



Guidelines for legal Aid in Yemen

Developed in collaboration with Norwegian Refugees Council and inputs from Danish Refugees Council

Introduction

Conflict and displacement left affected populations in Yemen struggle to access and claim legal rights and justice. The disruption of legal systems in the country worsened the challenges to acquire basic legal documentations and services, such as personal national identity documents, birth certificates and family cards. In addition, the lack of understanding of legal procedures has worsened women's, men's, boys' and girls' vulnerability to protection threats. The need to support the affected populations to overcome the legal obstacles will contribute to improved recognition of their legal status within the national legal framework. As a result, access to basic rights and services will be enhanced. Legal aid is also a critical step for protecting people's dignity through empowerment. Moreover, the legal aid is essential for the internal displaced people to realize their rights in the light of durable solutions.

In Yemen, the legal aid in relation to personal identification documents, particularly national IDs can protect individuals from fraud or IDs forgery, enable them to move freely, and access basic services provided by the government or humanitarian organizations.

Organizations with legal expertise can provide free of charge and relevant legal aid (documentation, raising awareness, counseling and representation) to those who have legal needs.

General guiding principles

1. **Safety:** The safety of the persons who are benefiting from any legal assistance must be the priority of any legal program or intervention. Legal assistance requires collection of sensitive personal information and any mismanagement or misuse of such information can expose civilians to risks. Case files must be secured in a safe place and must be disposed safely after the case is closed (usually between 3 and 6 months after, depending on the case). It is also important that the legal staff consider any potential harm that might be caused by legal assistance; certain legal services to women might put them at risk in certain communities and therefore mitigation measures must be in place. Original copies of personal documentation must be handled with extreme care because losing or destroying them might cause serious consequences to the person.
2. **Dignity:** During the legal assistance, persons might share very personal stories about their lives, families and ordeals they have been through. It is very important to ensure privacy during consultations. Privacy can also lessen the risks of social stigmatization in certain societies. Legal assistance staff can be also trained on Psychological first aid to enable them in dealing with distressed persons.



3. **Legal aid analysis:** No legal aid should be provided without basic legal aid analysis. It is a process to be taken to understand the legal framework related to the provision of legal aid programs. During this analysis, the legal service providers should be able to:
 - Identify the main laws that enable a legal staff to provide legal aid
 - Understand the customary practices in the provision of legal aid (compared to the law)
 - Map out the key actors and stakeholders to work with (CRA, Aqils, etc.)
 - Identify the main barriers to access legal aid (financial, cultural, etc.)
 - Plan its advocacy and methodologies to improve the legal aid
4. **Accountability:** Adapt two-way communication system to effectively communicate with the affected communities and to give them the opportunity to record their complaints, share their opinions and receive response.

Legal Aid

Legal aid refers to certain legal activities such as *Legal information dissemination, legal counselling, legal documentation and legal representation* with the purpose of contributing to supporting affected people in accessing and claiming their rights.

Legal information dissemination

Includes all activities that disseminate information to an individual or group to respond to the legal information needs of that individual/group.

Legal information dissemination and awareness raising purpose

The purpose of information dissemination and awareness raising activities is to ensure that people can make an informed decision based upon safe access to relevant, accurate, impartial, timely and appropriate information on legal matters that have a significant importance regarding their situation. This supports people to claim and exercise their rights through legal related information.

Legal information dissemination and awareness raising can target at the group or individual level. At the individual level, an activity is classified as information dissemination if the person doesn't require a case management approach but instead only requires information to be provided to him or her.

It is important to understand the difference between information dissemination and legal counselling. In the case of information dissemination, the legal staff make the decision on selecting the theme and delivering it through printed materials or awareness raising sessions. In the case of legal counseling, it is the beneficiary who dictates on what to talk about. Information dissemination and awareness raising can be done in both individual and group settings. Whereas legal counselling should only be done on a one-on-one basis.

An added benefit of legal information dissemination and awareness raising, is that in country operations (such as Yemen currently) where legal aid needs are larger than the available legal aid financial and human resources, the use of legal information sessions is a cost-effective approach that contributes to addressing legal aid gaps related to accessing legal services and processes.

