



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

# Violence against women and girls.. A detestable weapon in conflict countries

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Maat for Peace, Development and Human Rights



## Introduction

Violence against women and girls is one of the most pervasive, persistent, and devastating human rights violations in our world today. However, it remains largely unknown due to the impunity, silence, and stigma surrounding it. Shockingly, for every three women, at least one experiences violence in her lifetime at the hands of men. The United Nations defines violence against women as "any violent act motivated by gender bias that results, or is likely to result, in harm or suffering to women, whether physical, sexual, or psychological, including the threat of such acts or arbitrary deprivation of liberty, whether it occurs in public or private life."

In conflict and armed conflict environments, violence against women and girls is even more prevalent. While armed conflicts have devastating impacts on all civilians, women and girls are disproportionately affected. The hostilities in these environments lead to civilian suffering, economic crises, damaged infrastructure, and the collapse of services. Furthermore, prevailing cultural gender norms restrict women's mobility, exacerbating their vulnerability. Women, who are often responsible for providing food and care in their homes, face additional challenges such as limited access to food, water, sanitation, and healthcare services. These challenges have worsened due to ongoing armed hostilities, particularly in the Middle East and Africa.

Statistics from the African continent indicate that violence rates are higher than the global average. Approximately 44% of African women, or more than two in five, have experienced gender-based violence, compared to the global figure of around 30% according to the United Nations. In the Middle East, violence against women continues to hinder progress towards equality, development, and peace. It remains one of the most widespread, common, and persistent human rights violations to this day.

Conflict-related gender-based violence against women and girls in Africa and the Middle East raises grave concerns regarding the widespread violations impacting women and girls in these regions. In light of this, Maat for Peace, Development, and Human Rights presents this study to express its concern about the ongoing violations against women. The study focuses on extremist forms of violence and discusses potential means of protection at the international, regional, and national levels. Specifically, it examines the cases of Sudan, Somalia, Eritrea, and Yemen—countries known for their conflicts and political instability. This study coincides with the International Day for the Elimination of Violence against Women, observed annually on November 25th.

## First: International and Regional Mechanisms to Protect Women from Violence in Light of Armed Conflicts and Instability

During times of conflict, women are entitled to the protections granted to all individuals, including the respect and exercise of their rights to personal dignity, honor, family, and religious beliefs. They also have the right to humane treatment and protection from all acts of violence. International humanitarian law, in addition to ensuring the prevention and alleviation of human suffering without discrimination based on gender, recognizes that women face specific challenges in armed conflicts, such as sexual violence and risks to their health. To address these issues, international humanitarian law mandates the "special protection" of women from sexual violence, which includes acts like rape, forced prostitution, and other forms of indecent assault, all of which are considered war crimes. The law also prohibits the threat of sexual violence and requires the separate detention of women prisoners to prevent sexual assault. <sup>1</sup>

### A. Four Geneva Conventions and Additional Protocols

In line with these principles, the Four Geneva Conventions on the Protection of Civilian Persons in Time of War, dating back to August 12, 1949, oblige all parties to a conflict to protect civilians, including women who are not directly participating in hostilities. Article 3 of the Conventions states that individuals not taking part in hostilities, including members of armed forces who have laid down their arms and those who are sick, wounded, or detained, must be treated with humanity. The article prohibits numerous acts, including attacks on life and physical integrity, such as murder, mutilation, cruel treatment, torture, hostage-taking, and attacks on personal dignity.

Article 27 of the Four Geneva Conventions specifically mandates the protection of women against any attack on their honor, particularly rape, forced prostitution, and any other violation of their sanctity.<sup>2</sup> The two Additional Protocols to the Conventions further address the protection of women and girls during armed conflicts. In the First Additional Protocol, Article 75 establishes basic guarantees and prohibits violence against individuals' lives, health, physical or mental integrity, including killing, mutilation, and violations of personal dignity, such as humiliating and degrading treatment, forced prostitution, and any form of indecent assault. Article 76 of the same protocol emphasizes the need for special respect and protection for women, specifically against rape, forced

<sup>1</sup> حماية النساء بموجب القانون الدولي الإنساني، اللجنة الدولية للصليب الأحمر، 15 أبريل 2010، <https://bitly.ws/3258X>

<sup>2</sup> اتفاقية جنيف الرابعة، 1949، اللجنة الدولية للصليب الأحمر، <https://bitly.ws/3259u>



prostitution, and any other form of indecent assault.<sup>3</sup> Similarly, Article 4 of the Second Additional Protocol prohibits violations of personal dignity, particularly humiliating and degrading treatment, rape, forced prostitution, and anything that offends modesty.<sup>4</sup>

## **B. International Convention on the Elimination of All Forms of Discrimination against Women**

The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in December 1979, aims to promote equal rights for men and women.<sup>5</sup> Article 6 of the Convention obliges States Parties to prohibit all forms of trafficking in women and the exploitation of women in prostitution. Furthermore, the 1995 Beijing Declaration and Platform for Action strengthened governments' commitment to prosecute and punish perpetrators of rape and sexual violence against women and girls in conflict situations, categorizing such acts as war crimes.<sup>6</sup>

