

# Impacts of Enforced Disappearance and Arbitrary Detention on Women and Children in Yemen

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## **Executive Summary**

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Impacts of enforced disappearance and arbitrary detention on women and children are a challenge to building social peace in Yemen as a whole due to the psychological effects it has on the families of the victims, which exacerbate social tension, generate more violence, accumulate the legacy of conflicts, and undermine justice mechanisms and rule of law systems. This makes addressing and mitigating these effects and integrating victims and their families into transitional justice and national reconciliation processes essential measures to contribute to achieving justice and ensuring a long-term rule of law.

This policy paper aims to shed light on the economic and psychological effects of forced disappearance and arbitrary detention on men, women and children. It also seeks to activate the role of relevant authorities so that they can make policies that mitigate these effects and to integrate victims and their families into devising mechanisms for transitional justice and national reconciliation, which contribute to achieving justice and consolidating the rule of law in the future. The paper analyzes the impact of enforced disappearance and arbitrary detention on women and children, in addition to the current policies that mitigate this impact. The paper also proposes a main solution to eliminate the effects of these violations, and it suggests a number of recommendations to mitigate them, as well as the suggested solutions.

## **Recommendations**

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-Local authorities and the Yemeni government should activate all legal and international protection mechanisms to protect civilians from enforced disappearance and arbitrary detention, as well as providing psychological support, rehabilitation and training centers for returnees and the families of the disappeared and detainees, especially women and children.

-Sponsors of the peace process in Yemen should include the families of victims, especially women, as well as women human rights defenders, when devising and implementing transitional justice and national reconciliation mechanisms.

-Civil society organizations working in the field of human rights should focus on raising awareness of the importance of alleviating the effects of enforced disappearance and arbitrary detention on women and children in Yemen and advocate for improving the work environment for women human rights defenders and related organizations to facilitate their work and achieve their goals. That includes providing the necessary resources and support, and providing them with psychological support.

## **Introduction**

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Enforced disappearance and arbitrary detention are used as a means to intimidate the whole society, not just the families of the victims, as fear and insecurity overwhelm the society. Such practices establish extra-judicial punishment procedures and hide many human rights violations. In fact, enforced disappearance and arbitrary detention have negative effects on the families of the victims, especially women and children, for whom the disappeared or detained person constitutes the primary protection system in society. In Yemen, customary and social systems prevail more than legal systems, which makes the protection roles of women and children a traditional responsibility borne by male relatives. Also, with the absence of victims from their families, the breadwinner is absent, and women and children become without economic resources. Moreover, forced disappearance and arbitrary detention are accompanied by security threats and fears, forcing women to change their areas of residence, flee with their children to distant areas that require their relocation, and lead them to search for new means of livelihood for themselves. Women also bear additional burdens as a result of the scarcity of opportunities, the deterioration of the economic situation, and the effects of the 7- year- war.

This paper comes within the project “Towards Enhancing the Resilience of Women Human Rights Defenders in Yemen to advocate for Women’s and Children’s rights,” which is implemented by Abductees’ Mothers Associations in partnership with the Peace Initiative Track. This paper aims to shed light on the economic and psychological effects of forced disappearance and arbitrary detention on men, women and children. It also seeks to activate the role of relevant authorities to make policies that mitigate them and to integrate victims and their families into devising mechanisms for transitional justice and national reconciliation, which contribute to achieving justice and consolidating the rule of law in the future. The paper was based on two main sources of field data collection: The first was through theoretical references and desk research, whereas the second was done through holding 20 in-depth interviews with the families of the forcibly disappeared and arbitrarily detained people. The data collection form was also filled out by 6 female monitors and human rights defenders specialized in the field of defending forcibly disappeared persons from the governorates of Taiz, Sana’a, Aden, Hajjah, Hodeidah, and Marib.