Minimum requirements for legal information dissemination and awareness raising activities

- The session should inform people of their human rights and services available
- Legal information dissemination and awareness raising based on experience and knowledge of the context and national legal systems, cultural and social norms as well as international standards
- Relevant legal procedures and processes explained
- Sessions must include information about practices and not only laws and must clarify the differences between the two
- Sessions must include information about any potential risk related to accessing legal aid

Examples of legal aid dissemination and awareness raising activities are:

- Community outreach sessions
- Visits at community centres
- Legal aid mobile clinics
- Radio and drama/community theatres
- Online apps and social media
- Billboards
- Posters, leaflets, fact sheets, other written materials
- Workshops

Methods

- Use simple language. Do not use legal lingo, or at least explain the legal terms in an easy, understandable and relatable manner.
- Use short sentences and repeat main points.
- Use examples that are relevant to the people' context. This will enhance their understanding of the content.
- Use short sessions, with many breaks for questions. If the sessions are too long, it can be a challenge for participants to keep interested and concentrate on the topic.
- Ensure inclusion and interaction with participants, ensure eye contact and pose questions if relevant.
- Focus the content on providing legal information and raising awareness on people's rights if possible and not only on information on procedures.

Legal Counselling

Legal counselling is individualized verbal legal advice in compliance with general legal aid principles and consists of a structured individual session with the person, though not necessarily requiring further action or follow up sessions to be taken by the legal staff.

Legal Counselling purpose

The purpose of legal counselling is to ensure people can access their rights and services through making an informed decision based upon reliable, impartial, and accurate information. Legal counselling sessions



are tailored to the individual legal needs of the person. Legal counselling goes beyond information dissemination, because it entails a deeper degree of analysis of the problems faced by the person and because legal staff provide individualized advice on what is the best possible course of action to solve a particular problem posed by the person. Legal counselling includes for example, explaining of the content of a legal document or legal obligation that the person is facing, as well as advice on possible legal steps that can be taken.

Legal Documentations

It is a kind of legal assistance that supports people who are in need of obtaining legal personal documents, which includes direct presentation of documents, facilitating access (referral to Civil Status & Civil Register Department) and supporting transportation, if necessary. It includes civil Documentation, registration and documentation work related to civil status, property, employment, health and education, etc.

Legal Representation

Legal representation is a case where the legal staff represents the person in court or before a quasi-judicial authority either orally or in writing.

Legal Representation purpose

The purpose of legal representation is to ensure people are able to access legal and justice procedures regardless of their financial or personal capacity.

Legal staff represents the person before a judicial or administrative body, when the organization believes that the persons’s claim has a foundation in the relevant legal context and when it aligns with the legal intervention’s objectives and strategy. Often, cases of representation are more complex and require more time and commitment from legal staff. The line manager must be aware of the balance between the amount of time required for legal representation cases and other counselling or assistance cases and plan sufficient time for these tasks within legal staffs’ work schedules.

Legal Civil Documents in Yemen

Civil documents are important to prove personal identity, to facilitate movement, travelling and access to both governmental and/or private entitlements, including health services, education facilities, employment, social security, opening bank account, purchasing SIM cards, etc.

Documents that can be used to prove the identity in Yemen	Documents that cannot be used in Yemen to prove the identity but can only be used as secondary support in case of lack of the main documents.
<ul style="list-style-type: none"> - ID card or (<i>Istibyan</i>) or Temporary ID card - Passport - Family Card (for husband) 	<ul style="list-style-type: none"> - Electoral document - Birth certificate - Exam seat number (provided to secondary schools students) - University card - Water & electricity and telephone receipts - Driving license - Lease contract

IMPORTANT: The procedures of obtaining any of the following legal documents can vary from one area to another. The legal service providers must assess the procedures in their areas of intervention and reflect them in their legal aid program. They should also monitor any change in the applied procedures or policies/decrees in order to adapt their program and inform their beneficiaries about those changes.