## **C. International Criminal Court System**

The Statute of the International Criminal Court, issued on July 17, 1998, includes rape, sexual slavery, forced prostitution, forced pregnancy (as defined in Article 7.2 of the Statute), forced sterilization, and any other form of sexual violence within its definitions of crimes against humanity and war crimes falling under the Court's jurisdiction. This includes both international and non-international armed conflicts (Articles 7-1g, 8-2b, 8-2e, and 6 of the Statute).<sup>7</sup>

## **D. African Charter on Human and Peoples' Rights**

At the regional level, the Maputo Protocol of the African Charter on Human and Peoples' Rights includes Article 11, which focuses on the protection of women and girls in Africa. This article stipulates that States Parties are committed to upholding the rules of international humanitarian law during armed conflicts, particularly about women. States Parties pledge to safeguard asylum seekers, refugees, returnees, and internally displaced women from all forms of violence, including rape and sexual exploitation. They further ensure that such acts are recognized as war crimes, genocide, and/or crimes against

<sup>3</sup> الملحق (البروتوكول) الأول الإضافي إلى اتفاقيات جنيف، 1977، اللجنة الدولية للصليب الأحمر. <https://bitly.ws/325mu>

<sup>4</sup> الملحق (البروتوكول) الثاني الإضافي إلى اتفاقيات جنيف، 1977، اللجنة الدولية للصليب الأحمر. <https://bitly.ws/325oa>

<sup>5</sup> اتفاقية القضاء على جميع أشكال التمييز ضد المرأة، الأمم المتحدة مكتب المفوض السامي، <https://bitly.ws/325bn>

<sup>6</sup> الحماية العامة، القاموس العملي للقانون الإنساني، <https://bitly.ws/327WL>

<sup>7</sup> نفس المرجع السابق.

humanity and that the perpetrators are brought to justice through appropriate legal channels.

### **E. International Special Mechanisms**

The United Nations Human Rights Council established the mandate of the Independent Expert on Protection from Violence and Discrimination Based on Sexual Orientation and Gender Identity. Graeme Reid, the current expert, evaluates the implementation of international human rights law, raises awareness, engages in dialogue with relevant stakeholders, and offers advisory services, technical assistance, and capacity-building to address violence and discrimination based on sexual orientation or gender identity.

The Special Rapporteur on Trafficking in Persons, Especially Women and Children was appointed by the United Nations Commission on Human Rights. Siobhan Mullally, the current Rapporteur, focuses on human rights aspects related to victims of trafficking. Her responsibilities include taking action on violations committed against trafficked persons, conducting country visits to study specific situations and make recommendations, and submitting annual reports to the United Nations Human Rights Council and the General Assembly.

The United Nations Commission on Human Rights also appointed a Special Rapporteur on violence against women and girls. Reem Al Salem currently holds this position, and her mandate involves receiving information on violence against women and girls, its causes and consequences. She collaborates with governments, treaty bodies, specialized agencies, other special rapporteurs, intergovernmental organizations, and non-governmental organizations, including women's organizations, to effectively respond to violence against women and girls.

Furthermore, the Working Group on Discrimination against Women and Girls comprises five independent experts with diverse geographical representation. Working collectively, they aim to eliminate all forms of discrimination against women and girls worldwide.

### **F. African Special Mechanisms:**

The African Commission adopted a resolution during its twenty-fifth ordinary session in Burundi, appointing a Special Rapporteur on women's rights in Africa. Janet Ramatoulie Sallah-Njie currently holds this position. The Special Rapporteur's role involves assisting

African governments in developing and implementing policies to promote and protect women's rights in Africa, aligning with the recently implemented Protocol to the African Charter on Human and Peoples' Rights. The Special Rapporteur conducts promotional and fact-finding missions to African member countries of the African Union, disseminating human rights instruments and investigating the status of women's rights. Cooperation with relevant actors at the international, regional, and national levels, including intergovernmental organizations, NGOs, and national human rights institutions, is also a key aspect of the mandate.

## **Second: Legal Framework to Protect Women from Violence in African and Middle Eastern Countries**

### **A. Sudan**

- **On the International and Regional Side**

Sudan is obligated under international humanitarian law and international human rights law to prohibit sexual violence, and international humanitarian law establishes protection guarantees for civilians and other non-combatants during armed conflict. Both States and non-State armed groups are prohibited from committing rape or other forms of sexual violence. While international human rights law binding on Sudan also includes protection measures against rape and sexual assault as forms of torture and other forms of ill-treatment, and as forms of gender-based discrimination. Besides Sudan's obligations under international law, it is obligated under its domestic laws to punish acts of sexual violence. The Interim National Constitution, adopted in 2005, includes a bill of rights that includes an affirmation of personal freedoms, women's rights, and freedom from torture, and stipulates the right to an effective remedy.<sup>8</sup>

Sudan is also a party to the Protocol on the Elimination of Sexual Violence against Women and Children, but on the other hand, the country has not yet ratified the Women's Rights Protocol attached to the African Charter on Human and Peoples' Rights (Maputo) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

