

# Digital Violence Against Women in Yemen: Legal and Institutional Context

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You can find the original version [here](#).*

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# Abstract

This study focuses on the legal and institutional framework related to the phenomenon of digital violence against women (DVAW) in Yemen through a comprehensive review of relevant Yemeni laws and institutions. It also highlights a significant lack of a specific legal framework that addresses DVAW: the results reveal shortcomings in current legislation and the effectiveness of institutions in addressing this issue. In the face of these challenges, this study presents a set of recommendations aimed at building a strong legal and institutional system that can address this phenomenon and protect women from this new type of violence. The recommendations also address the gaps in the legal and institutional system to ensure a more effective response to the challenges arising from digital violence and to promote a safer digital environment for women.

# Contents

Executive Summary .....	5
Introduction.....	9
Concepts and Definitions.....	10
Forms and Types of Digital Violence Against Women .....	12
<b>National &amp; International Legislative Frameworks to Combat DVAW ...</b>	<b>13</b>
The Yemeni Constitution of 1991 .....	13
National (Local) Laws .....	14
The International Legal System in the Face of Digital Violence .....	21
Social Media Platform Policies.....	27
<b>National Institutions Specialized in Combating DVAW .....</b>	<b>28</b>
Mechanism for Submitting Reports .....	29
Criminal Investigation Department .....	30
Public Prosecution .....	31
Press, Publications, and Electronic Publishing Prosecution.....	33
Cybercrime Combating Division .....	35
Civil Society .....	37
<b>Conclusion .....</b>	<b>39</b>
Recommendations .....	40
<b>Appendix: Experts.....</b>	<b>41</b>

# Executive Summary

Yemeni women, particularly politicians, human rights advocates, and those active in social and academic leadership positions, are subjected to various forms of digital violence. The severity of this violence varies, increasing with the visibility and impact the women in leadership positions have. Research shows that women in political and human rights activism are most severely subjected to violence,<sup>1</sup> followed by social figures and community leaders, and women who share personal photographs online or participate in civic activities in general.

What makes matters worse, is the absence of a legal deterrent for perpetrators of the crime. Therefore, this study aims to review the legal and institutional frameworks pertaining to Digital Violence Against Women (DVAW) in Yemen by examining the complexities of this phenomenon in the digital environment. It seeks to elucidate the challenges faced by women online through a comprehensive review of all laws and legislation related to cybercrimes against individuals, with particular emphasis on DVAW in its various manifestations.

This study employed a descriptive methodology, conducting a desk study of relevant local and international laws and legal texts utilizing the research team's expertise, supplemented by a review of published literature in this field, including studies, research articles, and official news sources.

This study considers the applicable legal hierarchy and the laws pertaining to addressing violence against Yemeni women. To achieve its objectives, this study is structured into two main sections. The first section examines the legal system, encompassing the constitution and several related Yemeni laws, namely the Crimes and Penalties Law, the Personal Status Law, the Press and Publications Law, the Wired and Wireless Telecommunication Law, the Criminal Procedures Law, the Child Rights Protection Law, the Law on Payment Systems and Electronic Financial and Banking Operations, and the Civil Law.

The legal context of the international system is also addressed by enumerating the relevant international conventions ratified by Yemen, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, and the International Convention on the Rights of the Child. Furthermore, this study examined several important international conventions which, if ratified by Yemen, could contribute to criminalizing digital violence against women, such as the UN Convention against Transnational Organized Crime, the Convention on Cybercrime (Budapest Convention), and the draft United Nations Convention Against Cybercrime emerging from the General Assembly Ad Hoc committee meeting in August 2024.

The second part of the study focuses on national institutions specialized in addressing DVAW, most notably the Cybercrime Combating Division established on February 1, 2024, under the supervision of the Attorney General; the Press, Publications and Electronic Publishing Prosecution; and the Criminal Investigation Department, in addition to civil society initiatives, primarily the Sanad Platform for Digital Rights and the Noon Feminist Coalition. This section reviews the practical cycle, and the series of procedures currently followed in the event of a report or complaint of digital violence, as well as the relationship between the relevant institutions within Yemen and the potential for coordination with pertinent authorities outside the country.

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<sup>1</sup> Women's Solidarity Network. (n.d.). [Women's Solidarity Network Statement on the Escalation of Cybercrime Violations Against Women](#). Retrieved September 17, 2024.

Additionally, this study incorporated in-depth descriptive interviews with eight relevant specialists, in addition to examining two cases of digital violence against women along with the subsequent procedures implemented to address the victims' concerns up to the time of the study's completion.<sup>2</sup> The participants include four judges (including one woman) in various positions, including the Supreme Judicial Council, a senior public prosecutor, a deputy prosecutor for press, publications and electronic publishing, a deputy prosecutor for Sayoun, a captain in the Criminal Investigation Department, as well as the president of the Pass, a civil society organization, who is a specialist, lawyer, and member of the Noon Coalition and the Sanad Digital Rights Platform.

This study utilizes the cases published on social media platforms, verifying their credibility directly with the involved parties. Additionally, it incorporated live testimonies obtained through the researchers' personal and professional networks to accurately reflect the context of DVAW.

The study concluded that there is a lack of criminal legislation in Yemen, both substantive and procedural, to deter DVAW. This absence is compounded by a dearth of specialized institutions in Yemen dedicated to addressing DVAW, whether in executive capacities through police stations, or in judicial roles through specialized prosecution offices.

The review of the laws revealed that some, such as the Telecommunications Law, were devoid of penal provisions, while others, like the Press and Publications Law, contained inadequate penalties. Additionally, certain provisions in the General Crimes and Penalties Law necessitate the specification of new penalties beyond those currently included to ensure compatibility with the criminal act and its consequences, as well as to enhance the aforementioned deterrent effect.

Criminal laws and other laws that lack penal provisions or contain insufficient deterrent penalties require review and amendment to align with advancements in criminal activity and its prevention. This revision aims to achieve both general and specific deterrence for perpetrators and the public, thereby promoting societal stability through equitable judicial decisions.

Despite the recent effort by establishing the Cybercrime Combating Division in 2024, it faces challenges due to insufficient personnel and resources. This study also determines that while the Cybercrime Combating Division's jurisdiction encompasses crimes of DVAW, it currently focuses primarily on combating digital extortion, according to experts interviewed. Furthermore, it was ascertained that the Press, Publications, and Electronic Publishing Prosecution Office bears responsibility for addressing digital violence within its purview. However, DVAW is not explicitly prioritized, despite its prevalence as reported by civil society organizations.

Regarding the mechanisms, it has been ascertained that two institutions exist through which victims can file reports or complaints, namely, the Criminal Investigation Department and the Public Prosecution. Since the commencement of the year, specifically since the establishment of the Cybercrime Division, victims have been provided with two additional, more accessible mechanisms, namely, a hotline and the division's digital platform. Through this platform, five crimes against women were reported, alleging that they were subjected to digital violence, despite the division not being fully equipped or widely publicized.

Following the victim's filing of a complaint or report, the investigation is conducted either at the Criminal Investigation Department by investigators with technical expertise or at the Press, Publications and Electronic Publishing Prosecution if jurisdiction is established, with the participation of experts and interviewing victims, witnesses, and relevant parties. Legal measures are then implemented against the reported individual or suspect, such as, summons to appear, arrest warrants, and detention orders. Upon

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<sup>2</sup> Names and descriptions of experts interviewed and cases in the appendix.

completion of the investigation file and the indictment, the case file is referred from the competent prosecution to the appropriate court to proceed with its procedures and adjudication by the criminal judge. Subsequently, the penalty is executed on the convicted individual in the event of a guilty verdict.

This study demonstrates that the penalties that can be imposed according to the applicable laws range from deprivation of liberty to financial fines. However, if the perpetrator is not identified or the case exceeds the investigation team's capabilities or geographical scope, and coordination with concerned parties is not feasible, the file is registered in the Public Prosecution against an unknown person and subsequently closed. If the evidence is insufficient to convict a specific individual, a decision is issued to close the file due to insufficient evidence. Nevertheless, should new evidence become available against the same individual, the case file is reopened.

It is noteworthy that, according to statements from concerned parties and the follow-up of select cases, numerous instances do not reach the Public Prosecution and are instead referred to the judiciary, ultimately being resolved amicably between the disputing parties. However, in cases of significant harm to women, particularly concerning honor and reputation, the competent authorities collaborate with the victim to pursue the case to its conclusion, aiming to penalize the perpetrator and restore the victim's reputation.

Through interviews with stakeholders, it became evident that multiple obstacles confront the competent national institutions, most notably their continued operation under laws that address traditional crimes due to the absence of updated legislation that aligns with the rapidly evolving nature of modern crime. Additionally, they are unable to provide adequate psychological, legal, and social support services to female victims. Furthermore, fear of social stigma or retribution deters women from reporting incidents. The lack of robust infrastructure in legal, communications, and human resources with technical expertise to swiftly and effectively handle complaints related to digital violence impedes the competent authorities' ability to identify perpetrators and secure digital evidence. The absence of gender-disaggregated statistics also presents an obstacle for concerned parties to ascertain the extent of the problem and implement appropriate measures.

Nevertheless, this study found that within the current legal and institutional framework, there exist provisions that enable lawyers, defenders, or legislators to criminalize DVAW, given sufficient will. This is primarily represented in the articles of the Crimes and Penalties Law and other laws addressed in this study. Therefore, the significance of this study lies in its role as a primary reference for concerned parties and a catalyst for those seeking to pursue this matter further. Indeed, the current system not only criminalizes violence but also ensures that victims receive both financial and psychological compensation. This study also revealed that civil society plays a crucial role not only in documentation but also in community awareness and training on violence and digital crime. This role can be expanded to specifically address DVAW, which is what the study advocates.

Based on the aforementioned findings, this study primarily recommends seeking to establish an explicit legal text that criminalizes DVAW, thereby serving as a deterrent to violators and incorporating provisions for the psychological and financial compensation of victims. This study further recommends that Yemen ratify the pertinent agreements and reflect this commitment domestically through harmonization with national legislation. In addition to other agreements and international protocols, this study advocates for their ratification not only to serve as a reference for the Yemeni legislator and an additional framework for protecting women in Yemen but also to extend the scope of protection in laws related to combating information technology crimes to citizens and residents within any of the ratifying countries.

Consequently, Yemen would be able to prosecute perpetrators of crimes, even if they are outside the country. This measure would assist numerous Yemeni women who are subjected to digital violence by enabling them to protect themselves through filing reports or complaints with the security agency responsible for cybercrimes, which can then initiate legal proceedings until the case is concluded with a court ruling.

Pending the enactment of specialized legislation, this study recommends utilizing the current legal system and adapting its texts to protect women in the digital space and criminalize violence against them. It has identified a number of laws and articles that can be adapted on this basis to serve as a reference for relevant stakeholders.

Regarding national institutions, this study advocates for enhanced qualification and training, particularly in addressing digital cases involving female victims, establishing a specialized unit for DVAW within the Cybercrime Combating Division, and appointing qualified female personnel to this division. Furthermore, it recommends that frontline workers, such as those receiving complaints through various channels (e.g., police stations, hotlines, or electronic platforms), undergo training on gender issues and the specific nature of cases involving violence against women. This study also emphasizes the significance of generating gender-disaggregated statistics and categorizing crimes by nature to facilitate research and inform the development of strategies, funding, and support that align with risk and need assessments.

Additionally, this study proposes increased community awareness campaigns, specifically targeting women, to enhance their knowledge of digital risk management, available platform tools, and relevant laws and protective mechanisms. The focus should be on general awareness campaigns that influence public opinion against perpetrators, elevate the status of women in society, and promote their protection. Lastly, this study underscores the importance of inter-agency collaboration, encompassing judicial, security, communications, civil, and media sectors, to create a safer digital environment for women.

# Introduction

The phenomenon of digital violence against women (DVAW) has proliferated in Yemen in recent years, and numerous incidents have emerged that have led some women and activists in the public sphere to attempt suicide due to being subjected to digital extortion.<sup>3</sup>

For instance, the results of a field survey conducted by the 30 Platform of the Youth Platform Foundation in Yemen in 2022 on cyberbullying, with the participation of 1,172 individuals, a third of whom were women, revealed that the most severe forms of cyberbullying against women involve the fabrication of photographs or videos of women and their dissemination on the Internet. This is followed by identity theft used to abuse females online.<sup>4</sup>

Similarly, a 2023 study on digital violence against women (DVAW) in Yemen revealed that the most prevalent form of digital violence experienced by the sample is contact from unknown or unwanted individuals, with 57% of participants reporting exposure to this type.<sup>5</sup> This form of violence causes significant psychological and mental impacts. It occurs more frequently among women working in the political or public sphere, as their contact information is often known and easily accessible. Following this, 55% of the sample reported being subjected to insults, profanity, and defamation based on their gender. This type of violence is most prevalent on social media platforms, where defaming women and damaging their reputations has become relatively effortless. A single false or fabricated statement on platforms, such as Facebook can rapidly disseminate, tarnishing women's reputations in society within moments.

The study also revealed that 30% of the sample experienced financial or sexual extortion, while 26% were threatened with murder or rape. These findings highlight the prevalence and ease of perpetrating various forms of DVAW, often by anonymous individuals.