Type of document and fees	Description	Importance	Procedures for Obtaining the document
Birth Certificate – Free of charge	It is a certificate that is issued containing information regarding and individual's date of birth, name, sex, place of birth and mother's/father's names.	<ul style="list-style-type: none"> ▪ Right of name, nationality and kinship; and the right to belong to the family ▪ Right of having the naturalization certificate and citizenship. ▪ Right to education. ▪ Right to health care and to have the entire vaccinations. 	<ol style="list-style-type: none"> 1. A parent or legal guardian with ID card or family card files or Temporary ID card a request in the Civil Registry Authority (CRA) where the delivery occurred. 2. Civil Registry Authority (CRA) director in the birth area will verify the applicant's ID and other documents, and then refers the parent to the finance affairs. 3. The finance affairs will provide the parent with a form free of charge 4. The form to be filled should be in clear handwriting. 5. The form will be referred to the review section to check the data and match it with the attached documents to complete the missing data and to include in writing the attachments that should be annexed and then sign it. The attachments are: <ul style="list-style-type: none"> – Report from the hospital, the Aqil or the midwife. – Parents' ID cards copies, in case of lack of family card or Temporary ID card. – ID of reporting person, who should be legally authorized. – In some areas a marriage certificate or contract might be required as well to obtain the birth certificate – Mother/father's passport in case either of them is not a Yemeni plus the Ministry of Interior's approval of the marriage. 6. The information will be registered using the filled form in the births section of the CRA. 7. The infant's information will be entered and the birth will be registered in the family's page in the CRA branch if the family has a record in the branch. Otherwise, the information will be sent to the Civil Registry Authority branch where the family has a record. 8. The birth certificate will be edited, signed and stamped by the CRA director. Finally, the infant's information will be entered in the father's family card. 9. The birth certificate will be handed over to the parent. 10. The form will be sent to the archive section to be archived and kept after being signed by the specialized officer and the director.
ID card (and <i>Istibyan</i> which is the temporary	The ID card is a portable document.	<ul style="list-style-type: none"> ▪ Proof of citizenship ▪ Movements. 	Requirements:



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<p>ID card) – 2200 YER</p>	<p>Mainly, made of plastic containing digital information, which citizens should carry to prove their identities.</p>	<ul style="list-style-type: none"> ▪ Proof of their rights and land ownership. ▪ Considered the main document for vital events such as birth, death, marriage or divorce. ▪ Practice right of work, social security and health insurance. ▪ Receive and send money transfers and open bank account. ▪ Important document for practicing the right to vote. ▪ Important document to access certain services, e.g. humanitarian assistance. ▪ Buy a cell phone SIM 	<ol style="list-style-type: none"> 1. Documents that prove the person’s nationality (Yemeni nationality) (passport, election card, endorsed education certificate from ministry of education, other documents can be accepted based on the area...) 2. Two witnesses having ID cards to show up to the Civil Registry Authority to have their signatures taken on the form. Or a stamped document from the Aqil that certifies who the person is. Or a document stamped by the employer if the person is a governmental employee. 3. Two photos (6x4). 4. To be 16 years old and above. <p>Process:</p> <ol style="list-style-type: none"> 1. The citizen should personally apply for the extraction of (lost/damaged substitute) ID card. 2. Civil Registry Authority (CRA) director will verify the applicant’s identity and other documents, and then refer the applicant to the finance affairs. 3. The finance affairs will provide the applicant with a form 4. Applicant should fill the form, in a clear handwriting 5. Then applicant will be referred to the officer responsible of entering the information electronically 6. Photograph will be taken and fingerprints will be scanned through the print scanning machine 7. The applicant will be given the transaction’s receipt in order to receive the ID card on the date appointed in this receipt.
<p>ID card-replacement (lost or damaged cases) – 2500 YER</p>			<p>Requirements:</p> <ol style="list-style-type: none"> 1. Report to the police station and announce its loss in the official newspaper, in case of lost ID (currently the IDPs are exempted from this step). 2. Attach the damaged card (in case of damage) 3. Two photos (6x4). <p>Process:</p> <ol style="list-style-type: none"> 1. The citizen should personally apply for the extraction of (lost/damaged substitute) ID card. 2. Civil Registry Authority (CRA) director in the will verify the applicant’s identity and other documents, and then refers the applicant to the finance affairs. 3. The finance affairs will provide the applicant with a form 4. Applicant should fill the form, in a clear handwriting, and attach the damaged card to the form 5. Then applicant will be referred to the officer responsible of entering the information electronically 6. Photograph will be taken and fingerprints will be scanned through the print scanning machine 7. The applicant will be given the transaction’s receipt in order to receive the ID card on the date appointed in this receipt.