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<sup>8</sup> التزام السودان بمنع العنف الجنسي والتحقيق فيه والمعاقبة على ارتكابه، أبريل 2008، <https://bitly.ws/3234R>

- **On the National Side**

The 2005 Interim Constitution included basic provisions related to women's human rights, including Articles 31 and 32, to ensure non-discrimination and equal treatment of women in all areas of life: Adopting positive discrimination policies in favor of women. The Human Trafficking Prevention Law and the Asylum Law were enacted in 2014, and Article 149 of the Criminal Code was amended, which clarified the difference between the crime of rape and adultery, and the inclusion of a new text on sexual harassment in the Criminal Code.<sup>9</sup>

The country has several policies and strategies on violence against women including the National Plan to Eliminate Violence against Women (2011-2016), which is followed by the National Strategy to Combat Harmful Traditional Practices including Female Genital Mutilation (2015-2031). At the institutional level, the state established a unit to combat violence against women and children by a decision of the Council of Ministers in November 2005; which is a coordination mechanism between state agencies to combat violence against women and children. The unit established branches in nine states and helped establish committees on gender-based violence and committees on Security Council Resolution 1325 in many states<sup>10</sup>. On June 19, 2021, the Sudanese government announced its intention to put an end to conflict-related sexual violence, revealing a draft law combating violence against women as the first legislation of its kind in the country to chart a clear path to transitional justice and provide a safe and protective environment for women and girls<sup>11</sup>.

## **B. Somalia**

- **On the International and Regional Side**

Somalia has not acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), therefore Somalia is not a state party to the Optional Protocol to CEDAW. At the regional level, Somalia signed the Protocol on Women's Rights in Africa annexed to the African Charter on Human and Peoples' Rights (Maputo Protocol), but did not ratify the protocol.<sup>12</sup>

<sup>9</sup> المقرر الخاص حول العنف ضد المرأة تنهي بعثتها القطرية الى السودان وتنادي بمزيد من الانفتاح والحوار البناء حول العنف ضد المرأة، اسبابه وآثاره، الأمم المتحدة مكتب المفوض السامي، 26 مايو 2015. <https://bitly.ws/323iq> نفس المرجع السابق.

<sup>10</sup> | لسودان يعتزم إنهاء العنف الجنسي المرتبط بالنزاع وسن تشريع يُكافح العنف ضد المرأة، سودان تريبون، 19 يونيو 2021، <https://bitly.ws/322TQ> <sup>11</sup> الصومال: العدالة بين الجنسين والقانون، UNFPA، 2022. <https://bitly.ws/326Ub>

- **On the National Side**

Article 398 of the Penal Code criminalizes rape, and imposes a prison sentence of five to fifteen years on anyone who has sexual intercourse with a person of the opposite sex with violence or threats, as prostitution is prohibited under Articles 405 to 408 of the Penal Code. The Interim Constitution also stipulates that no person may be subjected to slavery, servitude, trafficking, or forced labor for any purpose. The Penal Code addresses some crimes of trafficking, forced prostitution, and kidnapping. However, there is no comprehensive anti-trafficking legislation that provides for prevention and protection measures.<sup>13</sup>

Article 15 of the Interim Constitution prohibits female genital mutilation/cutting, where there is a federal draft prohibiting female genital mutilation. The Somali state of Puntland passed a zero-tolerance draft law against female genital mutilation in June 2021 and the law was approved by the Puntland Council of Ministers.<sup>14</sup>

However, no law in Somalia specifically criminalizes domestic violence, and crimes of murder, battery, and assault are included in the Penal Code of 1962, under Chapter Thirteen under the title “Crimes against life and safety of individuals.” The law also does not provide for any protection order or any support services for victims. Most cases of domestic violence and sexual violence are dealt with through customary and Sharia legal systems, where evidence from specific cases, rather than statistics, indicates that some customary practices lead to double victimization of women and girls, and to the denial of justice for many survivors due to impunity for perpetrators.

The customary system is clan-focused, where justice is served on behalf of the clan and not the survivor of sexual violence. Traditional approaches to rape seek to find a solution or compensation through negotiation between clan members, where compensation is paid to the clan and not to the survivor. Once compensation is paid, the perpetrator of sexual violence does not bear any further punishment, and the case is considered settled.<sup>15</sup>

Reflecting on institutional efforts, in 2015, the Somali Police established the Women and Child Protection Unit, a specialized unit that provides a coordinated, multi-sectoral approach to investigate and respond to cases of sexual violence, gender-based violence,

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<sup>13</sup> نفس المرجع السابق

<sup>14</sup> نفس المرجع السابق

<sup>15</sup> نفس المرجع السابق



conflict-related sexual violence, and violence against children. The unit provides legal aid, medical services and psychosocial support, and provides access to a safe house or other places as necessary for each case. Besides, the unit works to raise the awareness of Somali police about sexual violence.<sup>16</sup>

### C. Eritria

- **On the International and Regional Side**

Eritrea ratified CEDAW in 1995. At the regional level, Eritrea has not ratified the Protocol on the Rights of Women in Africa attached to the African Charter on Human and Peoples' Rights (Maputo Protocol).