Yemen, one of the poorest and least developed countries, is particularly fragile due to the ongoing conflict since 2014. In such unstable contexts, especially in patriarchal societies, violence against women is exacerbated, particularly in the absence of state and regulatory institutions to mitigate crime of all types.

Crime is an ancient social phenomenon that has accompanied humanity since its inception. It involves committing an act or refraining from performing an action, thereby constituting an offense punishable by law. It can also be defined as an infringement upon a right protected by Sharia or statutory law. With the evolution of criminal activities and instruments, it has become feasible for individuals to perpetrate offenses through modern means that render detection challenging, such as DVAW, which is a form of electronic or cybercrime committed via digital media or within a digital environment.

Electronic or cybercrime is considered an advanced form of transnational crime that presents significant challenges in establishing proof, as the evidence left by the offense is intangible and exists within a digital environment. Consequently, cybercrime refers to offenses committed using information and communications technologies (ICT), crimes perpetrated against ICT facilities and their users, or criminal activities where ICT plays an indirect or supporting role.<sup>6</sup> Although a comprehensive definition of cybercrime

<sup>3</sup> Rana Ahmed Ghanem. (2023). [Digital Violence Against Yemeni Women Leaders: A Field Study](#). The SecDev Foundation and the International Development Research Center.

<sup>4</sup> Manasati 30. (2023). [Digital Violence Against Women in Yemen: A Field Study](#).

<sup>5</sup> Rana Ahmed Ghanem. (2023). [Digital Violence Against Yemeni Women Leaders: A Field Study](#). The SecDev Foundation and the International Development Research Center.

<sup>6</sup> Thematic discussion guide on criminal justice measures to prevent and respond to cybercrime in all its forms, including through the promotion of national and international cooperation, Economic and Social Council- United Nations, Commission on Crime Prevention and Criminal Justice, 27th session, Vienna, 14-18 May 2018, p. 21/4.

remains elusive, efforts have been made to define it. Some scholars describe it as “any criminal activity that employs digital electronic technology directly or indirectly as a means to execute the targeted criminal act.”<sup>7</sup> It is also characterized as “an act that violates the law, committed using ICT to target networks, systems, data, websites, and/or technology, or to facilitate the commission of a crime.”<sup>8</sup>

## Concepts and Definitions

Women face assault daily across the globe, both in physical and digital spaces. To effectively identify digital violence, it is essential to first define violence in general and violence against women specifically. Following this, we can define gender-based digital violence, referred to in this study as DVAW, and outline its various forms.

**Definition of violence:** Violence is linguistically defined as “a breach of order and lack of companionship, the opposite of kindness. It originates from the term “to violence,” meaning to take something forcefully or to hate it, and implies reproach and blame.”<sup>9</sup> Additionally, UNESCO defines violence as “the use of means that aim to harm the physical, psychological, or moral safety of others, considering psychological and moral violence as deeper and more condemnable than physical violence due to its subtlety and greater danger.”<sup>10</sup> Legally, violence is defined as “the intentional use of physical force or power, whether by threat or actual use, by a person against themselves, another person, a group, or society, leading to or likely leading to injury, death, psychological harm, poor development, or deprivation.”<sup>11</sup>

Based on the aforementioned definitions, violence can be understood as any unlawful act intended to cause physical or moral harm to the victim. This harm can be inflicted by an individual or a group.

The United Nations General Assembly 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. This includes threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.”<sup>12</sup>

Article (1) of the Convention on the Elimination of All Forms of Discrimination 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. This includes threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.”<sup>13</sup>

The Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the Istanbul Convention, in 2011 defines violence against women as “a violation of human rights and a form of discrimination against women. It encompasses all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological, or economic harm. This includes threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.”<sup>14</sup>

<sup>7</sup> Mustafa Muhammad Musa. (2003). Criminal methods of digital technology: their nature, combating them. Dar Al Nahda Al Arabiya. p. 56.

<sup>8</sup> United Nations Office on Drugs and Crime. (n.d.). [Cybercrime in brief \(educational unit\)](#).

<sup>9</sup> Ibn Manzur, Lisan Al Arab, Volume 2, Dar Sadir, 1968, p. 903.

<sup>10</sup> Prof. Dr. Abdul Aziz Mustafa Muhammad Abdul Aziz. (2024). [The theoretical foundations behind the positive role of plastic art in confronting violence](#). The Egyptian Journal of Specialized Studies, 12(2.43), pp. 21-45, p. 25.

<sup>11</sup> World Health Organization. (n.d.). [Violence](#). World Health Organization Regional Office for the Eastern Mediterranean.

<sup>12</sup> [Violence against women, International Council for the Promotion of Fair Trial and Human Rights; the International Declaration on the Elimination of Violence against Women](#) defines it 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.”

<sup>13</sup> [Convention on the Elimination of All Forms of Discrimination against Women](#).

<sup>14</sup> [Council of Europe Convention on preventing and combating violence against women and domestic violence](#), 11/05/2011.

It is evident from the aforementioned international definitions that they do not differ substantially in terms of content, despite variations in terminology. However, the Istanbul Convention is notably more comprehensive and provides enhanced protection by including potential harm alongside actual harm. This makes it a subject of interest for human rights and women's rights advocates, who seek to encourage their respective countries to incorporate potential harm into legislation to ensure adequate protection for women.

**Definition of digital violence:** Digital violence encompasses various forms of harassment, humiliation, discrimination, or social isolation perpetrated via the Internet or digital communication platforms, such as social networks, messaging applications, chat rooms, gaming platforms, and email.<sup>15</sup> It is also defined as "deliberate violent behavior carried out by a group or individual using digital devices, mobile phones, instant messaging, email, chat rooms, and social networking sites, such as Facebook and others. This behavior is repeated over a period of time with the aim of harassing, threatening, or intimidating an individual or group of individuals."<sup>16</sup>

Upon examining and comparing the various definitions of violence, violence against women, and digital violence, it becomes apparent that there is no distinct definition of digital violence outside the context of gender-based digital violence. Additionally, a notable similarity between digital violence and digital bullying is observed.<sup>17</sup>

**Definition of digital violence against women:** The United Nations defines digital violence against women as "any act committed, assisted, aggravated, or enhanced using communication and information technologies or other digital tools that results in, or is likely to result in, physical, sexual, psychological, social, political, economic, or other violations of rights and freedoms."<sup>18</sup> This violence may occur in the digital environment or in reality using technological means, such as control by tracking programs (GPS). It is also defined as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, psychological, or economic harm or suffering to women. This includes threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life."<sup>19</sup>

It is noteworthy that the definitions of digital violence align with the definition of violence against women. However, digital violence extends beyond this scope, as it may occur entirely within the digital environment or through the use of digital means in physical reality. Digital violence is considered more perilous and can be perpetrated with minimal effort by the offender compared to physical or moral violence. Additionally, the impact of digital violence is more extensive and profound, affecting both personal and societal levels for the victim.

<sup>15</sup> HateAid. (n.d.). [Digital violence](#). HateAid.

<sup>16</sup> Dr. Adel Helmy Amin Al-Lamsi. (2021). The Role of Digital Citizenship in Reducing Cyberbullying Problems among High School Students. *The Educational Journal of the Faculty of Education*, 1(91), 206-264, p. 215.

<sup>17</sup> Cyberbullying is "any behavior that takes place through the Internet or electronic or digital media and is carried out by an individual or group through repeated communication that contains hostile messages with the aim of harming others, and the identity of the bully may be unknown or known to the victim." Manal Kabour, Bouamama Al-Arabi. (2022). [Cyberbullying- Concept and Terminology](#). *The Journal of Legal and Social Sciences*, 7(1), pp. 602-618, p. 612.

<sup>18</sup> United Nations Entity for Gender Equality. (undated). [Types of Violence](#).

<sup>19</sup> Council of Europe. (n.d.). [Cyberviolence against women](#).

## Forms and Types of Digital Violence Against Women

From the two previous definitions, we can ascertain the forms and types of digital violence against women:

- **Physical Threat via the Internet:** This occurs when the perpetrator transmits messages via digital media such as images, audio, video, and text, indicating that they will commit criminal acts that instill fear and apprehension in the victim. Examples include threats to kill her or a family member, or threats of sexual assault against her or a female relative.
- **Digital Surveillance or Espionage:** Monitoring involves continuous observation through various methods and tracking the victim's presence on social media platforms conspicuously. Digital espionage entails the illicit use of modern information technology to access the victim's device with the intention of viewing, intercepting, or extracting information.
- **Online Defamation:**<sup>20</sup> This involves slander, attributing false accusations, or disseminating false statements or factual information about women using various websites. The aim is to damage the defamed individual's reputation, coerce her into silence about certain issues, or extort her financially.
- **Digital Blackmail:**<sup>21</sup> This involves the misuse of the Internet for specific purposes, which vary depending on the blackmailer and circumstances. Types of digital blackmail include:
  - **Emotional Blackmail:** Manipulating women's or girls' emotions until the perpetrator achieves their objective and subsequently blackmails them.
  - **Professional Blackmail:** Exploiting authority and information possessed about the victim against female targets.
  - **Political Blackmail:** Utilizing the victim's mistakes or errors against her, threatening to expose her by publishing them on social media if she does not comply.
  - **Financial Blackmail:** Convincing the victim that the blackmailer will publish private photographs of her, often using photo editing software to obtain financial gain.
- **Online Harassment:** Aggressive behaviors aimed at disturbing, alienating, or intimidating women through electronic means, causing them to feel uncomfortable and unsafe.
- **Digital Harassment:** Sending suggestive or explicit messages of a sexual nature via digital media such as images, audio, video, and text based on gender.
- **Digital Identity Theft:**<sup>22</sup> Occurs when an impersonator creates a fraudulent account on one or more social media platforms in the victim's name.
- **Digital Bullying:**<sup>23</sup> Repeated intentional behavior perpetrated through social media sites or the Internet with the intent to harass women and children, inflict psychological harm, or instill fear.

<sup>20</sup> Mohamed Zakaria Kharab, Aqila Maqrouss. (2022). Electronic Defamation: The Problem of the Concept and the Application of the Law. *Tabna Journal of Academic Scientific Studies*, 5(1), 1811-1829, p. 1818.

<sup>21</sup> Saeed Ziouch. (2017). The Phenomenon of Electronic Blackmail and Methods of Prevention from It- A Sociological Reading and Theoretical Opinions. *The Journal of Social Sciences*, 11(22), 70-87, pp. 72-72.

<sup>22</sup> Office of eSafety. (2020). [Cyber Abuse](#).

<sup>23</sup> Medical. (n.d.). [Cyberbullying](#).

# National & International Legislative Frameworks to Combat DVAW

Local legislation faces significant challenges in adopting and promulgating draft laws to address information technology crimes. It also struggles to adapt to and keep pace with the rapid technological and technical advancements in communications and information, which often surpass the legislative capacity of nations. Despite the absence of specific legal provisions related to DVAW, direct violence against women, or cybercrime, the Yemeni legislative system contains laws whose provisions can be adapted to protect women from digital violence.

In the absence of explicit criminalization statutes regarding DVAW, it is feasible to rely on constitutional principles that emphasize gender equality and protect the fundamental rights of individuals. Furthermore, international agreements ratified by Yemen can be utilized, as these texts can serve as a legal foundation to hold perpetrators accountable, protect women, and provide compensation for harm resulting from digital violence.

Consequently, this study examines the legislative framework of national and international legal texts pertaining to the phenomenon of DVAW in Yemen. It also conducts a comprehensive survey encompassing constitutional articles, national laws, and international agreements. A set of laws directly and indirectly related to digital violence against women are selected for potential adaptation according to the acts committed, with the aim of providing protection for women and mitigating digital violence.

## The Yemeni Constitution of 1991

The Yemeni constitution, the supreme reference for national laws, establishes the principle of equality of rights between the sexes.<sup>24</sup> The rights of women in the physical world are identical to their rights in the digital world. The Yemeni constitution has not yet been amended, and a new social contract is necessary to meet the aspirations of the people and safeguard their rights and freedoms. Article (41) of the constitution affirms that all Yemeni citizens, including women, possess rights that hold others accountable for any infringement on their constitutionally protected rights. From this perspective, we see that the general freedoms of women are legally protected. Article (48/A)<sup>25</sup> mandates that the state is responsible for safeguarding these women through its security services. These services are tasked with providing both preventive protection (before any assault occurs) and criminal protection (after an assault). This ensures that public security is actively maintained to protect these rights.

However, technological advancements in information and communications have created a parallel digital world. The state, through its security services, recognizes that its commitment to protecting women extends to this digital realm. Article (48/b) of the Yemeni Constitution safeguards the private lives of women, preventing any violations of their privacy.<sup>26</sup> Given that the digital world mirrors the physical world, it is natural for all digital network users to have their privacy protected by the Constitution and laws. Thus, women in the digital world enjoy privacy that cannot be violated without their explicit consent.

As previously mentioned, the Yemeni Constitution has not been amended; however, it enshrines civil rights that remain valid across all times and environments. These rights are considered fundamental human rights,

<sup>24</sup> Article (41): "All citizens are equal in public rights and duties."

<sup>25</sup> Article (48): "A- The State guarantees citizens their personal freedom and preserves their dignity and security. The law determines the cases in which a citizen's freedom is restricted. No one's freedom may be restricted except by a ruling from a competent court."