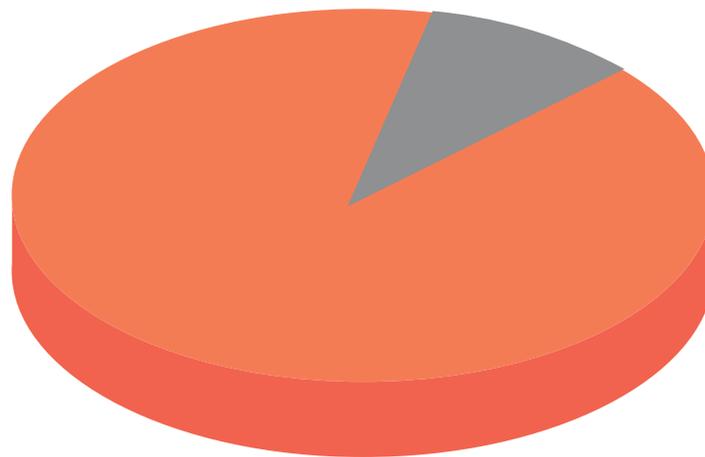
## The Target Group of the Research

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Target Group	Number
Relatives of the forcibly disappeared and arbitrarily detained	2
women human rights defenders	6
<b>Total</b>	<b>26</b>

## The target group in the field research: by gender

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● Females %84

● Male %14

## **Focus of the Problem:**

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“Enforced disappearance causes severe suffering, not only to the victims, but also to their families,” states the United Nations Declaration on Enforced Disappearance. The Human Rights Committee and the European Court of Human Rights have similarly found that the enforced disappearance of a close family member constitutes inhumane treatment of the next-of-kin.

The Statute of the International Criminal Court defines enforced disappearance as, “when a person is arrested, detained or abducted against his or her will or otherwise deprived of their liberty by government officials or by organized groups or private individuals whose actions are condoned by the government in some way. That deprivation of liberty is followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty.” The Office of the High Commissioner for Human Rights defines arbitrary detention as “deprivation of liberty imposed arbitrarily.” Globally, 70- 94% of victims of enforced disappearance are men. In Yemen, although the exact number of enforced disappearance cases remains unknown, the reported number is likely far lower than the actual number. Abductees’ Mothers Associations documented 440 cases of forced disappearance in Yemen during the period from 2018 to 2022. Mwatana Organization for Human Rights also documented 770 cases of enforced disappearance from 2016 to 2022. Enforced disappearance exacerbates the financial insecurity of the family, as the wife, daughter, or mother often don’t have access to family assets, inheritances, bank accounts deposited in the name of the disappeared man, or social benefits allocated to the wives of the disappeared. According to the United Nations website, communities are directly affected by the disappearance of the family’s sole breadwinner, in addition to being affected by the deterioration of the financial situation of families and their social marginalization.” Enforced disappearance has frequently been used as a strategy to spread terror within society. Women often bear the brunt of the serious economic hardship that often accompanies disappearances. In most cases, women are the ones who take the lead in finding a solution to the disappearance of members of their family. In doing so, women may be exposed to harassment and persecution and children may also be victims, whether directly or indirectly.” According to those we interviewed, 15 of them were exposed to danger as a result of the forced disappearance of their relatives, 9 of whom were women, and thus they do not feel safe.

**The effects of the forced disappearance of men on women and children:**

**Families of those forcibly disappeared and arbitrarily detained are exposed to negative effects, the most prominent of which are the following:**

**Economic effects:**

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Kidnapping male relatives caused the loss of the breadwinner in all 20 cases we interviewed, in addition to two cases whose homes were seized as a result. Regarding the effects on women specifically, all of the women interviewed whose relatives are forcibly disappeared or arbitrarily detained were affected and their lives deteriorated greatly as a result of the forced disappearance of the breadwinner. The number of wives who support themselves has reached four wives, while the number of male relatives of the forcibly disappeared support the women is 14 among those interviewed. Philanthropists help two other families. The wives and mothers of the forcibly disappeared also suffered financial costs searching for their disappeared relatives. 14 of those we interviewed spent sums of their own money or sold their property, such as land, gold, and livestock. These amounts of money ranged from 100 to 400 dollars, and those who were able to find out the whereabouts of their arbitrarily detained relatives bore financial burdens related to transportation costs. The wives usually bear the costs of travel, food, and medicine for the kidnapped people. According to those we met, a number of children of the forcibly disappeared dropped out of school due to the difficulty of providing school supplies. A number of families have reached the point of being unable to provide their basic food needs, and a number of field observers describe that a number of families have reached the point of “hunger.”