- **On the National Side**

According to the Transitional Penal Code of Eritrea, Articles 605 and 607 provide special protection against trafficking in women regardless of age and provide special legal frameworks for the protection of children and minors of both sexes. However, the Transitional Penal Code of Eritrea does not contain provisions that criminalize prostitution per se, but rather criminalizes a person who makes a living from prostitution, adopts a profession or receives income from such activity.<sup>17</sup> In November 1979, the National Union of Eritrean Women was formed, to empower Eritrean women and enhance their participation in the national liberation and social justice movement.

### D. Yemen

- **On the International and Regional Side**

Yemen is among the countries that have ratified the International Convention on the Elimination of All Forms of Discrimination against Women since May 30, 1984. However, it is worth noting that, in light of the repercussions of the armed conflict, the Houthi group is still violating the articles of the Convention in the lands under its control.

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<sup>16</sup> نفس المرجع السابق

<sup>17</sup> الاتحاد الوطني للمرأة الإريتريّة، OHCHR، 2012، <https://bitly.ws/3275L>

- **On the National Side**

The effectiveness of constitutional and legislative texts in Yemen to protect women from sexual violence has remained limited, and attempts to amend these texts have failed, due to the armed conflict and lack of agreement between the parties to the conflict. By reviewing these texts, Article 128 of the same draft requires the Yemeni state to protect women from all forms of violence, yet this draft remains in place. There are limited attempts to complete discussion on the draft or adopt it, which delays legislative reform guaranteeing the protection of women in all forms of violence in Yemen.

After Maat checked local legislation and laws in Yemen, it was noticed that the legal framework in Yemen lacks comprehensive legislation on gender-based violence. However, the Crimes and Penal Code No. 12 of 1994 and its amendments stipulate some specific penalties against some forms of violence against women, such as murder, kidnapping, rape, and sexual violence, but the penalties imposed on forms of violence remain Sexual violence is not sufficient to achieve deterrence, and impunity makes these texts useless.

In November 2019, the Yemeni government adopted the national plan to implement Security Council Resolution 1325 on Women, Peace and Security, a resolution that calls on parties to the armed conflict in its tenth paragraph to take special measures to protect women and girls from gender-based violence, especially rape and other forms of sexual abuse. However, the representation of women-led organizations in participating in the formulation of the plan was limited and the plan lacked sufficient resources and implementation indicators. Maat did not notice any steps other than individual initiatives by some local civil society organizations in Yemen to implement the resolution and the action plan implementing it. Accordingly, limited domestic legislation criminalizing sexual violence leads to a lack of legal protection, making women in Yemen more vulnerable to gender-based violence, including sexual violence.

### **Third: Violence against Women and Girls... Detestable Weapons in Countries of Armed Conflict**

#### **A. Sudan**

Sexual violence and rape, specifically among minors, continued to increase in Sudan. From December 2022 to February 2023, the UN documented 17 victims of conflict-related sexual violence, in addition to repeated cases of rape of women and girls while

they were out gathering firewood.<sup>18</sup> Even before the fighting broke out on April 15, 2023, more than 3 million women and girls in Sudan were at risk of gender-based violence, including intimate partner violence, according to UN estimates, this number has since grown to an estimated 4.2 million people<sup>19</sup>.

The risk of sexual violence is particularly high when women and girls move in search of safer places. Since the start of this conflict in Sudan, the UN Human Rights Office in Sudan has received credible reports of 21 incidents of conflict-related sexual violence against at least 57 women and girls, with at least 10 girls among the victims. In one case, up to 20 women were reportedly raped in the same attack, and the Violence Against Women Unit of the Sudanese Ministry of Social Development also continued to receive reports of conflict-related sexual violence. At least 136 cases of sexual violence against women have been documented since the conflict began in April until October 5, 2023, all of which were found to have been committed by members of the Rapid Support Forces who use rape and sexual violence against women and girls as tools to punish and terrorize communities<sup>20</sup>.

In the last week of September 2023, one emergency room received more than 10 cases of sexual violence in one day.<sup>21</sup> The true number of cases is undoubtedly much higher, as many survivors find it difficult to report sexual violence due to shame, stigma and fear of reprisal. Reporting violations and obtaining support has also become difficult, if not impossible, due to the lack of electricity and communication, as well as the lack of access to humanitarian aid due to the volatile security situation. Attacks on and occupation of health facilities also prevent survivors from seeking and accessing emergency health care<sup>22</sup>.