<sup>26</sup> Article (48/b): "No person may be monitored or investigated except in accordance with the law."

regardless of the context in which women and girls under the age of 18 find themselves. Article (42)<sup>27</sup> grants every citizen the right to express their opinion through speech, writing, or photography, provided it does not conflict with the law, which restricts this freedom as an exception to the original principle. This provision extends protection to the digital environment, ensuring that anyone who harms the reputation of women or defames them through digital media campaigns can be held accountable. Furthermore, Article (53)<sup>28</sup> protects all forms of correspondence and communications, whether via wired or wireless devices or through digital platforms and communication programs. No one has the right to infringe upon this privacy except in accordance with the law, meaning that no one can view, inspect, or publish the content of communications and correspondence of any kind without legal authorization.

## National (Local) Laws

In accordance with Article (47) of the Constitution,<sup>29</sup> which establishes the principle of “no crime or punishment except by a Sharia or legal text,” it is imperative to examine the existing legal framework to provide recommendations for legal practitioners and jurists. These recommendations should be utilized before judicial and legal authorities to protect women from digital violence and to criminalize such acts within the confines of the law. Given the multifaceted nature of digital violence, a comprehensive review of various legal texts is necessary to analyze and compare them with the actions constituting violence, as delineated in the introduction of this study.

### *The Crimes and Penalties Law No. (12) of 1994*

Upon examining this legislation, it is evident that the legislator has not provided a distinct criminal statute that penalizes violence against women in any form, whether in physical or digital spaces. Nevertheless, there are provisions that can be interpreted to address actions occurring in the digital environment or through technological means, including Internet services, mobile devices, and other communication platforms. Women may be subjected to physical violence as a consequence of digital violence perpetrated against them on social networking sites, due to the interconnectedness of the physical and virtual realms and their reciprocal effects. However, women will not find adequate criminal protection under this legislation, which has remained unmodified since 1994. Digital violence is a contemporary and evolving phenomenon, presenting challenges in classification and precise determination of its legal dimensions. Nonetheless, this does not preclude the existence of provisions that can protect victims. The offenses included in this legislation can be applied to safeguard against certain digital crimes, while other offenses not explicitly mentioned in the text of this law, such as bullying, may also be relevant.

Consequently, it is observed that this legislation criminalizes the sale, possession, and distribution of indecent materials or images. Article (199)<sup>30</sup> can be applied to hold accountable individuals who use deepfake technology to falsify images of women, whether for defamation or extortion purposes.

<sup>27</sup> Article (42): “The State guarantees freedom of thought and expression of opinion by speech, writing, and photography within the limits of the law.”

<sup>28</sup> Article (53): “The freedom and confidentiality of postal, telephone, and telegraphic communications, as well as all other means of communication, are guaranteed. They may not be monitored, searched, have their confidentiality disclosed, delayed, or confiscated except in cases specified by the law and by judicial order.”

<sup>29</sup> Article (47): “Criminal responsibility is personal, and there is no crime or punishment except based on a Sharia or legal text. Every accused person is innocent until proven guilty by a final judicial ruling. No law may be enacted that punishes any acts retroactively after its issuance.”

<sup>30</sup> Article (199): “The following shall be punished by imprisonment for a period not exceeding two years or a fine: Whoever broadcasts or publishes publicly printed materials, drawings, advertisements, engraved or carved images, hand drawings, photographs, symbolic signs, or other public objects or images if they are contrary to public morals. Whoever advertises the aforementioned items or displays them to the public, or sells them, rents them, or offers them for sale or rent, even if not publicly, or presents them publicly directly or indirectly, even if he distributes them or delivers them for distribution by any means, publicly or secretly, with the intent to corrupt morals.”

Furthermore, Article (254)<sup>31</sup> addresses individuals who threaten women through any means, resulting in their terror and fear. This may include threats to publish private photographs of the victim, her daughters, relatives, or friends, or to disclose sensitive personal information that the victim fears is being disseminated to a family member. This provision offers protection for all women from threatening offenses, focusing on actions that induce terror and fear rather than the specific means employed. Article (255)<sup>32</sup> criminalizes the violation of privacy by viewing phone correspondence in any form, acknowledging the prevalence of smartphones that contain a multitude of private information, including regular text correspondence and messages via internet-based applications. It also addresses the destruction of the victim's private correspondence, which may occur directly, such as when the perpetrator gains physical access to the phone, or remotely through hacking the phone or computer using specialized software.

Article (256/A),<sup>33</sup> as stated in the constitution, provides additional protection for the private lives of women by criminalizing acts that infringe upon privacy "by any device of any kind. . . or by telephone," including eavesdropping on conversations using technical means on the victims' devices and recording, whether audio or video. Such recordings can be made with a mobile phone or digital camera, which utilize advanced technology to capture sounds and images with high precision, or through devices specifically designed for eavesdropping and filming, provided these acts are committed in a private location.

Article (257)<sup>34</sup> criminalizes the dissemination of news or information about the victim to others, whether factual or false, even if not public. It also addresses facilitating the publication and broadcasting of audio or video recordings, written documents, or images via social media platforms without the victim's consent, as specified in Article (256), with the intention of damaging the victim's reputation or defaming and harming her. The legislation includes an aggravating circumstance if the perpetrator uses this information to threaten the victim and coerce her to perform or refrain from an action. The court may order the confiscation of devices and the destruction of recordings or documents.

Additionally, regarding the crime of indecent acts with a woman, Article (275)<sup>35</sup> of the Yemeni Constitution addresses this issue. The legislator defines an indecent act in Article (273)<sup>36</sup> as "any act that violates modesty, contradicts public morals, or offends decency. This includes deliberate nudity, exposure of private parts, and indecent or immoral speech and gestures." The legislation does not require the act to be

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<sup>31</sup> Article (254): "Whoever threatens another by any means with committing a crime or with a harmful act or with an act that will be done to him, his spouse, or one of his relatives up to the fourth degree, if the threat is likely to cause panic in the person against whom it is done, shall be punished with imprisonment for a period not exceeding one year or with a fine."

<sup>32</sup> Article (255): Whoever opens a letter sent to another without right or withholds a telegram or telephone message shall be punished by imprisonment for a period not exceeding one year or by a fine. The same penalty shall be imposed on whoever embezzles or destroys one of these correspondences or discloses its contents to another, even if the message was sent open or opened by mistake or coincidence. If the crime is committed by a public employee in breach of his job duties, the punishment shall be imprisonment for a period not exceeding two years or a fine.

<sup>33</sup> Article (256): Whoever violates the sanctity of private life by committing one of the following acts in circumstances other than those permitted by law or without the consent of the victim shall be punished by imprisonment for a period not exceeding one year or by a fine: Eavesdropping, recording, or transmitting, by means of any device, conversations that took place in a private place or by telephone.

<sup>34</sup> Article (257): Anyone who broadcasts, facilitates the broadcasting of, or uses, even if not publicly, a recording or document obtained by one of the methods specified in the previous article, or without the consent of the person concerned, shall be punished by imprisonment for a period not exceeding two years or a fine. Anyone who threatens to disclose any of the matters obtained by one of the methods referred to in order to compel a person to perform or refrain from an act shall be punished by imprisonment for a period not exceeding three years. A public employee who commits one of the acts specified in this article based on the authority of his position shall be punished by imprisonment for a period not exceeding five years. In all cases, a ruling shall be issued to confiscate the devices and other items that were used in the crime or obtained from it, and a ruling shall be issued to erase or destroy the recordings obtained from the crime.

<sup>35</sup> Article (275): Anyone who commits an indecent act with a female without her consent shall be punished by imprisonment for a period not exceeding one year or a fine. If the act was with her consent, both shall be punished by imprisonment for a period not exceeding six months or a fine not exceeding one thousand riyals.

<sup>36</sup> Article (273): An indecent act that violates modesty is any act that violates public morals or offends modesty, including deliberate nudity and exposure of private parts, and indecent and immoral speech or gestures.

publicized for it to be considered a crime but specifies various methods that can be employed. These methods include speech, writing, gestures, sending sexually suggestive images via communication and social media platforms, email, or posting them on the victim's profile if it is not restricted.

Article (291)<sup>37</sup> and similar provisions offer protection to women against defamation committed via social media platforms. This includes instances where an individual publishes content that compromises a woman's honor or disputes the paternity of her children. If the victim files a complaint and the accused cannot substantiate their claims, a fixed penalty is imposed. Similarly, for offenses that impugn one's honor, the law prescribes punishments for defamation perpetrated through social media, email, or text messages, regardless of whether the content is written, audio, pictorial, or video.

Additionally, Article (313) imposes penalties on anyone who deliberately threatens women to achieve material gain by instilling fear and trepidation, thereby coercing them to perform or refrain from actions that would benefit the perpetrator.<sup>38</sup>

### *The Criminal Procedures Law No. (13) of 1994*

This legislation complements the Crimes and Penalties Law, as they are inextricably linked in their function. It regulates the procedures and trials for offenses punishable under the Crimes and Penalties Law, safeguarding the legal rights of individuals of all ages and legal capacities, as well as the accused within the legal system. The primary objectives of this law are to achieve justice, protect individual rights and freedoms, and ensure fair trials.

However, the Criminal Procedures Law did not receive adequate deliberation before the House of Representatives due to its enactment during a period of political instability following the 1994 summer war. It was approved as part of a comprehensive package alongside several other laws and has remained unamended since its inception.

Regarding the focus of this study, this legislation governs the process of filing a civil lawsuit resulting from harm inflicted upon the victim as a consequence of digital violence or any conventional crime. According to Articles (43) and (44), this legislation permits the harmed woman to file a written civil lawsuit before the competent court during the consideration of the criminal case before the criminal judge.<sup>39</sup> This occurs after the competent prosecution presents evidence of the crime in which the victim was affected, referring to her as the "civil plaintiff" against the accused and the civil official.<sup>40</sup> As stipulated in Article (48), she may seek financial compensation for the material, moral, and psychological damages incurred.<sup>41</sup> This lawsuit represents one of the avenues available to the injured woman, either to pursue directly or to file as an

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<sup>37</sup> Article (291): Insult is defined as ascribing to another a hurtful incident that, if true, would legally require the punishment of the person to whom it is attributed or would require him to be despised by his countrymen, as well as any insult to another that offends his honor or reputation without including the attribution of a specific incident.

<sup>38</sup> Article (313): Whoever intentionally instills in a person fear of harm to him or to any other person whose affairs he cares about, and thereby induces him, with bad intent, to hand over to him or to any other person any money or legal document or anything signed with a signature or seal that can be converted into a legal document, shall be punished with imprisonment for a period not exceeding five years or a fine.

<sup>39</sup> Article (43): Any person who has suffered harm from a crime may file a civil lawsuit, regardless of its value, to compensate for the harm resulting from the crime before the criminal courts to consider it with the criminal lawsuit.

<sup>40</sup> Article (2): The civil claimant is anyone who has suffered harm from the crime, whether material or moral.

<sup>41</sup> Article (48): A civil lawsuit for compensation for harm shall be filed against the accused of the crime if he is an adult and against his representative if he is of diminished capacity. If he has no representative, the court may appoint someone to represent him or be satisfied with the Public Prosecution representing him. The civil suit may also be filed against those responsible for civil rights for the accused's act, and the Public Prosecution may include those responsible for civil rights, even if there is no claimant for civil rights in the suit, to rule against them for the expenses due to the government. It is not permissible to file a guaranteed suit before the courts in criminal cases, nor may anyone other than the claimant of criminal rights be included in the suit, nor may anyone other than the defendants of civil rights and those responsible for them and those insured by them be included in the suit.

independent lawsuit following the issuance of the judgment. The latter option is governed by civil law, which will be addressed subsequently in this study.

### *The Personal Status Law No. (20) of 1992 With its Amendments*

This law is closely associated with DVAW, as it addresses the core issue of an imbalanced societal perspective on gender relations, which views women as the more vulnerable segment in society or the family. It regulates familial relationships, such as engagement, marriage, divorce, inheritance, and other provisions related to familial bonds. It is also essential to consider spousal rights and duties, which form the fundamental unit of society. From this perspective, the Yemeni legislator has established rights for women in relation to their husbands (Article 41).<sup>42</sup> It specifically states that the husband may not appropriate his wife's financial assets in any manner, as she maintains an independent financial status. Additionally, the husband must not inflict material or moral harm upon his wife. This harm may manifest as digital violence through communication platforms, whether visual, written, or audible, and may take the form of threats, violence, or even blackmail for any reason. Furthermore, Article (54) addresses this issue in favor of the wife, permitting her to terminate the marital relationship under the designation of "dissolution due to aversion and harm."<sup>43</sup>

In summary, it is feasible to criminalize a husband who uses any form of digital means as an instrument of violence, causing material or moral harm to his wife. In such cases, the wife has the right to petition for dissolution of the marriage and seek compensation for the harm she has endured due to the husband's actions.

### *The Press and Publications Law No. (25) of 1990*

Women in Yemen face severe digital violence, especially from individuals who identify as media professionals. Female politicians, political activists, and human rights defenders are particularly more vulnerable to defamation and slander campaigns targeting these prominent figures in Yemeni society. The absence of the Media Syndicate's role in addressing paid writers who incite public opinion through social media and confronting them through the procedures outlined in the law is notable. These individuals often disregard professional ethics and journalistic standards, posing a significant risk to society if the media field remains without proper oversight and monitoring by the competent authorities.