## Psychological Effects

There were many places from which the disappeared and detainees were kidnapped. Some were kidnapped from their homes and their families and children, some from the streets adjacent to their homes or the neighborhoods where they live, while others were kidnapped from security points in several governorates. According to those we interviewed, because of these cases of abduction and forced disappearance, women suffered panic attacks and intense fear due to breaking into homes to kidnap their relatives. Other women had their homes targeted by gunfire, causing them to miscarry as a result of the terror they experienced. Others suffered psychological shock and were taken to the hospital to receive treatment. The wives and female relatives of the kidnapped were subjected to social rejection and verbal and moral abuse. Furthermore, many of them did not return to their homes for fear of another attack and the kidnapping of their other sons. Some of them received life threatening calls. Generally speaking, 70% of the family members of the kidnapped individuals suffered from insomnia because of their fear for the rest of the sons being kidnapped. A lot of them also suffer from severe crying attacks that on a daily basis, which caused some families to suffer from severe visual impairment and other diseases such as high blood pressure, muscle spasms, frustration, and depression. These consequences have also affected children as a result of witnessing the kidnapping operations. Many of the children do not stop asking about their disappeared parents, and others suffered from constant crying because they believed that everyone want to kidnap them, while some of them suffered from isolation. Some of them developed a state of hatred for their kidnapped fathers, and a number of them constantly repeated the phrase, “I hate my father,” according to those we interviewed. This is because of their classmates’ bullying of them and their belief that their fathers were guilty. According to 20% of those we interviewed, society’s view of forcibly disappeared women did not change after the kidnapping incident, while according to 80% of them, society’s view of them and their families changed after the kidnapping incident.

Some people avoided visiting the families of the kidnapped or communicating with them, in addition to bullying and ridiculing them, while others were deprived of some rights, such as relief aid and the distribution of domestic gas. Some of them were accused of belonging to terrorist movements. According to the website of the Abductees' Mothers Association, 58% of the forcibly disappeared suffer from psychological pressure after their return, which makes their wives and children suffer from unstable family conditions even after their return. A number of families of the wives of forcibly disappeared people take their daughters after their husbands disappear, causing further family disintegration and negative effects on their children

The families of the forcibly disappeared and arbitrarily detained people in Yemen are affected by these violations that affect also their children; hence, according to international treaties, they are considered victims just like the disappeared and detainees. However, women and children are the most affected group due to reasons that intersect with multiple vulnerability factors, such as societal culture, the effects of war and gender-based violence and gender-based discrimination according to social power and authority. Therefore, addressing the effects on women and children in particular, and the families of the disappeared and detainees in general, is part of the peacebuilding process at both the social and national levels. It is important to integrate victims into transitional justice or national reconciliation processes in a way that contributes to redressing their harm and providing them with fair compensation.

## **Policies that are not commensurate with to the dimension of the problem or its effects**

Yemen has ratified most of the international treaties (conventions, instruments, declarations) regarding human rights, the number of which has reached (56) treaties. The Yemeni House of Representatives also ratified the Rome Statute establishing the International Criminal Court in the Council session on March 24, 2007 but retreated two weeks later from ratification by voting against the agreement on April 7, 2007. Yemen has also not ratified the Convention against Enforced Disappearance despite Cabinet Resolution No. (127) of 2013 regarding the ratification of the International Convention against Enforced Disappearance referred to Parliament for ratification and Cabinet Resolution No. (128) of 2013 regarding the ratification of the Convention establishing the International Criminal Court, which was referred to Parliament for ratification.

The Ministry of Human Rights was established in Yemen in 2003. This represented an increase interest in human rights issues publicly. Also, a number of legal texts in Yemen guarantee the freedom and protection of citizens, as Article 44 of Yemeni law stipulates that there is no punishment except by law, and that the accused is innocent until proven guilty. Article 29 also stipulates that no one may be deprived of his freedom except by a ruling from a competent court. The Crimes and Penal Code No. (12) of 1994 determines the type of crime and the magnitude of the penalty for it. The Criminal Procedure Law No. (13) of 1994 also stipulates that the rights mentioned in the Constitution related to fundamental freedoms are protected and are not subject to statute of limitations. In 1999, the National Committee for International Humanitarian Law was also established. The Supreme Committee was established to review the conditions of prisons and prisoners in 2000. It was formed to follow up on the conditions of those detained and protect their rights, despite all these laws, policies and international treaties.