In a related context, the data also indicates a high prevalence of sexual violence experienced by female volunteers on the front lines, where two volunteers were raped in the last week of September 2023, and on October 2, 2023, a volunteer was killed in her home by Rapid Support soldiers because she refused to allow them into her residential home. The volunteer was part of the feminist response team that provided psychosocial support to survivors of rape and other forms of violence, she was fatally shot twice

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<sup>18</sup> نازحات دارفور يشتكين من استمرار العنف والاعتصاب، دبنقا، 7 مارس 2023، <https://bitly.ws/323D4>

<sup>19</sup> Sudan: top UN officials sound alarm at spike in violence against women and girls, WHO, 5 July 2023,

<https://bitly.ws/323KW>

<sup>20</sup> ibid

<sup>21</sup> Khartoum: Women are not collateral damage! Perpetrators must be held accountable for rampant sexual violence in Sudan's capital, SIHA Network, October 4, 2023. <https://bitly.ws/32gNv>

<sup>22</sup> Ibid

through the window while trying to barricade the door against the soldiers, one in the head and the other in the chest. It is worth noting that violence against medical workers violates the basic rights of workers in Article 9 of the Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), which obligates warring parties to respect and protect medical workers.<sup>23</sup>

## **B. Somalia**

Women and girls in Somalia are the most affected by nearly three decades of conflict, insecurity, political fragility, recurring climate shocks and increasing economic pressures, as 80% of the target population are women and girls at risk of gender-based violence. Somalia ranks among the worst countries for women's rights, with gender-based violence widespread, with a prevalence rate of 14%, yet access to prevention and protection services remains limited.

Both the Secretary-General's report on children and armed conflict and the Secretary-General's report on sexual violence in conflict in 2020 documented those 400 civilians, most of them girls, were victims of rape and other forms of sexual assault. More than 100 cases of sexual violence against girls were also revealed by the UN in the first quarter of 2021. Reports indicated that perpetrators often exploit the vulnerability of displaced girls, targeting them when they leave the camps to perform household chores<sup>24</sup>.

In a related context, Al-Shabaab commits crimes of sexual violence against women and girls, which are increasing severely, especially in south-central Somalia and Puntland, where the risk of sexual and gender-based violence is high in areas controlled by Al-Shabaab. In 2021, the UN reported 340 cases of conflict-related sexual violence, primarily attributable to clan militias and Al-Shabaab<sup>25</sup>. According to other statistics, more than 540 cases of gender-based violence were documented during the period from June 2021 to June 2022, 70 of which were cases of sexual violence in Mogadishu, Baidoa, and Johor, where most of the cases were recorded in camps for displaced people.<sup>26</sup>

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<sup>23</sup> *ibid*

<sup>24</sup> Somalia: Call for urgent action following 'alarming' 80 per cent rise in sexual violence, UN, 5 August 2021. <https://bitly.ws/3272x>

<sup>25</sup> Legal Action Worldwide (LAW) calls for comprehensive approach to end conflict related sexual violence in Somalia, Relief Web, 20 June 2023. <https://bitly.ws/32bs7>

<sup>26</sup> Women in Somalia live through pain of displacement and trauma of conflict-related sexual violence, relief web, 20 June 2022, <https://bitly.ws/32gYv>



Although rape and sexual violence against women and girls are underreported due to impunity, as well as fear and stigma of victims, the high level of violence in the country has caused incidents of sexual violence to escalate. From 23 August 2022 to February 2023, eight conflict-related incidents of violence were reported, affecting six women as well as a 7-year-old girl and a 14-year-old girl.<sup>27</sup>

### C. Eritrea

In light of the state of complete closure and the continued crimes of impunity, Eritrean soldiers continue to rape and execute hundreds of civilians, especially women, in the Tigray region to this day. “The Eritrean Defense Forces committed war crimes and possibly crimes against humanity” in Tigray, after signing the truce on November 2, 2022, specifically in the vicinity of the town of Kawkab Tsebe, about 20 kilometers from the border with Eritrea, Eritrean soldiers detained at least 15 women for approximately three months in their camp between November 1, 2022, and January 19, 2023. During their captivity, these women were repeatedly raped by Eritrean soldiers in conditions of sexual slavery, subjected to physical and psychological violence, and deprived of food, water, and care.<sup>28</sup>

In a related context, a total of 160 cases of sexual violence were reported in “Kawkab Tziba” between November 2020 and January 2023. These reported cases are a small fraction of all actual cases of conflict-related sexual violence in Tigray, and the number of vulnerable populations is likely underreported, let alone the number of girls who died during or after conflict-related sexual violence. In addition, a local medical center stated that it dealt with 2,250 cases of conflict-related sexual violence from parts of the eastern Tigray region, including Kawkab Tseba, in the same period, although victim testimonies confirm that most of the cases were committed by Eritrean forces, the Eritrean Ministry of Information always uses its Twitter platform to express baseless allegations against Eritrean military personnel taken from external, unidentified, and nameless sources, in continuation, For its decades-long defamatory policies against the state of Eritrea<sup>29</sup>.