Numerous women have been subjected to digital violence by non-neutral press and media entities, particularly those affiliated with certain political parties, through communication platforms, such as X, WhatsApp, and Facebook. This issue is exacerbated by low cultural awareness, which facilitates the manipulation of various civil society groups, resulting in severe harm to women. The Yemeni legislator has included a punitive provision in this law, as per Article (104),<sup>44</sup> which imposes a fine not exceeding 10,000 Yemeni riyals or imprisonment for a period not exceeding one year. In the absence of a sufficient punitive provision to achieve deterrence, recourse can be found in the current Crimes and Penalties Law. However, it can be argued that crimes committed via social media, including those against women, are not considered serious offenses by the legislator, as they do not exceed three years of imprisonment in the Penal Code. This is despite the fact that Yemeni society is conservative and tribal, adhering to customs and traditions, with

<sup>42</sup> Article (41): The husband must do the following for his wife: 4. Not expose her private funds. 5. Not harm her materially or morally.

<sup>43</sup> Article (54): If the woman requests a ruling for annulment due to hatred, the judge must investigate the reason. If he finds it proven, he shall appoint an arbitrator from the husband's family and an arbitrator from her family to reconcile them. Otherwise, he shall order the husband to divorce. If he refuses, he shall rule for annulment, and she must return the dowry. Annulment due to hatred and harm means ending the marriage contract by returning the dowry to the husband by virtue of a judicial ruling, as the wife's hatred and harm from her husband is proven. See: Abdul-Mumin bin Abdul-Qader Al-Shuja'a. (2018). Dissolution of Marriage Contract Due to Hatred in Yemeni Law. The Journal of Humanities and Social Sciences, 2(6).

<sup>44</sup> Article (104): Without prejudice to any more severe penalty in any other law, anyone who violates this law shall be punished with a fine not exceeding (10) thousand riyals or imprisonment for a period not exceeding one year.

families placing significant importance on the reputation of their women. Consequently, the punishment is inadequate, and the deterrence and harm inflicted upon the victim are not proportionate.

### *The Telecommunications Law No. (33) of 1996*

In accordance with the constitutional right to prohibit surveillance of individuals, except as stipulated by legal provisions specifying permissible deviations,<sup>45</sup> this legislation, pursuant to Article (17/5), prohibits the infringement of women's privacy through the monitoring of communications via smartphones, electronic mail, internet activities, or any other form of surveillance. Such monitoring is only permissible with written authorization from the competent judicial authority and a direct order from the minister or their designated representative.<sup>46</sup> Additionally, Article (5/21) of the law prohibits the use of wireless communication devices to transmit messages, images, or signals to women in a manner that contravenes Sharia law, statutory regulations, public order, and societal morals.<sup>47</sup>

It is noteworthy that this legislation establishes the principle of the inviolability of private life without specifying punitive measures for violations of this provision. Consequently, individuals who contravene this principle will be subject to the provisions of the Crimes and Penalties Law.

### *The Child Rights Protection Law No. (45) of 2002*

This legislation aims to safeguard the material and moral rights of children under 18 years of age. Consequently, provisions such as Article (144) obligate the state to implement measures and procedures to protect female minors from exploitation through deception for the purpose of engaging in or conducting illicit activities. This protection extends to digital violence against minors, which can result from enticement through social media platforms and certain internet-based games. Furthermore, in the absence of parental supervision, these minors may be subjected to digital extortion by unknown individuals, stemming from the exchange of photographs, conversations, or other forms of interaction.<sup>48</sup>

Article (146) of this law mandates the state to protect girls physically and psychologically from any form of violent treatment, whether in physical or digital environments. This protection is achieved by prosecuting the perpetrators of such acts, as girls under the age of eighteen are particularly vulnerable to moral violence, including threats or coercion by blackmailers who contact them through social media to obtain private information or photographs.<sup>49</sup> Additionally, the state is required to implement protection mechanisms for girls who become victims of such perpetrators or instigators. This includes subjecting affected girls to educational programs that safeguard them from exploitation or rehabilitate them after involvement in prostitution and related activities.<sup>50</sup> In the same context, Article (148) obligates the state to provide protection mechanisms and preventive measures to address digital drugs, a contemporary form of

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<sup>45</sup> Article (48/B): It is not permissible to monitor or investigate any person except in accordance with the law.

<sup>46</sup> Article (17/5): Any monitoring of communications must be by order issued directly by the Minister or his authorized representative.

<sup>47</sup> Article (5/21): It is strictly prohibited to use licensed wireless devices for the following purposes: c) Deliberately sending signals, messages, or images that violate Islamic law, public order, social order, morals, or the security and safety of the state.

<sup>48</sup> Article (144): The State shall take scientific and practical measures and procedures to verify the suffering of children living in difficult circumstances, such as street children, the homeless, victims of natural and man-made disasters, children exposed to abuse, the deprived, and the socially exploited. The State shall also ensure that children are not lured into approaching or engaging in illegal acts or falling into their practice.

<sup>49</sup> Article (146): The State shall work through the Ministry of Social Affairs and the Supreme Council for Childhood to "Protect children from ill-treatment and exposure to physical and psychological torture and bring those who expose the child to such acts to justice, taking into account the legitimate and legal right of the parents to discipline their children."

<sup>50</sup> Article (146): The State shall work through the Ministry of Social Affairs and the Supreme Council for Childhood to "Protect them from falling into the center of vice by all educational means, including the legitimate criminal punishment."

substance abuse that has become prevalent among girls and young people in general.<sup>51</sup> However, it is evident that the existing legislation, while providing some protection for girls, is insufficient. It is crucial to keep pace with developments in the realm of digital crime through updated criminal legislation.

Additionally, Article (163) of the Yemeni Child Rights Protection Law provides criminal protection for female minors from exploitation by adults for the purpose of engaging them in prostitution and debauchery, which is increasingly facilitated through digital means involving the deception of children.<sup>52</sup> However, this provision is flawed as it does not specify a minimum punishment, leaving it to the discretionary authority of the judge. Consequently, the judge must adhere to the minimum stipulated in Article (39) of the Crimes and Penalties Law, which is 24 hours.<sup>53</sup>

Incitement alone is not the sole punishable offense under the law. Article (164) criminalizes acts of trafficking in female minors and children through buying, selling, or disposing of them by any means.<sup>54</sup> Among these advanced means, which have begun to manifest alarmingly, is the so-called Dark Web. The law does not account for the methods by which these transactions are conducted, within which numerous crimes are perpetrated beyond the reach of law enforcement agencies. This is primarily due to the lack of advanced institutional capabilities in terms of material and human resources specialized in this field. The primary reason for this deficiency is the armed conflict that has persisted for nine years, devastating the remaining infrastructure.

### *The Law on Payment Systems and Electronic Financial and Banking Operations No. (40) of 2006*

This legislation addresses the financial and banking transactions conducted through modern means and is notable for its inclusion of a flexible penal provision in Article (41).<sup>55</sup> According to Article (4), numerous offenses committed using information and communications technology may also fall within its scope, even though the application of this law could have been limited to financial and banking transactions.<sup>56</sup>

In accordance with the aforementioned article, it can be invoked in instances where women are subjected to phishing attempts aimed at obtaining sensitive information, such as passwords and credit card numbers, or when they experience identity theft for the purpose of acquiring money or services, or when financial data is manipulated with the intent to harm the victim. However, this provision faces criticism for categorizing all digitally-committed offenses as non-serious by establishing a maximum penalty of only one year.

It can be inferred from the above that the legislator did not place significant emphasis on custodial sentences, as the primary focus of protection in this law is financial, given the prevalence of monetary crimes

<sup>51</sup> Article (148): The State shall take the necessary measures to prevent and protect children from the use of narcotics and mind-altering substances and prevent their use in their production or trafficking.

<sup>52</sup> Article (163): Without prejudice to any more severe penalty stipulated in any other law, anyone who incites a child, male or female, to practice debauchery and prostitution shall be punished with imprisonment for a period not exceeding ten years.

<sup>53</sup> Article (39): The period of imprisonment shall not be less than twenty-four hours and shall not exceed ten years unless otherwise stipulated by law.

<sup>54</sup> Article (164): Without prejudice to any more severe penalty stipulated in any other law, whoever buys, sells, or disposes of a male or female child in any way shall be punished with imprisonment for a period of not less than ten years and not more than fifteen years.

<sup>55</sup> Article (41): Anyone who commits an act that constitutes a crime under the provisions of the laws in force by using electronic means shall be punished by imprisonment for a period of not less than three months and not more than one year or by a fine of not less than three hundred thousand riyals and not more than one million riyals.

<sup>56</sup> Article (4): A. This law shall apply—without conflicting with the provisions of the Telecommunications Law—to all transactions covered by its provisions, and in particular the following: Electronic payment systems, and all other financial and banking operations that are implemented by electronic means. Electronic data and information messages and their exchange, and electronic records. Electronic signature, coding, and electronic documentation. Transactions whose parties explicitly or implicitly agree to implement them by electronic means unless there is an explicit text stating otherwise. B. The agreement between certain parties to conduct specific transactions by electronic means shall not be considered binding on them to conduct other transactions by these means.

during that period. However, the legislator did not explicitly stipulate the recovery of seized funds or the confiscation of seized means, money, or other assets. Nevertheless, the judge retains the authority to rule on these matters based on the general provisions in the Penal Code.<sup>57</sup>

### *The Civil Law No. (14) of 2002*

It is established that this law pertains to financial transactions and the protection of rights and property, aiming to regulate relations between individuals to ensure societal stability. Civil law serves as the foundation for other legal domains, such as labor law and commercial law. In instances where these specialized laws lack provisions for specific issues, civil law is consulted for resolution. Regarding the study of digital violence against women, this law is one of the most significant that can be invoked during criminal proceedings. The victim's legal counsel may file a civil lawsuit based on Article (304), seeking compensation for actual or potential harm suffered by their client, after reviewing evidence provided by the competent public prosecution.<sup>58</sup>

An examination of this law reveals several relevant provisions, such as Article (305), which addresses compensation for damages incurred by the injured party as a result of actions committed by an adult with full legal capacity,<sup>59</sup> a discerning minor (also termed a "juvenile" if they commit a crime, defined as an individual between seven and eighteen years of age), or a non-discerning person (under seven years of age, thus not criminally responsible). In civil matters, liability for harmful acts committed by non-discerning individuals falls upon their guardian or trustee, as per Article (166) of the law.<sup>60</sup> This applies irrespective of the environment (real or virtual) in which the criminal or civil incident (harm) affecting women occurred, whether materially or morally.<sup>61</sup>

In cases involving financial assault on women, such as unauthorized access to bank accounts through mobile phone or social media hacking, obtaining funds by compromising accounts and communicating with the victim's family, relatives, and friends to solicit money under false pretenses, defamation through social media platforms, or illegal access to sensitive personal data and the publication or threatened publication of personal photos for the purpose of extortion, the civilly liable party is required to return misappropriated assets in kind. In instances of moral or ethical damage, the judge may, in accordance with Article (333) of the Civil Code, determine the value of compensation based on the discretionary authority granted by the Penal Code.<sup>62</sup>

In accordance with the jurisprudential principle "harm must be removed" and the legal maxim "whoever causes damage must provide restitution," the victim of digital violence is entitled to compensation for the harm stipulated in this legislation, encompassing both material and moral damages. The determination of the nature and value of such compensation is subject to the discretion of the presiding judge.

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<sup>57</sup> Article (103): The court may, when ruling on conviction, order the confiscation of the seized items that were prepared for use therein. The confiscation of the seized items whose manufacture, possession, acquisition, use, sale, or offering for sale constitutes a crime in itself must be ordered, even if they are not owned by the accused or he has not been convicted. In both cases, the court shall take into account the rights of bona fide third parties.

<sup>58</sup> Article (304): Any unlawful act or omission, whether intentional, semi-intentional, or accidental, that causes harm to others obligates the person who committed it to compensate others for the harm that befell them, without prejudice to the penalties prescribed for crimes in accordance with the applicable laws.

<sup>59</sup> Article (305): A person shall be liable in his property for his unlawful acts if he committed them against others while he was of sound mind, taking into account what is stipulated in Article (68) of this law. If the harm was caused by a person who was not of sound mind and there was no one responsible for the harm other than him or it was impossible to obtain compensation from the responsible person, the judge may rule from the property of the person who caused the harm to provide fair compensation that he deems appropriate.

<sup>60</sup> Article (166): A minor who is not capable of discernment shall not be responsible for his harmful actions, but his guardian or the person entrusted with his care shall be responsible for him if he has failed to supervise or guide him.

<sup>61</sup> Article (352): Compensation shall include material damage and moral damage as well, but the right to compensation for moral damage may not be transferred to a third party unless it is agreed upon or the right holder has requested it before the court.

<sup>62</sup> Article (333): Whoever is proven to have a right shall be obligated to pay it in kind or with fair compensation in value if it is not possible to implement it in kind, and the person who has the right shall be forced to implement it if he did not choose to do so.