However, forced disappearances and arbitrary detention have accompanied repeated cycles of wars in Yemen, including the current 9-year-war. Enforced disappearances and arbitrary detention have been committed over the past 9 years by multiple official and unofficial parties, according to the Mwatana Organization for Human Rights 2023.

Yemeni laws did not explicitly refer to alleviating the effects of enforced disappearance or arbitrary detention on the families of the disappeared and detainees, including women and children. According to those we interviewed, there are no government agencies that adopt clear procedures or policies to mitigate the effects of enforced disappearance or arbitrary detention on women and child victims. Several international and local organiza-

played a role in conveying the voices of the families of the forcibly disappeared and demanding the freedom of their relatives, such as the International Red Cross, the Office of the Special Envoy for Yemen, the Abductees' Mothers Association, Mwatana Organization for Human Rights, and Human Rights Information and Training Center. Abductees' Mothers Association played a major role in alleviating the effects on women and children resulting from forced disappearance or arbitrary detention, according to those interviewed. Abductees' Mothers Association, a Yemeni women-led human rights organization founded during the conflict and consisting of mothers, wives and families of forcibly disappeared persons, has provided courses in economic empowerment for women through small projects to provide their basic needs, not to mention the psychological and legal support services for women and children.

Also, as an entity demanding to disclose the fate of the abductees, it was of great importance to the families of the abductees, according to those interviewed, as the Association held protests and advocacy operations to reveal the fate of the forcibly disappeared and arbitrarily detained people. It also arranged for referrals of medical cases to specialized institutions, coordinated appointments for the families of the abductees to meet officials at the High Commissioner for Human Rights and the Red Cross, and followed up on the trial sessions that of the kidnapped people, in addition to searching and asking about the kidnapped people inside the prisons, including the names of the disappeared in the exchange lists, and sending them to international bodies.

The families themselves are also trying to mitigate the effects on children and women, whether through education and letting their children go to school, mingling with the surrounding community, and receiving psychological support sessions, which in turn works to alleviate their suffering.

## **Efforts of Women Human Rights Defenders and Female Monitors in Abductees' Mothers Association**

The Monitoring and documentation process of the enforced disappearance and arbitrary detention in the Abductees' Mothers Association is led by a number of women human rights defenders and female field monitors, as they document cases of violations, communicate the voices of the victims' families and implement psychological support programs for women and children. The association's female human rights defenders and monitors face a number of challenges associated with their work, such as the difficulty in obtaining information and reaching the victims and their families due to the lack of communications network in some areas, and the refusal of some families to document what they were subjected to for fear that the rest of the family members might be kidnapped. One of the most prominent fears of women human rights defenders is that they may be exposed to violations due to their human rights work, in addition to the difficulty of reaching victims due to the blocking of roads after the war, which causes difficulty in obtaining information. Emotional stress and psychological burnout due to frequent listening to victims and their suffering are the most daunting challenges facing the work of women human rights defenders. According to those we interviewed, their most prominent needs in order to develop their activities are qualitative and intensive training to build their capabilities and to help them continue working in this field, financial support for continuity and providing assistance to the people, providing large and safe spaces to hold activities, and networking with donors to fund the activities and projects they carry out.

Although there are a number of laws that criminalize detention outside the law, as well as the international treaties ratified by Yemen, which stipulate the activation of international humanitarian law, guarantee the freedom of people, and protect their right to a fair trial, they did not prevent forced disappearances or arbitrary detention during the long years ago in Yemen. This means that both the problem and its effects have worsened, especially in the light of absence of official policies and procedures that seek to mitigate these effects on the families of the victims, in particular women and children. The war is a challenge to the enforcement or activation of the legal system, as it increases the number of forced disappearances and arbitrary detention for reasons related to the political division and its security repercussions. This makes the role of civil society organizations in alleviating the effects of enforced disappearance and arbitrary detention on women and children a major one, which is important to develop, expand its fields, and direct international funding to support it.