In addition to the number of violations mentioned above, Eritrea is one of only two countries in the world that conscripts women, as the government militarizes the entire

<sup>27</sup> Violence against women and girls: overview, euaa, August 2023, <https://bitly.ws/Zu8M>

<sup>28</sup> Eritrea committed atrocities in Tigray after peace deal, Africa news, September 05, 2023. <https://bitly.ws/327rx>

<sup>29</sup> Eritrean Defense Forces committed war crimes and possible crimes against humanity in Tigray, Amnesty International alleges, CNN, September 6, 2023. <https://bitly.ws/UYZj>

country for an indefinite period without official pay, in conditions that amount to forced labor, and girls, underage children, and adults are also forcibly conscripted, under 50 years of age. Female recruits are treated brutally and humiliatingly; according to the report of the Special Rapporteur on Human Rights in Eritrea, there is evidence of sexual assault on women. Due to excessive abuses and human rights violations against women by the military, the number of women trying to leave the country has increased significantly<sup>30</sup>. They are often shot at the border or fall into the hands of traffickers and smugglers, who often subject them to gender-based violence, including torture, summary execution, and arbitrary deprivation of liberty<sup>31</sup>.

Although Eritrean military/national service programs violate Article 565 of the Eritrean Transitional Penal Code which criminalizes slavery. It also violates Article 8 of the International Covenant on Civil and Political Rights, Article 5 of the African Charter on Human and Civil and Political Rights, and the 1926 Slavery Convention. Aspects of the programs also violate Articles 9, 10, 12, 17, and 22 of the International Covenant on Civil and Political Rights and Articles 8, 12, 15, and 18<sup>32</sup>.

#### **D. Yemen**

Women in Yemen suffer from grave violations, perhaps the most prominent of which is their exposure to sexual violence. Estimates indicate that there are 12.6 million women and girls in Yemen<sup>33</sup>, including 7 million women who urgently need support and access to services that prevent and treat gender-based violence. However, these services are very limited or completely non-existent in some places<sup>34</sup>. Other times, the barriers to access for women who have experienced gender-based violence have led to complications such as the risk of death, physical complications, or infection with HIV and, in other cases, sexually transmitted diseases. To measure the extent of sexual violence in Yemen, Maat reviewed credible estimates, and also documented, through local Yemeni sources, several cases of sexual violence against women in Yemen in 2023.

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<sup>30</sup> Eritrean Women: In a Crossfire between Conscription and Denial of Conscientious Objector Status, War Resister International. <https://bitly.ws/32aQG>

<sup>31</sup> Concluding observations on the sixth periodic report of Eritrea, OHCHR, <https://bitly.ws/32b7f>

<sup>32</sup> Shadow report to the CEDAW Committee, Eritrea Hub, 2020. <https://bitly.ws/32bbK>

<sup>33</sup> 12.6 million women and girls in Yemen need life-saving support, UNFPA, <https://www.unfpa.org/press/126-million-women-and-girls-yemen-need-life-saving-support>

<sup>34</sup> Violence plagues women and girls amid Yemen's relentless conflict, United Nation YEMEN, <https://yemen.un.org/en/223259-violence-plagues-women-and-girls-amid-yemen%E2%80%99s-relentless-conflict>

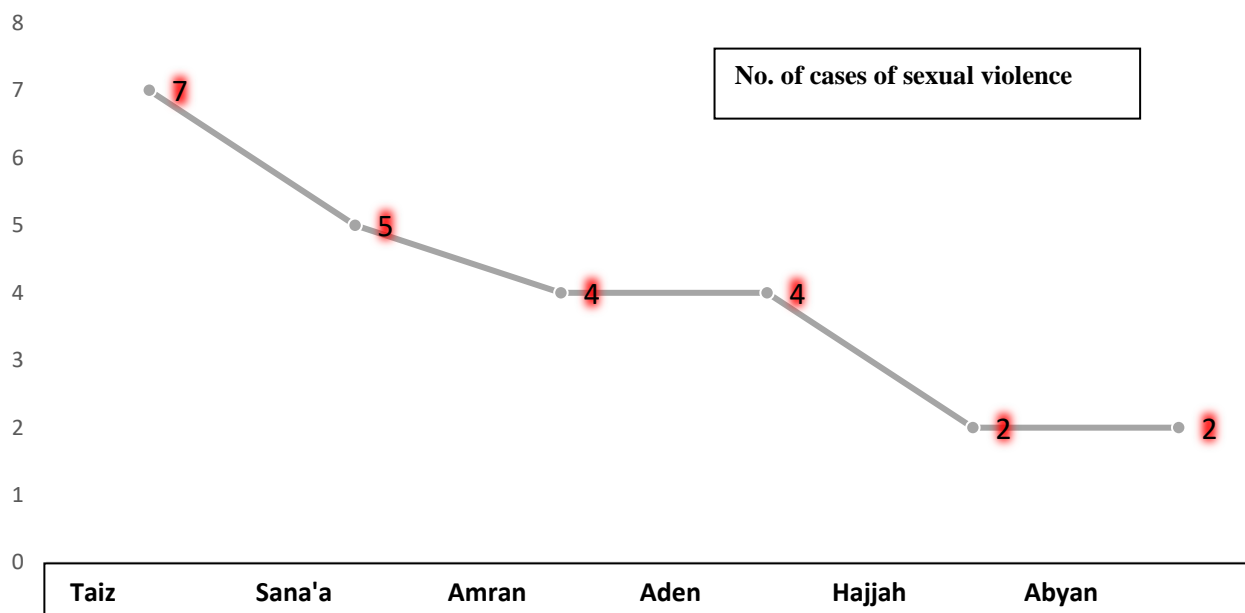
In general, estimates of the rates of sexual violence against women in Yemen vary. But, several studies show that this sexual violence is a continuing scourge against women and girls in Yemen. A survey on violence against women in Yemen revealed that 55% were subjected to physical abuse, and 17% were victims of sexual violence. Although the cases are likely to be higher, given that most women do not report their exposure to sexual violence in Yemen to avoid the stigma that may befall them, they also rarely seek help from the security forces<sup>35</sup>. As recent estimates by the United Nations Population Fund in 2018 indicate, of all reported incidents of gender-based violence, approximately 46% were physical assault, 22% were psychological abuse, 17% were deprivation of resources, and 4% were Cases of sexual assault and rape. Despite the continuation of the truce between the Houthi group and the Arab coalition, cases of sexual violence continued to be documented in Yemen. From April to June 2022 alone, the Secretary's report on conflict-related sexual violence documented 20 cases of violence in Yemen.