Notwithstanding the existence of various aforementioned laws and the political instability that Yemen experiences, most recently manifested in the ongoing conflict that commenced in 2014, the legislative framework remains stagnant. Consequently, it fails to keep pace with the legislative advancements of its counterparts in Arab nations. Women are disproportionately affected by the prevalence of digital violence, with a minimal number of these offenses being successfully apprehended by law enforcement authorities, and few perpetrators being identified and referred to the judiciary.

Despite these challenges, according to the statements of judges interviewed for this study, the judicial authorities are diligently employing the available provisions in the Crimes and Penalties Law to classify these cases as traditional offenses, even when perpetrated through digital means. Establishing the criminal incident necessitates capabilities and expertise from the security services, which are also not at the requisite level. Therefore, numerous cases are registered against unidentified individuals.

## The International Legal System in the Face of Digital Violence

The rapid advancement of technology and progress in communications has led to a global interconnectedness akin to that of a small village. This interconnectedness, facilitated by the digital realm, has given rise to a new category of digital crimes. Consequently, the international community is compelled to establish agreements that safeguard rights and freedoms, necessitating individual nations to formulate legislation that aligns with religious and societal norms. For the purpose of legal discourse, the following agreements are noteworthy

### *Universal Declaration of Human Rights, 1948*

This declaration constitutes the first historical document that established international human rights law and serves as the fundamental reference for human rights.<sup>63</sup> It is considered an international recognition of fundamental rights and freedoms, along with the two international covenants on civil and political rights, and social, economic, and cultural rights, collectively forming what is termed the “international charter.”

Yemen is regarded as one of the countries committed to the declaration, despite its lack of a mandatory formula. However, it was incorporated into the text of Article (6) of the Constitution.<sup>64</sup> Article (7) of the Constitution affirms the principle of equality, which forms the basis of the Universal Declaration of Human Rights.<sup>65</sup>

The Declaration, in Article (12), endeavors to provide protection for the private lives of both sexes, such that no individual may monitor correspondence and communications or impugn the honor and reputation of either party.<sup>66</sup> Article (19) of the Declaration stipulates a fundamental right, which is the freedom of opinion and expression through any means and without regard to borders.<sup>67</sup>

<sup>63</sup> United Nations. (undated). *Foundation of International Human Rights Law*.

<sup>64</sup> Article (6): The State affirms its commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, the Charter of the League of Arab States, and the generally recognized rules of international law.

<sup>65</sup> Article (7): All persons are equal before the law and are entitled to equal protection of the law without discrimination. They also have the right to protection from any discrimination that violates this Declaration and from any incitement to such discrimination.

<sup>66</sup> Article (12): No one shall be subjected to arbitrary interference with his privacy, family affairs, home, or correspondence, nor to attacks on his honor and reputation. Every person has the right to the protection of the law against such interference or attacks. This is reflected in Article (53) of the Yemeni Constitution: The freedom and confidentiality of postal, telephone, and telegraphic communications, as well as all other means of communication, are guaranteed. They may not be monitored, searched, have their confidentiality disclosed, delayed, or confiscated except in cases specified by law and by judicial order.

<sup>67</sup> Article (19): Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. This corresponds to Article (42) of the Yemeni Constitution: Every citizen has the right to participate in political, economic, social, and cultural life. The State guarantees freedom of thought and expression of opinion in speech, writing, and photography within the limits of the law.

*International Covenant on Civil and Political Rights, 1966<sup>68</sup>*

It was previously noted that this covenant, along with the International Covenant on Social, Economic and Cultural Rights and the Universal Declaration of Human Rights, constitutes a comprehensive package of international law. However, these two covenants, independent of the declaration, are binding on the nations that have ratified them. This covenant recognizes numerous rights that have become fundamental to every citizen in the ratifying countries. Notably, this covenant entered into force on March 23, 1976, with the then State of South Yemen ratifying it on February 29, 1987. Consequently, the Republic of Yemen is obligated to implement all the articles contained therein. Article (2/2) of the covenant states: "Each State Party to the present Covenant undertakes, if its existing legislative or other measures do not effectively ensure the implementation of the rights recognized in the present Covenant, to take, in accordance with its constitutional procedures and with the provisions of this Covenant, such legislative or other measures as may be necessary to achieve this implementation."

This provision indicates that Yemen is obligated to establish legislation or legal provisions that recognize rights and ensure their protection under its laws. While the Yemeni constitution stipulates all the rights included in the Covenant, its laws require the accommodation of new rights and assurance of their protection through the establishment of effective legislation. For this purpose, digital rights and criminal laws that provide protection for these rights and allow their holders to enjoy them securely are necessary. This aligns with Article (17) of the Covenant, which concerns the right of an individual to enjoy protection for their private life and all related aspects on both individual and collective levels, as represented by their immediate family.<sup>69</sup>

This underscores the imperative of safeguarding the privacy of women in the digital realm, analogous to the protections afforded in their physical environment. Furthermore, it is impermissible to conduct digital campaigns with the intent of damaging reputation and honor, as such actions may result in accountability for the perpetrators.

Article (19) of the Covenant affirms the right to freedom of opinion and expression without regard to borders through any medium, and this right extends to its exercise in the digital domain. This is based on the inherent rights of individuals from birth that remain constant across time and place. However, this freedom is not absolute and does not permit unrestricted expression. Instead, it constitutes relative rights constrained by the obligation not to infringe upon the rights of others, the state, or the social order.<sup>70</sup>

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<sup>68</sup> Office of the United Nations High Commissioner for Human Rights (undated). *International Covenant on Civil and Political Rights*.

<sup>69</sup> Article (17): No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honor or reputation. Everyone has the right to the protection of the law against such interference or attacks.

<sup>70</sup> Article (19): Everyone has the right to hold opinions without interference. Everyone has the right to freedom of expression; this right includes the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of their choice. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security, public order, public health, or morals. Article (20): 1. Any propaganda for war shall be prohibited by law. 2. Any call for national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.

*International Convention on the Elimination of All Forms of Discrimination Against Women, 1979*

This convention entered into force in 1981, as the United Nations addressed women's issues due to their historical exposure to violations and in accordance with international trends. The former state of South Yemen ratified this convention in 1984 with a reservation to Article (29/2), which pertains to dispute resolution through arbitration.<sup>71</sup> The ratification was subsequently transferred to the Republic of Yemen following the unity agreement in 1990.

Given that Yemen has no reservations except on this provision, it is obligated to develop its legislation to incorporate all the rights recognized by the state under this convention and to eliminate any discriminatory text that diminishes or deprives women of exercising their full rights without derogation or deprivation, in compliance with Article (2) of the convention. This article urges the signatory states to formulate policies and implement appropriate measures to protect women on an equal basis with men.<sup>72</sup> The state is also committed to providing effective legal protection for women and ensuring it through their access to the judiciary.

*Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949*

Human trafficking, particularly of women and children, is not a recent phenomenon but rather a longstanding issue, encompassing forced prostitution,<sup>73</sup> which is a component of human trafficking. These practices degrade human dignity, worth, and societal status. Consequently, nations agreed to develop an accord to combat these crimes, aiming to prevent their occurrence through national legislation that prohibits and penalizes perpetrators at the domestic level. As a result of these international efforts, this agreement emerged in 1949 and entered into force in 1951. Yemen ratified this agreement without reservation in 1989, as the People's Democratic Republic of Yemen at the time, and thus the commitment was transferred to the new state, the Republic of Yemen.

Article (1)<sup>74</sup> of the Convention stipulates the punishment of the second party who procures or entices the first party with the intention of prostitution, even if this is accompanied by the consent of this party, and criminalizes the exploitation of the prostitution of the exploited party even with consent. This article was the reason for the non-ratification of some countries that legalize voluntary prostitution, such as Germany

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<sup>71</sup> The People's Democratic Republic of Yemen ratified this Convention approximately 11 years before the declaration of Yemeni unity. As a result of the emergence of a new state, all the obligations that the state had previously committed to would be transferred to the new state. This is considered beneficial because it is expected that under the new state, which carries a religious ideology, it would not accept ratification of this Convention. The Yemeni government at that time also announced its reservation regarding the article, as the declaration stated: "The Government of the People's Democratic Republic of Yemen declares that it does not consider itself bound by paragraph 1 of Article 29 of the aforementioned Convention relating to the settlement of disputes that may arise regarding the application or interpretation of the Convention."

<sup>72</sup> Article (2): The States Parties condemn all forms of discrimination against women and agree to pursue, by all appropriate means and without delay, a policy aimed at eliminating discrimination against women. To achieve this, they undertake to do the following: (b) Take appropriate legislative and other measures, including suitable sanctions, to prohibit all forms of discrimination against women. To Establish legal protection of women's rights on an equal basis with men and ensure, through competent national tribunals and other public institutions, the effective protection of women against any act of discrimination. (d) Refrain from engaging in any act or practice of discrimination against women and ensure that public authorities and institutions act in conformity with this obligation. (e) Take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.

<sup>73</sup> Forced prostitution, also known as involuntary adultery, is a form of sexual slavery where a third party forces one of the parties, usually women, to engage in illicit sex.

<sup>74</sup> Article (1): The parties to this agreement agree to punish any person who, to satisfy the whims of another: 1. Procures, entices, or misleads another person with the intent to prostitute themselves, even with that person's consent. 2. Exploits the prostitution of another person, even with that person's consent.

and the Netherlands.<sup>75</sup> These criminal acts also protect women and children who fall victim to sexual exploitation through various social media platforms. Furthermore, Article (2)<sup>76</sup> criminalizes the trade in prostitution by providing venues for practicing vice and punishes the management and ownership of the place, renting it for use, or participating in it in any of these forms for the same purpose. These two articles, according to the Convention, along with Article (3),<sup>77</sup> which addresses the attempt to commit these crimes, and Article (4),<sup>78</sup> which criminalizes collusion or what is termed in legal parlance as contribution, whether original or subsidiary, must be reflected in the national laws of ratifying countries to provide protection and achieve deterrence for this type of trade.

Upon investigation, it became evident that Yemen has not enacted legislation that reflects the provisions of the agreement over an extended period. However, there exists a draft law, "Anti-Human Trafficking Law No. 1 of 2018," which was approved by the de facto authority "Ansar Allah Houthi Group" in Sana'a<sup>79</sup> in 2022.<sup>80</sup> It is important to note that this law had been prepared prior to the outbreak of the conflict and was intended for presentation to the House of Representatives for discussion and approval.

Significantly, this draft law on combating human trafficking, which is currently in effect in northern Yemen, derives its provisions from the protocol attached to the International Convention against Transnational Organized Crime, specifically addressing the prevention, suppression, and punishment of trafficking in persons, especially women and children, established in 2000. This is despite Yemen not having ratified the protocol. Consequently, this situation necessitates the signing and ratification of this protocol by Yemen.

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<sup>75</sup> For more information, see Wikipedia: Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others.

<sup>76</sup> The parties to this Convention further agree to punish any person who: Owns or manages a brothel, or knowingly finances or participates in the financing of such a brothel. Knowingly lets or rents, in whole or in part, a building or other place for the purpose of exploiting the prostitution of others.

<sup>77</sup> Any attempt to commit any of the offenses referred to in Articles 1 and 2, and any preparatory acts for their commission, shall also be punishable, to the extent permitted by domestic law.

<sup>78</sup> Any willful complicity in the acts referred to in Articles 1 and 2 shall also be punishable, to the extent permitted by domestic law. Acts of complicity shall, to the extent permitted by domestic law, be considered separate offenses where this is necessary to prevent impunity.

<sup>79</sup> In 2013, there was a draft law to combat human trafficking, but Yemen was going through a political crisis at the time, and the situation was unstable until the war broke out in 2014.

<sup>80</sup> Arab Democratic Center. (undated). [Electronic violence against women](#). Arab Democratic Center.

### *International Convention on the Rights of the Child 1989<sup>81</sup>*

The Republic of Yemen ratified this agreement in 1991, merely one year after its entry into force. This agreement addresses the rights of children from birth, equating them with those of adults. The state ensures their protection under national legislation that reflects the international agreements to which countries have acceded or ratified, including Yemen. Article (12) of this agreement safeguards the right of children capable of forming their own opinions to express themselves freely in all matters pertaining to them, whether at home, school, or through social media platforms.<sup>82</sup> Furthermore, Article (34) emphasizes the state's responsibility to protect children from all forms of violence, including sexual exploitation, through the commitment of signatory countries to establish international and national legislation as mandated by this agreement and its associated protocol.<sup>83</sup>

### *The International Convention against Transnational Organized Crime, 2000*

The Palermo Convention, formally known as the United Nations Convention against Transnational Organized Crime,<sup>84</sup> aims to enhance international cooperation to combat transnational organized crime, facilitate the exchange of information and expertise between countries to effectively confront organized crime, and urge the signatory nations to adopt legislation consistent with combating this crime by criminalizing money laundering, corruption, human trafficking, and obstruction of justice. It encourages countries to implement preventive measures by enhancing cooperation between security authorities and developing investigation and prosecution techniques.

