international organizations and donors

- Ensure the sustainability of projects to respond effectively to the needs of victims of domestic violence. To this end, projects should not be limited to a few months. They require technical support to build local capacities, along with sufficient financial support to run adequate shelters, help reform referral channels for survivors of domestic violence, and facilitate women's access to justice, among other objectives.
- Support research and survey studies on violence against women and establish a serious, numerical and evidence-based database on levels of violence and its causes so that it can be used to influence policies and reform laws or create mechanisms and institutions that can improve responses and reduce violence against women in the private and public spheres.
- Put pressure on relevant authorities to work towards effective reforms in law enforcement and judicial institutions regarding how these institutions deal with cases of domestic violence against women.

The painting on the cover page
was painted by the artist:
Ryan Alshibany

Fragile Walls

A study of domestic violence against women during the war in Yemen (2014 – 2021)

In Yemen, there is insufficient data on the phenomenon of violence faced by women and girls in society, the public sphere, and in the private sphere (what is known as domestic violence). Domestic violence is generally dealt with as a family affair. It takes place within the confines of homes and others may not interfere because the violence is practiced by family members, such as the father, husband or brother, who possess authority granted to them by Yemen's patriarchal society. The latter is governed by patriarchal customs and traditions. In Yemen, there is no law on domestic violence. Instead, incidents of domestic violence are governed by general provisions of national law, which include many discriminatory provisions that allow for, and condone, violence against women.

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