In a related context, Maat documented 22 cases of sexual violence in Yemen during 2023, and these cases were distributed between the northern and southern governorates alike. However, it is noted that these cases are increasing in the areas controlled by the Houthi group, especially in the Houthi-controlled areas in Taiz Governorate, Sana'a, and Amran. In the table below, the cases are distributed among the Yemeni governorates.

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<sup>35</sup> The Worst Place on Earth to be a Woman: Violence against Yemeni Women in Peace and War, Page 5, [https://riverapublications.com/assets/files/pdf\\_files/the-worst-place-on-earth-to-be-a-woman-violence-against-yemeni-women-in-peace-and-war.pdf](https://riverapublications.com/assets/files/pdf_files/the-worst-place-on-earth-to-be-a-woman-violence-against-yemeni-women-in-peace-and-war.pdf)

Figure 1: Sexual violence against women in Yemen 2023



It is noted from the previous figure that sexual victims are increasing in Taiz Governorate, and this is due, according to various reports, to the concentration of marginalized groups in the outskirts of Taiz Governorate, which makes them vulnerable to repeated harassment by armed groups at the checkpoint. Some reports also explain the presence of cases of sexual violence in Amran and Sana'a due to the high levels of unemployment and the inability of several men to bear the costs of marriage. Unemployment gives them more free time, which may prompt them to harass women and girls. The testimonies attributed the sexual harassment cases in Aden to the continued impunity and little accountability, which leads to repeated sexual harassment of girls.

#### - Sexual violence in the context of migration

Sexual violence does not spare any women and girls in Yemen. However, migrant women remain vulnerable to sexual violence, as many migrant women remain targets of detention center guards and smugglers. Although there are no specific numbers for victims of sexual violence against female migrants in Yemen, the phenomenon appears to be worsening, especially in light of the continuing flow of migrants to Yemen as a transit country. Earlier, an Ethiopian refugee claimed that Zahra and twenty other women were raped



more than once by smugglers because they were unable to pay a thousand dollars to move from Yemen to Saudi Arabia<sup>36</sup>.

These violations demonstrate the absence of any mechanisms to protect migrant women and refugees in general in Yemen, in light of the absence of adequate legislation and laws that protect refugees and asylum seekers, including women, of course. Yemen is not yet a party to the International Convention for the Protection of All Migrant Workers and Members of their Families, which makes them "Easy catch" for both smugglers and the guards of the detention centers where these refugee women are kept.

37

### - Sexual violence in the context of detention in Houthi areas

Women in northern Yemen, especially women with political and social roles, faced sexual violence by Houthi militia prison supervisors. Sexual violence has been widely used during the years of conflict and as a tool to coerce confessions<sup>38</sup>. The former director of the Criminal Investigation Department, Ali Sultan Saleh Zabin, used sexual violence as a tool of torture, which exposed him to Security Council sanctions under Resolution 2564 of 2021. Some girls were also subjected to sexual violence in the National Security Department of Al-Saleh Prison in Taiz, which is a prison run by the Houthi militia<sup>39</sup>.

Maat had seen reports confirming that about 71 women in militia prisons were subjected to rape and sexual impotence, as a result of their detention based on their political affiliation other than the Houthi doctrine, until the end of 2020. The Houthis were given a justification for this in what is called purification jihad, which is a covert rape similar to what was previously practiced by the terrorist organization ISIS<sup>40</sup>. The Houthi, who is affiliated with the Hashemite dynasty and in whom they see racial superiority and purity, rapes the victim. According to their view, this gives women the advantage of being cleansed of sins. These tasks against women detained in Sanaa are facilitated by the so-called "Zainabiyyat" agency<sup>41</sup>.