Upon examining Yemen's position regarding this agreement and its protocols, it is evident that Yemen has neither signed nor ratified it. However, it is imperative for Yemen to join the countries that have signed and ratified this agreement and its protocols due to their significance in protecting individuals, including Yemeni women, from crimes perpetrated via the Internet and smart devices. Yemen will need to enact legislation that protects individuals, society, and natural and legal persons, both official and unofficial, from such crimes. The scope of protection in the laws on combating information technology crimes also applies to citizens and residents within the country, enabling the prosecution of perpetrators, even if they are outside the country. This will assist many Yemeni women who are subjected to digital violence in protecting themselves by filing a report or complaint with the security agency responsible for Internet crimes, enabling it to take legal measures until the case is concluded with a court ruling.

Referring to the text of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article (2) stipulates the prevention of trafficking in persons, especially women and children, and the combating of this illegal trade. It mandates the protection and assistance of victims while

<sup>81</sup> National Information Center. (undated). [Yemeni Unity Agreement](#). National Information Center.

<sup>82</sup> Article (12): States Parties to this Convention shall ensure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, with the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. The child shall have the right to freedom of expression; this right shall include the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of the child's choice. The exercise of this right may be subject to some restrictions, provided they are stipulated by law and are necessary to ensure the following: (a) Respect for the rights or reputations of others; or (b) Protection of national security, public order, public health, or morals.

<sup>83</sup> Article (34): States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall, in particular, take all appropriate national, bilateral, and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; The exploitative use of children in pornographic performances and materials.

<sup>84</sup> Organized crime means a criminal enterprise with a gradual structural organization, which engages in illegal activities with the aim of achieving financial gain, using all available means to finance its criminal enterprise and achieving this goal in complete secrecy to secure and protect its members. See: Hoda Hamed Qashqush, Organized Crime, Maaref Establishment, 2nd ed., Alexandria, 2006, p. 18.

ensuring respect for their human rights and enhancing cooperation between countries to eliminate organized cross-border networks, particularly after the emergence of the Dark Web, through which various criminal acts are perpetrated, including this trade that is challenging to combat and detect. These articles can also be adapted not only to deter practitioners of digital violence but also to provide psychological and technical support, as well as economic assistance to victims, particularly women, and protect them from being subjected to violence again, in accordance with Article (6) of this agreement.<sup>85</sup>

### *Budapest Convention against Cybercrime, 2001*

Also known as the Convention against Cybercrime, the Council of Europe recognized the international nature of computer crimes in 1976. In 1996, the European Committee on Crime Problems (CDPC) established a committee of experts to address the issue of digital crime, and by 2010, 30 countries had ratified this agreement. This convention is the first international treaty that aims to address cybercrimes and digital crimes by establishing unified criminal legislation (substantive and procedural) to enhance cooperation and combat this type of crime, while considering respect for human rights and fundamental freedoms during law enforcement. According to Article (4), this agreement obligates countries to criminalize a group of acts that constitute digital crime, which also represents a form of DVAW.<sup>86</sup>

The agreement also considers it a crime to impede the use of a device by entering computer data, sending, damaging, deleting, corrupting, altering, or destroying it. Article (8) of the agreement penalizes fraud related to computers, and due to technological advancements in communications, smartphones can be classified as computers because they perform the same functions, and therefore the same ruling applies to them.<sup>87</sup>

It can be concluded that this agreement represents a significant step towards enhancing international cooperation in combating digital crimes and unifying efforts to address the growing challenges in this field. The agreement also provides a comprehensive legal framework and a set of practical measures to support countries in protecting their security in the digital space and prosecuting digital criminals. However, Yemen has not ratified this agreement, and due to its considerable importance, the study recommends that the Yemeni government take this step as soon as possible and develop substantive and procedural legislation to combat information technology crimes.

### *Draft United Nations Convention Against Cybercrime, 2024*

The draft convention was issued following the Ad Hoc Committee meeting of the UN General Assembly in August 2024, crowning UN efforts since 2019 and the formation of a committee of experts to make recommendations on a UN convention aimed at Strengthening international cooperation for combating

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<sup>85</sup> Article (6): Assistance and Protection of Victims of Trafficking in Persons 3. Each State Party shall consider implementing measures that enable the physical, psychological, and social recovery of victims of trafficking in persons. This may include cooperation with non-governmental organizations, other relevant organizations, and elements of civil society. In particular, the provision of the following: (a) Adequate housing; (b) Counseling and information, especially regarding their legal rights, in a language that victims of trafficking in persons can understand; (c) Medical, psychological, and material assistance; (d) Employment, education, and training opportunities. Each State Party shall take into account, in implementing the provisions of this article, the age, gender, and special needs of victims of trafficking in persons, particularly the special needs of children, including adequate housing, education, and care. Each State Party shall ensure that victims of trafficking in persons are physically safe while they are within its territory. Each State Party shall ensure that its domestic legal system contains measures that allow victims of trafficking in persons to obtain compensation for damages they may have suffered.

<sup>86</sup> Article (4): Each State Party shall adopt the necessary legislative and other measures to criminalize the following acts in its national law, if committed intentionally: destruction, deletion, corruption, modification, and destruction of computer data.

<sup>87</sup> Article (8): Each State Party shall adopt the necessary legislative and other measures to criminalize the following acts in its national law, if committed intentionally and unlawfully, and causing loss to the property of another person by: (a) Any entry, change, deletion, or destruction of computer data. (b) Any interference in the function of a computer system, with fraudulent intent or bad intent, to obtain, without right, an economic benefit for oneself or for the benefit of another person.

certain crimes committed by means of information and communications technology systems and for the sharing of evidence in electronic form of serious crimes.

This convention is considered complementary to and supportive of the Budapest Convention and is considered the first legally binding international cyber convention on ratifying members. The text of the draft convention stipulates the need for "enhance coordination and cooperation among States by, inter alia, providing technical assistance and capacity-building, including the transfer of technology on mutually agreed terms, to countries, in particular developing countries, upon their request, to improve national legislation and frameworks and enhance the capacity of national authorities to deal with cybercrime in all its forms, including its prevention, detection, investigation and prosecution."<sup>88</sup>

Article (53-3-h) on preventive measures states parties must develop strategies and policies, in accordance with domestic law, to prevent and eradicate gender-based violence that occurs through the use of an information and communications technology system, as well as taking into consideration the special circumstances and needs of persons in vulnerable situations in developing preventive measures. It also emphasized in Articles (14) and (15), the prevention of sexual abuse, exploitation and grooming of children, and in Article (16) the non-consensual dissemination of intimate images of anyone.

Yemen participated in the meetings leading to the agreement, and it remains to ratify the final agreement and implement national measures, policies and harmonize local laws with this agreement with the aim of making the digital space safer for Yemeni women and girls wherever they are.

## Social Media Platform Policies

In addition to national laws and international agreements, the policies of various digital platforms are a significant source of legal protection for women from digital violence. These platforms, such as WhatsApp and Facebook, have established policies and procedures aimed at protecting women from digital violence. Users' awareness of these platforms' responsibilities and their understanding of the mechanisms and policies will enable them to utilize available tools to protect their privacy and digital safety. Furthermore, this knowledge facilitates reporting any acts of digital violence that occur through these platforms and their various applications. Raising awareness of the security tools and policies provided by digital platforms is essential in enhancing the protection of women from digital violence. This contributes to reducing the incidence of digital violence and enhancing their digital experience, making it more secure.

Additionally, the state bears the responsibility of engaging with diverse platforms and service providers to ensure the expeditious and appropriate handling of complaints originating from Yemen in this domain.

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<sup>88</sup> Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, "[Draft United Nations convention against cybercrime](#)". General Assembly, the United Nations. August 2024.

# National Institutions Specialized in Combating DVAW

National institutions in Yemen play a crucial role in combating DVAW by implementing both substantive and procedural laws aimed at protecting victims and prosecuting perpetrators to achieve justice. These institutions contribute to creating a more secure digital environment for women. Through collaboration between legal, judicial, and security authorities, as well as civil society organizations, significant progress can be made in eradicating this form of violence and safeguarding the rights of women in the digital realm.

However, these institutions continue to operate under laws originally designed to address traditional crimes, attempting to adapt their provisions to actions that constitute digital offenses. This adaptation is essential to ensure that the rights of victims, particularly women subjected to digital violence, are not disregarded.

An examination of news sources and social media platforms reveals a widespread prevalence of cybercrimes against women. These crimes include threats, verbal abuse, slander, defamation,<sup>89</sup> and digital extortion.<sup>90</sup> The prevalence of digital violence is exacerbated by the conservative nature of society and women's apprehension about potential scandal or familial retribution. Currently, there are no statistics available to the Public Prosecution in all liberated governorates of Yemen concerning cases of cybercrimes.<sup>91</sup> These offenses are treated similarly to other crimes committed against women. In this context, lawyer Tahani Al-Sarari<sup>92</sup> discussed her experience with these cases, explaining that when such instances are brought to her attention, the victim's report or complaint is verified, or direct contact is made to persuade the victim to file an official report. This enables legal action to be taken against the perpetrator through the Aden Governorate Security Department, with the assistance of the "Sanad" platform for digital rights.<sup>93</sup>

The case is subsequently managed by the security and judicial authorities. In situations where the victim requires psychological support, this is provided through the platform. Collaboration then occurs between the platform and the security department in tracking perpetrators, determining their locations, and closing the accounts through which the victim's photos and data are disseminated. The security department, being the authority responsible for apprehending perpetrators, proceeds with arrests if the exact location can be determined. Regarding the prevalence of digital violence, according to statistics from the Sanad Platform for Digital Rights, 25,000 cases were reported to the platform by November 2023.

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<sup>89</sup> The most prominent defamation crimes recently were those against Judge Sabah Alwani, a member of the Supreme Judicial Council, after her son was involved in a traffic accident with a young man who crashed into her car after leaving his workplace while driving in the opposite direction. Despite taking legal action without the intervention of a member of the Supreme Judicial Council, there is a systematic campaign carried out against her via social media, in which journalists participated. See the statement of the Supreme Judicial Council regarding the digital violence directed against its only member [here](#). Judge Sabah Alwani confronted this campaign by filing complaints against journalists before the Press, Publications, and Electronic Publishing Prosecution [here](#).

<sup>90</sup> In early August 2024, a case of electronic blackmail involving girls in M. Aden through Instagram emerged, where sexual photos were leaked, and the girls were blackmailed in various ways. The matter did not stop there but extended to publishing the photos on social media sites. A group of young people working for the Criminal Investigation Department and the Sanad Platform for Digital Rights worked diligently to close accounts that were opened for the purpose of publishing videos and photos. This time, public opinion reactions supported the victims, unlike the usual attacks on victims, especially women. This indicates an awareness of the danger of these crimes and the need to confront them through the competent authorities and public opinion. The community's sympathetic reaction to the victims was unexpected, as it is customary to blame the victim. Instead, public opinion on social media sites showed solidarity with the girls, denounced the act, and demanded that the competent authorities arrest the perpetrators. See details [here](#).

<sup>91</sup> Governorates under the control of the legitimate state authority.

<sup>92</sup> Lawyer Tahani Al-Sarari, a member of the Noon Women's Coalition and the Sanad Platform for Digital Rights, has been actively involved in addressing these issues in governorates under the control of the legitimate state authority.

<sup>93</sup> Sanad Platform for Digital Rights: A non-governmental, non-profit civil organization established in 2020. It aims to support individuals' digital rights and promote fair use of the internet. It provides assistance to victims who have faced issues such as privacy breaches and electronic blackmail. You can visit their website at Sanad Platform for Digital Rights or their Facebook page at [SanadNGO](#).

## Mechanism for Submitting Reports

Regarding the mechanism for report submission, it has been demonstrated that victims have four distinct channels through which they can submit their reports, as illustrated in the following diagram:



The preceding figure illustrates that victims may submit a complaint directly to the Public Prosecution, the Press, Publications and Electronic Publishing Prosecution, or the Criminal Investigation Department in the governorate. These departments initiate the process of evidence collection and investigation, subsequently referring the case to the appropriate prosecution. Since the establishment of the Cybercrime Combating Division, victims have access to a more streamlined mechanism through a hotline or digital platform to contact the division, which then refers the complaint to the Press, Publications and Electronic Publishing Prosecution.

According to Judge Fawzi Ali Saif, the First Attorney General in the Public Prosecution, specialists gather all available information related to the crime, including copies of digitally transmitted messages or publications and any other relevant evidence. Additionally, screenshots or recordings are collected and analyzed, digital activities are tracked, and the investigation is conducted based on the obtained evidence. This process involves experts and includes interviews with the victim, witnesses, and any other parties related to the crime. Legal procedures are then implemented against the reported or suspected individual, such as issuing summons to appear, arrest warrants, detention orders, and indictments. Subsequently, the case is referred to court for further proceedings, adjudication, and the implementation of penalties if the presiding criminal judge convicts the individual. Throughout this process, support is provided to the victims.

Interviews conducted for this research reveal that cases of digital violence are generally processed similarly to ordinary crimes, with the primary distinction being the means by which they are perpetrated—namely, through modern technological and communication methods. This approach is due to the lack of procedural and substantive criminal legislation specifically addressing these daily occurrences of cybercrime. Additionally, there is inadequate infrastructure in terms of technologies, skills, and specialized human resources within the Ministry of Interior and the judiciary, including both courts and prosecutions, to effectively combat digital crimes.

