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Yemeni activists pay the price for their political agency

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Women's rights groups in and outside Yemen have become increasingly concerned about the fate of women and girls who have been detained by Houthi forces in the territories under the control of the rebel group. [Louise Arimatsu](#) and [Rasha Obaid](#) write on the women that have been targeted and the responsibility of States and the UN system to stop this unlawful detainment and bring justice for human rights violations.

Since December 2018, approximately 100 women and girls in the Sana'a area and a further 70 from Amran have been arrested by Houthi militias as part of what appears to be a strategic operation designed to reinstate a patriarchal social order. The women who have been targeted

include activists aligned with the opposition (General People's Congress), members of opposition families (including the Hashmiyah family) and women working in civil society organisations, especially those involved in countering violence against women and promoting peace.

The arrests are founded on fabricated charges under dubious 'offences' relating to complicity in prostitution, 'acts against morality' including human trafficking, abuse of alcohol and drugs, spreading AIDS and collaborating with enemy forces. Confessions have been extracted under torture, including sexual violence; families have been prevented from visiting the women incarcerated in Imran prison; and there is credible evidence that at least four women have committed suicide whilst being held in detention facilities in Sana'a. Some women have been released following the payment of considerable sums of money by families and only after the women have signed written assurances not to engage in any political or human rights activities. Lawyers who have attempted to defend the women have also been threatened or detained themselves.



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The violation of international humanitarian law

Legal status aside, the very fact that the Houthis are a party to the existing conflict means that they are bound by both treaty and customary international humanitarian law rules applicable to a non-international armed conflict. Of note is that Yemen is a Party not only to the 1949 Geneva Conventions but also to Additional Protocols I and II; it is also Party to [seven core international human rights instruments](#) including the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the [Convention on the Elimination of all Forms of Discrimination against Women \(CEDAW\)](#) and the [Convention Against Torture \(CAT\)](#).

[Common Article 3 \[CA3\]](#) of the Geneva Conventions and more particularly [Additional Protocol II \[APII\]](#) contain detailed rules on protections offered to those who are deprived of their liberty. The cornerstone of CA3, and from which specific prohibitions derive, is the general obligation of [humane treatment](#) which is binding on all parties, including the Houthi authorities.

This obligation must be applied without adverse distinction on the basis of sex and in all circumstances, especially in the context of detention. It follows that, at a minimum, the detaining authorities are prohibited from inflicting violence to life and person – in particular, murder, mutilation, torture, cruel and inhuman treatment, outrages against personal dignity, sexual violence, and collective punishments – on those in their custody.

International Humanitarian Law (IHL) also prohibits the arbitrary deprivation of liberty.

There is a considerable body of jurisprudence that elaborates on the content of the prohibitions in both international criminal law and international human rights law. The very fact that some women have killed themselves in detention while others have reported being tortured and sexually assaulted would indicate that the Houthi authorities are not only in breach of the general obligation of humane treatment but that the treatment of at least some of the women in their custody may constitute war crimes.

Targeting women rights activists

The targeting of women human rights defenders is a [growing global phenomenon](#) that is heightened by armed conflict and situations of insecurity. As the [CEDAW Committee has recognised](#), “during and after conflict, specific groups of women and girls are at particular risk of violence”. Although the reasons behind the targeting of women rights activists are “[multifaceted and complex](#)” common root causes include patriarchy, fundamentalism and militarisation. Moreover, it is recognised that targeting tactics typically manifest in false accusation of promiscuity and prostitution and involvement in terrorism resulting in arbitrary detentions by state and para-military groups.



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The call for a unified response

What is the responsibility of the UN system or indeed of other States in respect of those women and girls that are being unlawfully detained by the Houthi forces? As a matter of priority, the [Secretary-General's Envoy](#) must insist on the immediate release of the women and girls and remind the Houthi forces of their legal obligations. Any further steps towards a lasting ceasefire or indeed a peace agreement cannot be at the expense of turning a blind eye to the serious human rights violations that are being perpetrated against women and girls. To do otherwise is to condone what is nothing short of a dystopian patriarchal theocracy in which the idea of peace is meaningless.

The [UN Group of Eminent Experts](#) must also investigate and document all incidents involving the targeting of women human rights defenders by all parties to ensure that perpetrators are brought to justice and that the women and girls have an effective remedy, including gender-responsive reparations that are designed in consultation and collaboration with victims.

Finally, other states have a responsibility to stop fuelling the conflict through the [provision of weapons](#). Stripped back to its core, the conflicts being waged on Yemen's territory are violent expressions of

patriarchal power among local, regional and international players. Claims that seek to [rationalise](#) the need to increase arms sales are no different from the logic that underpins the targeting and detention of the women and girls in Yemen.

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