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<sup>36</sup> Zahra and her sisters... migration trips from Ethiopia turn into days of torture at the hands of smugglers in Yemen, Al Jazeera Net, November 2, 2019, for more on the following link: <https://bit.ly/32kz8C6>

<sup>37</sup> See the following link: <https://tinyurl.com/y2n4aga7>

<sup>38</sup> State of World Population 2022, United Nations Population Fund, p. 8, at the following link: <https://bit.ly/41Y7kR2>

<sup>39</sup> Strengthening responses to conflict-related sexual violence against boys deprived of their liberty in situations of armed conflict, <https://bit.ly/3F0DqBD>

<sup>40</sup> "Yemeni Women on the Edge of the Abyss", a new report by the Maat Foundation on the occasion of International Women's Day, <https://bit.ly/3ZT2R0e>

<sup>41</sup> Ibid

It is an intelligence agency led by women, established by the Director of the Criminal Investigation Service in Sanaa, Sultan Zaben. The responsibilities of this agency include searching for women and homes, indoctrinating women in the Hashemite Houthi doctrine, maintaining order in women's prisons, and facilitating the so-called purification jihad against women who refuse to submit to the instructions of the Criminal Investigation Service<sup>42</sup>.

### - Sexual violence in areas populated by minorities

“Marginalized” women were particularly vulnerable to rape and other sexual abuse due to general impunity for their attackers due to their status as second-class groups in Yemeni society. Some reports attributed the largest percentage of crimes to the Houthi group. According to the US State Department's report on the human rights situation in Yemen in 2021, “marginalized women are still the target of severe sexual violence.” Sexual rape in armed conflict is inconsistent with the Rome Statute. However, women from this so-called marginalized group were not able to access justice mechanisms and were often not granted redress when they were able to access the judiciary.

## Conclusion & Recommendations

In general, despite the existence of laws, policies, and programs that protect the situation of women in armed conflicts, the use of women and girls as war shields is still a worrying issue that threatens countries in the Middle East and Africa, and this is directly related to violations of violence against fleeing women and girls, Or those girls in the displaced camps themselves, who are considered vulnerable to all forms of sexual and psychological violence at the hands of criminal elements, including members of the United Nations missions in those areas, along with members of the national forces and extremist elements. Unfortunately, it is difficult to verify the extent of these phenomena due to challenges related to the lack of detailed data, social stigma, or the spread of a culture of impunity.

In this regard, Maat for Peace, Development, and Human Rights presents a set of recommendations to parties concerned with the worsening cases of violence against women in the Middle East and Africa region, including governments involved in conflicts, the international community, and non-governmental organizations, as follows:

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<sup>42</sup> Source previously mentioned, at the following link: <https://bit.ly/3dDKkjp>

## **A. Governments mentioned in the study**

1. Maat recommends ensuring a credible and referential transitional justice process that responds meaningfully to the views and needs of survivors of human rights violations, including conflict-related sexual violence.
2. Maat urges those governments, by their obligations under international humanitarian law, to protect civilians in situations of armed conflict, including women, to tighten penalties imposed on perpetrators of crimes of violence against women, and to put an end to the impunity practiced by security forces as a result of ambiguous laws.
3. Maat urges the governments of Somalia, Sudan, and Eritrea to expedite the ratification of the African Women's Protocol (Maputo Protocol) to the African Charter on Human and Peoples' Rights to ensure unrestricted, continuous, independent and impartial monitoring and reporting of ongoing conflict-related sexual violence, including the situation of girls and adolescent girls.
4. Maat calls on the Government of Eritrea, under its ratification of the Convention on the Elimination of Forms of Discrimination against Women, to commit to submitting its reports on time or submitting updated alternative reports on women's rights to monitor the implementation of national laws and their compliance with the international agreement.
5. Maat also calls on the government of Eritrea to reduce the duration of national service to a maximum of 18 months and to ensure the rapid demobilization and reintegration of women who have already completed 18 months of service into society.
6. The need to consider strengthening protection mechanisms against sexual and gender-based violence in Yemen, such as supporting the establishment of psychological and social support lines for survivors of violence.
7. Raising the capabilities of employees working in government institutions in Yemen to respond flexibly to reports submitted in cases of sexual violence.
8. We call on all the mentioned countries to accelerate the implementation of the National Plan for Women, Peace, and Security emanating from Resolution 1325 and to define the roles assigned to all stakeholders in implementing the plan.

## **B. International Bodies**

- A. Maat calls on international donors to provide technical support to the governments of Africa and the Middle East to include, for example,

development plans to combat and address all issues of violence against women, as well as to provide material support to non-governmental organizations working in those countries so that they can carry out their work.

- B. The necessity of funding programs that provide comprehensive protection for women in Yemen if there is a serious approach to implementing Security Council Resolution No. 1325 because the idea of building peace without protection for these women is an imaginary idea that conflicts with the reality in which women in Yemen live.

### **C. Civil Society Organizations**

1. Maat recommends civil society organizations to provide systematic training on violence against women and girls to first responders who deal directly with women and girls victims of violence.
2. Maat encourages civil society organizations working in the field of human rights in conflict countries to strengthen the tasks of monitoring and documenting violations committed against women and girls in areas of conflict and political instability in Africa and the Middle East.
3. Maat calls on all civil society organizations to organize national campaigns to spread social awareness of the dangers resulting from violent crimes against women and to reduce the forms of social stigma resulting from sexual and physical violence.