It was also observed that the investigation process relies on average competencies, as those responsible have not received training commensurate with the complexities of cybercrime. Furthermore, there exists a general tendency that aligns with societal inclination towards case closure and reconciliation, particularly when feasible, provided the case does not pertain to matters of honor or reputation.

Judge Helmi Bin Dahri, a member of the Appeal Prosecution, states, “When we receive a case related to financial matters or insults that do not address honor, and when it is possible to identify the perpetrator, a reconciliation is typically reached, and the matter is concluded. However, if, for instance, the perpetrator misappropriates personal photographs of the victim, attempts to defame her reputation, or engages in sexual or financial extortion using personal photographs, the relevant authorities support the victim and pursue the case until the perpetrator is apprehended and penalized. Identifying the perpetrator is challenging due to limited capabilities and technologies. There is a lack of organized electronic tracking devices, which renders the task of ascertaining the perpetrator’s identity difficult.”

Regarding the legal framework employed in such cases, it comprises the Crimes and Penalties Law, which includes offenses such as threat, defamation, and digital blackmail in its articles (254, 256, 313), as well as the Law of Payment Systems and Electronic Financial and Banking Operations.

## Criminal Investigation Department

The Criminal Investigation Department, part of the Public Security Sector affiliated with the Ministry of Interior, is one of the primary entities responsible for investigating cases of digital violence. It bears the responsibility of examining and investigating various crimes and coordinating with other security, judicial, and communications agencies to prevent and combat these offenses.

According to Captain Walid Baabad, an investigation officer in the Criminal Investigation Department, the department employs several specialized investigators with technical skills dedicated to investigating digital cases and supporting victims. Despite limited resources and the need for more specialized training, digital devices, and tools, the department strives to address these challenges. There is also a need for regional and international cooperation to enable members of the criminal investigation team to obtain high-level training and coordinate with relevant authorities outside the country, given that digital crimes transcend geographical borders. Upon completion of investigations in the department, the case file is referred to the Press, Publications and Electronic Publishing Prosecution to complete the remaining procedures and investigation.

Captain Baabad further stated, “The department also employs female investigators who examine cases in which women are victims, particularly in instances of blackmail and threats to publish private photographs or video clips. The department prioritizes the confidentiality of investigations due to their sensitive nature and the conservative characteristics of the society.”

## Public Prosecution

The Public Prosecution is an independent judicial body mandated to represent the public lawsuit on behalf of society by initiating legal proceedings and monitoring their progress before the competent authorities and courts. It exercises the authority to investigate, implement legal measures, and prosecute in criminal cases and certain significant misdemeanors as stipulated by law. Additionally, it oversees the execution of criminal judgments, and its responsibility for the public lawsuit concludes upon the issuance of a final judgment, whether it be a conviction or an acquittal.

Judge Helmy Bin Dahri,<sup>94</sup> a member of the Appeal Prosecution, elucidates: "We receive complaints directly from victims of digital violence crimes, and the Public Prosecution investigates them or refers them to the Criminal Investigation Department for inquiry. In some instances, the complainant is aware of the identity of the number owner, while in others, they are not. In such cases, we inquire about the owner of the number from the telecommunications company. Typically, the information provided corresponds to the registered number holder; that is, the individual under investigation is registered under that name. However, in cyberextortion crimes, whose victims are predominantly women and children, the perpetrators utilize numbers that are not their own or employ fictitious numbers. They transmit an image to the victims, obtained through various means or by compromising the mobile device, and subsequently blackmail the victim, either by demanding monetary compensation or illicit sexual favors." When questioned about the legal classification of digital extortion, he stated: "It is categorized as a crime of extortion according to the Crimes and Penalties Law No. (12) of 1994."

### Case Study: Dr. Alfat Al-Dubai vs. Akhbar Al-Youm

Dr. Alfat Al-Dubai, a prominent academic and politician, initiated legal proceedings in response to fabricated and provocative posts published about her in Akhbar Al-Youm newspaper. She filed a formal complaint to the Attorney General against the newspaper, its editor-in-chief, and the author of the post, citing the publication of offensive phrases and words that exceed the boundaries of press freedom and constitute crimes against honor and dignity. Consequently, the complaint was transformed into a criminal case through the Attorney General's office and forwarded to the court for adjudication.

"Given my legal expertise and understanding of the significance of documenting digital crimes, I submitted the complaint to the Attorney General, accompanied by evidence of the alleged offense and a detailed explanation of the facts. Subsequently, the Attorney General instructed the Ma'rib Appeal Prosecution to investigate the incident."

The incident had a significant psychological impact on Dr. Al-Dabai due to the offensive language in the posts and the accusation of inciting and exploiting women, affecting her reputation among family and society. It became apparent that the aim of the charges was to intimidate and compel a reduction in her public sphere activity as an influential figure in human rights, social, and political work.

The legal counsel relied on several laws to support the case: the Press and Publications Law, the Crimes and Penalties Law, and the Criminal Procedures Law. The outcome resulted in the conviction of the defendants and the ruling to impose the penalty specified in the judgment. This concluded with a settlement with the editor-in-chief and an official apology in the newspaper, in addition to the conviction of the journalist and a sentence of one year in prison with enforcement in the public right. In the private right, the convicted party was obligated to remit an amount of five million riyals to the victim. Furthermore, Dr. Al-Dabai utilized the same media and political and public relations to illuminate the experienced circumstances and expose the perpetrators, leading to the newspaper publishing a full-page special apology.

*(continues)*

<sup>94</sup> A personal interview for this research on July 29, 2024.

*(continued from previous page)*

"I recommend that any woman subjected to publishing crimes exercise her legal right to deter those who insult or offend others through various media outlets. It is also necessary to advocate for the enactment of legislation to combat cybercrimes in Yemen, serving as a deterrent to those who attempt to attack individuals without factual basis. Additionally, it is recommended that families support their female members, as many publishing crimes against women exploit negative social conditions in society and the fear of reputational damage, which compels women, due to familial concerns, to remain silent and not confront these individuals. Moreover, it is crucial to implement a protection strategy for women, adopted by the relevant authorities as an integrated national project."



## Apology to Dr. Alfat Al-Dubai

Saif Al-Hadari, Editor-in-Chief of "Akhbar Al-Youm," reaffirms the newspaper's commitment to journalistic principles, ensuring freedom of opinion and expression without harming reputation or dignity.

On behalf of himself and the editorial board, he acknowledges that admitting mistakes and apologizing enhances the newspaper's integrity. The article by Mohamed Mustafa Al-Omrani, titled "Alfat Al-Dubai: The Activist Begging in the Name of Women and Exploiting Interests," was offensive and should not have been published.

The editorial board apologizes to Dr. Alfat Al-Dubai for the offensive and incorrect statements in the article, which do not reflect the newspaper's stance. We reject any deliberate offense against individuals.

We assure Dr. Alfat Al-Dubai of our continued respect and good relations, recognizing her as a scholar, politician, and academic. As a Yemeni woman, her right to freedom of expression is guaranteed by the constitution and law.

The editorial board also apologizes to our readers and assures them that measures have



## Press, Publications, and Electronic Publishing Prosecution

In 2009, Yemen established a specialized prosecution for press and publications, alongside the creation of a specialized court for press and publications. Initially, its headquarters were located in the capital, Sana'a.<sup>95</sup> However, due to the conflict that began in September 2014, the legitimate authorities relocated to the interim capital, Aden, transferring all institutions, including the judiciary. In 2022, the Supreme Judicial Council issued a decree to rename the prosecution to the Press, Publications, and Electronic Publishing Prosecution.<sup>96</sup> This body is tasked with regulating and monitoring media content and electronic publishing in the governorates under the control of the legitimate authority. According to various official sources, the responsibilities of this prosecution include:

- 1. Monitoring and Controlling Media Publishing:** This involves the surveillance of newspapers, websites, and social media platforms to ensure compliance with laws and regulations governing publishing and media.
- 2. Prosecuting Legal Violations:** The prosecution investigates cases related to press and media offenses, such as defamation, incitement, and the dissemination of false information, and takes necessary legal actions against offenders.
- 3. Addressing Digital Violence:** This includes monitoring digital content that involves human rights violations or targets individuals or diverse social groups.<sup>97</sup>
- 4. Regulating Freedom of Expression:** The prosecution strives to balance the protection of public rights and freedoms with freedom of expression within the legal framework.
- 5. Cooperation with Other Parties:** The prosecution collaborates with security and judicial authorities, as well as the Communications Authority, to enforce the law and address crimes related to media and digital publishing.

This type of prosecution specializes in examining press offenses, which generally do not present significant issues, as the current Press and Publications Law is applied. Under this law, the perpetrator must be registered with the Journalists Syndicate to obtain the legal guarantees stipulated. Regarding the other category of jurisdiction, which pertains to offenses committed through digital means—referred to as digital violence or electronic crimes—these offenses do not require the perpetrator to be a media professional or journalist. Instead, they encompass anyone who utilizes digital means in a manner that contravenes the law and whose actions constitute offenses stipulated in the applicable penal laws. However, a journalist who employs these means can be treated as a journalist in non-journalistic offenses. Due to their status and the jurisdiction of the prosecution extending to electronic publishing, they are held accountable. Consequently, they are investigated by this prosecution according to jurisdiction, but their actions can be classified by the legal description contained in the General Crimes and Penalties Law or the Press Law, depending on the offense committed.<sup>98</sup>

<sup>95</sup> Yemeni Internet Archive. (n.d.). [Electronic violence against women](#).

<sup>96</sup> Decision No. (6) of 2022 issued on: August 14, 2022.

<sup>97</sup> According to the latest updates, this prosecution will be under the supervision of the newly established Cybercrime Division.

<sup>98</sup> Interview with Khaled Al-Hasani, Deputy Prosecutor of the Press, Publications, and Electronic Publishing, Temporary Capital of Aden, August 18, 2024.

### Case Study: Judge Alwani's Stand Against Digital Violence

Judge Sabah Alwani, a member of the Supreme Judicial Council and head of the Southern Judges Club, submitted a formal complaint against a group of journalists who used social media platforms to defame and incite action against her due to a personal incident involving her son that was under judicial consideration.

"The journalists alleged that the judiciary favored my son because of my position as a high-ranking judge in a case he filed against another party regarding a traffic accident, despite the procedures in my son's case being transparent and procedurally sound. However, as the controversy and incitement against me intensified on Facebook and other platforms, and a group of individuals identifying themselves as journalists criticized me, I decided to file a formal complaint through a report to the Attorney General. The case was subsequently referred to the Press, Publications, and Electronic Publishing Prosecution based on articles pertaining to defamation and incitement in the Penal Code. Following the investigation, the case was referred to the court for adjudication and ruling."

Despite her resolute personality and high self-confidence, the case raised questions for the judge regarding digital violence and its potential impact on prominent figures such as herself.

"While I am aware of my rights and capable of self-defense, I am concerned about other women who may be subjected to defamation, harassment, or blackmail. Therefore, it is imperative to implement comprehensive measures to protect women from all forms of digital violence through legislation and relevant institutions."

The Press, Publications, and Electronic Publishing Prosecution maintains monthly statistics, but these are general in nature, as cases, particularly those involving digital violence, are not classified according to gender. Although these crimes disproportionately target women and teenage girls compared to men, especially in cases of digital blackmail and violations of privacy, the prevalence of honor and dignity as motivating factors often compels women to acquiesce to the demands of perpetrators under the pressure of potential scandal.<sup>99</sup>

This prosecution is considered part of the judiciary's efforts to address the new challenges posed by technology and modern media within a legal framework that aims to protect society and ensure media integrity and freedom within the confines of the law, in the absence of specialized criminal legislation for combating these crimes. There are numerous offenses that the prosecution is currently unable to address effectively, such as electronic piracy, account hacking, falsification of data via the Internet, and other crimes of a professional nature. This is compounded by the limited technical capabilities of the prosecution and security services, which hinder their ability to identify publishers on fraudulent pages on social networking sites such as Facebook and the X platform.

Additionally, telecommunications companies providing customer service often fail to respond to the Public Prosecution's directives regarding providing data on perpetrators who commit criminal acts using these companies' SIM cards.<sup>100</sup>

<sup>99</sup> Interview with Khaled Al-Hasani, Deputy Prosecutor of the Press, Publications, and Electronic Publishing, for this research.

<sup>100</sup> Interview with Khaled Al-Hasani, for the purpose of this research.

## Cybercrime Combating Division

This specialized division was established pursuant to Attorney General Decision No. (2) of 2024, dated February 1, 2024. It is affiliated with and subordinate to the Office of the Attorney General and is directly supervised by the Attorney General or the First Attorney General, with its headquarters located in the interim capital, Aden. The division executes a range of functions in accordance with its establishment decision, including overseeing the jurisdiction of the Press, Publications, and Electronic Publishing Prosecution, examining cases referred by the Attorney General or the First Attorney General, analyzing requests received from the Ministry of Foreign Affairs regarding foreign cases, investigating crimes of a digital nature, and undertaking other tasks and specializations aimed at mitigating information technology crimes, particularly those perpetrated against women.<sup>101</sup>

Article (6) of the establishment decision mandates that the division “coordinate with the Women and Children Division to monitor crimes committed against children and women using information technology, study and analyze these crimes, and formulate recommendations to prevent and mitigate their recurrence, thereby addressing any potential violations.”<sup>102</sup>

Due to its recent establishment, this division is currently in the process of formation and operates with limited technical capabilities and expertise in addressing digital violence. This is particularly challenging given the absence of comprehensive criminal legislation in both its substantive and procedural aspects, which are fundamental to the work of the prosecution authority, represented by the Public Prosecution. This division’s recent establishment is evidenced by the anticipated issuance of a decision by the Attorney General to appoint a division head with the rank of Public Prosecutor and to designate several members with the rank of First Public Prosecutor. However, according to a judicial source, a judicial reorganization is expected in the final months of 2024, at which time the head and members working in the division will be announced.