## **Suggested Solution**

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Activating international treaties and legal texts related to victims of enforced disappearance and ratifying agreements that have not been ratified to ensure the elimination of forced disappearances and arbitrary detention is the solution through which the suffering of women and children can be ended and radically address the effects of the disappearance or detention of their relatives. However, this requires ending the war in Yemen and a real state that fulfills all its roles, which can be worked on in the long term. To reach that solution, we can work to adopt a number of recommendations reached in the paper to mitigate the effects of enforced disappearance and arbitrary detention on women and children, as follows:

## **Recommendations**

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- Local authorities and the Yemeni government should activate all legal and international protection mechanisms to protect civilians from enforced disappearance and arbitrary detention, as well as providing psychological support, rehabilitation and training centers for returnees and the families of the disappeared and detainees, especially women and children.
- Sponsors of the peace process in Yemen should include the families of victims, especially women, as well as women human rights defenders, when devising and implementing transitional justice and national reconciliation mechanisms.
- Civil society organizations working in the field of human rights should focus on raising awareness of the importance of alleviating the effects of enforced disappearance and arbitrary detention on women and children in Yemen and advocate for improving the work environment for defenders and related organizations to facilitate their work and achieve their goals. That includes providing the necessary resources and support, and providing them with psychological support.

## **Introducing Abductees' Mothers Association:**

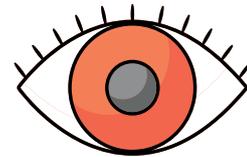
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Abductees' Mothers Association is a Yemeni-based human rights organization. It was fundamentally formed by the mothers, wives, and female relatives of abductees and forcibly disappeared detainees, along with female human rights activists. It was established on (April 18, 2016) with permission from the Ministry of Social Affairs and Labor. The association's main focus is the cause of abductees, and victims of enforced disappearance and arbitrary arrest and detention

## **Our Vision**

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Superiority in granting the victims of arbitrary arrest and detention their rights and freedom.



## **Our Message**

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Abductees' Mothers Association seeks to build peace and achieve freedom, justice and fairness for survivors and victims of abduction, arbitrary detention and enforced disappearance and provide legal and psychological support to them and their families, while taking into account gender.



## Our Values:

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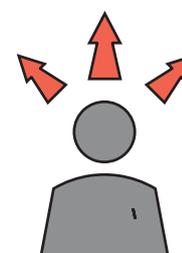
- Humanity
- Justice
- Impartiality
- Transparency
- Independence
- Partnership



## Fields of Work:

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- Protecting civil rights
- legal and psychological support
- training and rehabilitation
- monitoring and documenting violations
- .building women's capacities for peacemaking



## Strategic Objectives:

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- 1- Relentless pursuit to release the abductees, detainees, and forcibly disappeared persons by all parties, in addition to mobilizing local and international public opinion to support their cause.
- 2- Amplifying the voice of the families of victims and survivors to the world and raising their demands to decision-makers locally and internationally.
- 3- Seeking justice and compensation for victims, holding perpetrators of violations accountable and bringing them to justice.
- 4- Supporting the families of victims and children affected by the conflict.
- 5- Building a human rights memory and contributing to enhancing the authority of law and building community awareness.
- 6- Working to integrate survivors into society and rehabilitate them.
- 7- Contributing to enhancing women's participation in peacebuilding



### **Scope of Work:**

Abductees' Mothers Association works through its main center in Taiz Governorate and its branches in all governorates of the Republic of Yemen, in addition to an extensive team of monitors, volunteers and advocates for the cause.



## **Researcher Profile:**

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Bilqees Al-Abdaly is a researcher in women rights. She is also a peacebuilding consultant and the president of the Change Horizons Forum. Bilqees prepared a number of policy papers, including: “Effects of Climate Change on Women in Yemen,” “Promoting Women’s Mediation in Yemen,” “Effects of Negative Social Discrimination on Gender Equality,” and “Impact of Awareness on the Protection of Women and Girls.” Bilqees is a member of a number of women’s rights and peacebuilding coalitions at the local, national and regional levels. She holds a pre-master’s degree in political science and “SAWT” fellowship.

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