While the establishment mandate for this division enables it to address all categories of cybercrime, its current focus is on cyberextortion offenses. To facilitate victim reporting, a dedicated hotline<sup>103</sup> and specialized webpage (an electronic platform with a complaint submission form) were created on the Public Prosecution website for receiving reports and complaints. These reporting mechanisms were partially promoted through media channels and social networking platforms, including Facebook and WhatsApp. As of the time of this study, the division has received sixteen reports via the digital platform since its inception, including five reports from female complainants. Due to the division not yet being fully operational, all reports have been transferred to the Press, Publications, and Electronic Publishing Prosecution and are currently under review and investigation, according to a statement by Judge Khaled Al-Hasani, the Press Prosecutor.

<sup>101</sup> Decision to Establish the Division- Attorney General’s Decision No. (2) for the Year 2024 Regarding the Establishment of the Cybercrime Combat Division. [News of the Division’s Inauguration](#).

<sup>102</sup> Decision to Establish the Division No. (2) for the Year 2024 by Attorney General Judge Qaher Mustafa Ali.

<sup>103</sup> Hotline Numbers: (009672270069- 009672270531). [Link to Report Cyber Extortion Crimes](#).

# منصة الإبلاغ عن جرائم الإبتاز الإلكتروني



[عن المنصة](#)
[أسئلة شائعة](#)



الإبتاز الإلكتروني هو جريمة إلكترونية تتضمن استخدام المعلومات الشخصية أو المحتوى الخاص للضحية للضغط عليها للقيام بشيء ما، مثل دفع المال أو القيام بنشاط جنسي. يمكن أن يحدث الإبتاز الإلكتروني عبر وسائل التواصل الاجتماعي أو البريد الإلكتروني أو أي شكل آخر من أشكال الاتصال الإلكتروني.

اسم مقدم الشكوى\*

الاسم الريفي\*

رقم التواصل\*

البريد الإلكتروني لمقدم الشكوى\*

من هذين أو أهل بعدهما، المرأة التي اتصل معيكم عليه

نوع الميلاد\*

الجنس\*

ذكر

أنثى

الشهر\*

يناير

فبراير

مارس

أبريل

مايو

يونيو

يوليو

أغسطس

سبتمبر

أكتوبر

نوفمبر

ديسمبر

الحالة الاجتماعية\*

متزوج

جواز سفر

بدلة للشuttlecock

نوع المأوى\*

متزوج

جواز سفر

بدلة للشuttlecock

All these efforts, which are scheduled to continue until the division is formally established by a decision of the Supreme Judicial Council in the judicial movement expected by the end of 2024, operate within the framework of the available possibilities for receiving reports and complaints digitally. Subsequently, these reports are referred for review and study according to the functional hierarchy, from the highest structure represented by the first public prosecutor to the lowest competent public prosecutor.<sup>104</sup>

Observations of public prosecutions, as the judicial bodies responsible for investigation and proof, reveal that judicial institutions require specialized legislation, increased awareness of these crimes, and enhanced capabilities in combating and protecting against them. However, the scarcity of financial resources hinders access to the latest technological tools necessary for monitoring and tracking digital crimes. According to Judge Fawzi Ali Saif, the first public prosecutor, there is also an inability to provide adequate support services to female victims in psychological, legal, and social aspects. Additionally, the fear of social stigma or retaliation prevents women from reporting these crimes. The lack of robust legal infrastructure and technical expertise to address complaints related to digital violence expeditiously and effectively makes it challenging to access perpetrators and digital evidence.<sup>105</sup>

## Civil Society

Civil society organizations play a crucial role in promoting digital awareness and the culture of digital rights. They organize advocacy and pressure campaigns aimed at mitigating the rise in DVAW through criminal legislation that ensures equality and protection. Therefore, it is imperative to enact specialized laws to combat information technology crimes, with specific provisions dedicated to crimes against women. These laws should address all forms of violence comprehensively, not limited to criminal aspects alone, but also incorporating preventive measures as an essential component of the response to this issue.

The role of civil society organizations in addressing DVAW is exemplified by the actions of the organization “Pass” and the Noon Women’s Bloc. These entities have significantly contributed to training personnel within the Cybercrime Combating Division, with funding provided by Saferworld. This division was subsequently equipped with devices, equipment, and programs dedicated to tracking perpetrators of crimes. Additionally, training was provided to its staff and several members of the Public Prosecution on the operational system, accompanied by the development of a digital platform for reporting on the official website of the Public Prosecution.<sup>106</sup> This initiative also aims to establish departments in multiple liberated governorates, with the intention of subsequently linking them to this division in the interim capital, Aden. The local organization implemented an advocacy and awareness campaign to highlight the risks associated with these crimes and emphasize the necessity of reporting to the appropriate judicial authorities. This was achieved through the establishment of hotlines and a digital reporting website, which was disseminated via media websites, the judicial platform, and social media platforms.<sup>107</sup>

<sup>104</sup> Personal Interview with Sabah Alwani, Member of the Supreme Judicial Council in the Temporary Capital, Aden.

<sup>105</sup> Interview with Fawzi Ali Saif, the First Attorney General, for the Purpose of This Research.

<sup>106</sup> [A Page on the Public Prosecution Website](#) containing the Mechanism for Submitting a Complaint in the Form of a Digital Form by Accessing the Services Option.

<sup>107</sup> Personal Interview with Ms. Bahya Hassan Al-Saqqaf, President of the “Pass” Foundation, on August 8, 2024.

In collaboration with the Noon Women's Caucus,<sup>108</sup> the local organization "Pass,"<sup>109</sup> and the international organization "Saferworld,"<sup>110</sup> efforts are being made to enhance the capabilities of workers in this field at the Public Prosecution through training, seminars, and workshops. These initiatives aim to familiarize workers in the judicial and security sectors with developments in the field of information technology crimes and general methods of combating them. However, the implemented measures are insufficient due to limited financial resources. A recent example of such efforts was a training program for police station personnel in July 2024, designed to equip male and female officers with knowledge, skills, and police work orientations that address the intersection of gender and criminal techniques.

Professor Bahia Al-Saqqaf, President of the Pass Foundation, asserted that the gravity of the situation lies in the absence of necessary tools and services to protect women from cybercrime. This has prompted the foundation to undertake projects in partnership with donors and relevant Yemeni authorities, as well as allocate a legal team to support victims. She further stated, "We are fulfilling our role as civil society in these challenging circumstances due to our sense of national responsibility towards women. This is particularly crucial as the accounts and data we receive indicate a significant increase in digital violence against women in Yemen. We have encountered substantial cooperation from official bodies and their willingness to collaborate with us in providing services, protection, and making the digital space safer for all, especially women."

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<sup>108</sup> The "Noon" Women's Coalition is a group established on November 22, 2022, in the city of Aden, comprising 15 women from various fields. The general goal of the coalition is to enhance the role of women in the process of community building and to defend their issues.

<sup>109</sup> [PASS Foundation](#) (Peace for Sustainable Societies) is a voluntary, non-profit organization established on January 15, 2020, with an accredited license from the Ministry of Social Affairs and Labor. It aims to improve communities and promote peace and sustainable development. Organization's website link:

<sup>110</sup> [Saferworld International Organization](#).

## Conclusion

The findings of this research indicate that the proliferation of the Internet and information technology has resulted in a substantial increase in cybercrimes, particularly those targeting women. This study sought to examine the legal and institutional framework pertaining to DVAW in Yemen, elucidating this critical phenomenon and the deficiencies in national legislation in addressing it.

This study reveals a notable absence of national legislation or policy criminalizing DVAW, which impedes the efforts of security agencies and the Public Prosecution in pursuing perpetrators of these offenses. It also emphasizes the significance of incorporating international agreements into national legislation, especially considering that Yemen has not ratified many of these agreements, placing it at a disadvantage compared to other nations.

The examination of Yemeni legislation reveals a notable absence of definitions for violence or violence against women, indicating a significant need for legislative development and alignment with legal concepts outlined in international agreements ratified by Yemen. Furthermore, Yemeni law lacks a definition of digital violence, attributable to the absence of specific legislation addressing crimes perpetrated through digital technologies. In addition, this study identified a deficiency in official data and mechanisms for addressing digital violence cases, as well as a lack of technical and social competencies among relevant agencies. Despite judicial efforts to categorize cases as traditional crimes, challenges persist, resulting in many perpetrators evading prosecution.

Nevertheless, the Crimes and Penalties Law No. (12) of 1994 can be considered the primary reference for combating crimes of violence in all forms, due to the absence of criminal legislation specifically addressing crimes of a digital nature. Notably, other laws contain scattered provisions that contribute to addressing digital violence against women. The utilization of digital means to perpetrate any type of digital violence does not alter the nature of the act, as the law does not consider the means as a distinguishing factor.

In light of these findings, this study recommends that the Yemeni legislator enact comprehensive criminal legislation that addresses all aspects of DVAW and incorporates relevant international agreements. The government is also urged to strengthen the role of the judiciary and provide appropriate training and qualifications to combat information technology crimes. This study emphasizes the importance of civil society organizations' involvement in disseminating the culture of digital human rights and providing training programs in digital security for women.

Addressing digital violence against women in Yemen necessitates collective and integrated efforts from all concerned parties to ensure the protection of women's rights in the digital space and to achieve justice for the victims of these offenses.

## Recommendations

Several specific recommendations can be proposed to enhance the legal and institutional framework in support of women, thereby safeguarding them from various forms of digital violence offenses.

### *Developing national legislation*

1. It is essential to develop and implement a comprehensive law that criminalizes all forms of DVAW, including stringent penalties that reflect the severity of digital crimes.
2. Amend current laws to align with technological advancements, ensuring they explicitly and clearly protect women from digital violence.
3. Amend existing laws or draft new legislation that aligns with Yemen's commitments to international treaties and conventions focused on the protection of women.
4. Expedite the process of joining international agreements, such as the United Nations Convention Against Cybercrime and the Budapest Convention, to facilitate international cooperation in prosecuting and punishing perpetrators of cross-border digital crimes.
5. Ratify international agreements that mandate the protection of women in all contexts, whether public, private, or digital.

### *Enhancing institutional capacities*

1. Implement specialized training programs for law enforcement personnel, investigators, and judiciary members to address digital crimes, particularly those involving gender-based violence. This will enhance the efficacy of investigations and judicial proceedings.
2. Strengthen the Cybercrime Combating Division by providing material, technical, and logistical resources. Raise public awareness of its services, develop and optimize digital reporting platforms, and improve emergency communication channels. Concurrently, offer psychological and social support services to victims.
3. Create specialized units within security and judicial institutions dedicated exclusively to addressing digital crimes against women. Emphasize employing female personnel in these units to foster trust and ensure privacy for victims. Allocate secure environments that safeguard the confidentiality of individuals filing reports or complaints, with mechanisms to protect personal data, encouraging women to report incidents without fear of social repercussions or retaliatory actions.
4. Conduct periodic research to gather data and compile statistics on instances of digital violence against women. Categorize these instances according to crime typology and geographical distribution to inform the development of effective strategies for combating these offenses. Coordinate among various relevant institutions to standardize terminology and facilitate information exchange, ensuring the absence of duplication and promoting collaborative information management.

### *Awareness and education*

1. Launch community-level awareness campaigns to educate women about their digital rights and methods to protect themselves from digital violence.
2. Collaborate with media outlets and civil society institutions to promote a culture that rejects digital violence and enhances the status of women in society.
3. Strengthen the role of civil society organizations in documenting cases of digital violence and working with government agencies to ensure effective follow-up on these cases.
4. Encourage the development of innovative technical solutions to protect women from digital violence, such as specialized security applications.

Implementing these recommendations can significantly enhance the effectiveness of initiatives aimed at addressing digital violence against women in Yemen. They will also provide more comprehensive legal and institutional safeguards for women in the digital domain.

## Appendix: Experts

Experts interviewed:

1. Judge Sabah Alwani - Member of the Supreme Judicial Council
2. Judge Fawzi Ali Saif - First Attorney General
3. Judge Khaled Al-Hasani - Deputy Prosecutor of Press, Publications and Electronic Publishing, M. Aden
4. Judge Hilmi Bin Dahri - Member of the Appeal Prosecution in M. Seiyun
5. Ms. Bahiya Hassan Al-Saqqaf - Head of the Pass Peace Organization for Sustainable Communities
6. M. Tahani Al-Sarari - Attorney and Member of the Noon Caucus and the Sanad Platform for Digital Rights
7. Dr. Ulfat Al-Dubai - Academic at Taiz University, Political Activist and Former Member of the Constitution Drafting Committee
8. Captain Walid Baabad - Investigation Officer in the Criminal Investigation Department, M. Aden