<p>Marriage certificate</p>	<p>In addition to the marriage contract, it is a proof of marriage</p>	<p>Can be used to obtain birth certificate</p>	<p>Requirements and Process</p> <ol style="list-style-type: none"> 1. Valid personal documents for the two parties, the guardian and the two witnesses (personal – family – election card or passport). 2. An official power of attorney in case of guardian with valid personal document 3. Divorce certificate or death certificate in case the bride was married before. 4. The guardian of the bride and the husband to attend to the court. In cases of no guardian for the bride, the judge can be the guardian. 5. The bride’s approval of marriage 6. The marriage contract (obtained from Sharia representative) 7. The ability to marriage with no legal barriers 8. Two witnesses 9. Announcing the dowry amount 10. Approval of Ministry of Interior if one of the parties is a foreigner
<p>Family Card – 1000 YER</p>	<p>The family card is considered an official document that is issued to identify the head of the household, number of wives and children, their sex and date of births</p>	<ul style="list-style-type: none"> ▪ Introductory guide for all family members. ▪ Proof of kinship ▪ It is used in inheritance procedures 	<p>Requirements:</p> <ol style="list-style-type: none"> 1. Marriage contract or document certifies that the parent is the head of the household 2. Two witnesses having ID cards to show up to the Civil Registry Authority to have their signatures taken on the form. Or a stamped document from the Aqil that certifies who the person is. Or a document stamped by the employer if the person is a governmental employee. 3. Three new personal photos of the head of the household and the wife’s photo. 4. Copies of the birth certificates of the children if they were born outside Yemen 5. The approval from the ministry of foreign affairs in case the wife is a foreigner. <p>Process:</p> <ol style="list-style-type: none"> 1. The citizen should personally apply for extracting the Family Card Book at the CRA. 2. CRA director will review the application and confirms the identity of the applicant and then refers the application f to the finance affairs. 3. The finance affairs will give the applicant a Family Card Book application form. 4. The citizen should fill in the form in a clear handwriting. 5. The applicant will be given the transaction’s receipt in order to receive the ID card on the date appointed in this receipt.
<p>Divorce certificate</p>	<p>To prove the divorce</p>	<p>It is one of the requirements for marriage contract (for divorced women)</p>	<ol style="list-style-type: none"> 1. The citizen requests a registration form from the director of the civil registry.

			<ol style="list-style-type: none"> 2. The director of the registry verifies the identity of the person and check the documents 3. The event is registered at the CRA 4. The certificate is issued 5. The information of the ex-wife will be removed from both the husband's data record and the family card
Death certificate – 120 YER	To prove the death	It is one of the requirements for marriage contract (for widows)	<ol style="list-style-type: none"> 1. People entitled to report a death case approach the CRA to register the death 2. The director of the registry verifies the identity of the person and check the documents 3. The event is registered at the CRA 4. The certificate is issued
Temporary ID card (in the Southern Governorates) - Aden Hub – 2000 YER	Similar to the official ID card, but it used for the cases that do not have any kind of identification papers (required papers) and cannot issue a new ID card or <i>istibyan</i> , will be provided with Temporary ID card to save their rights.	<ul style="list-style-type: none"> ▪ Proof of citizenship ▪ Movements. ▪ Acknowledge their rights and land ownership. ▪ It is considered a main document for vital events such as birth, death, marriage or divorce. ▪ Practice right of work, social security & health insurance. ▪ Receive and send money transfers and open bank account. ▪ Important document to access certain services, e.g. humanitarian assistance. ▪ Buy a cell phone SIM 	<ol style="list-style-type: none"> 1. Temporary Identification Card shall be issued for IDP and vulnerable cases from the host Community and returnees that lack any type of official identification card. 2. For issuing the Temporary Identification Card it is necessary for the Protection partners to fill the Registration Form. 3. Each registration form shall carry a serial number/code. 4. One registration for each person. 5. For the identification process in the registration form, each registration form must be stamped from the <i>Aqil</i> and the Police station from the same area. 6. After filling and stamping the registration forms, each registration form shall include 2 photos of the person, the first photo shall be stapled in the registration form and stamped in the right corner, while the second photo which will be used for the Temporary Identification Card shall be stapled in the registration form but in overturned way " Upside down" (a sample will be provided by the CRA Aden office). 7. For the remote governorates after implementing all the mentioned points, a photo copy of the registration forms shall be sent to the CRA Aden office by email to start the procedures of issuing the Temporary Identification Card, the original registration forms shall be compiled and sent to the CRA Aden office as soon as possible to be archived. 8. Each Temporary Identification Card is valid for one year only and it can be renewed.

Fees of legal documentation:

In practice, the fees required in obtaining the legal documents, could be higher than the official rate. In any case, the fees should not exceed: 5000 YER for the ID, 500 YER for birth certificate, and 5000 YER for family card. Legal service providers can also choose to pay incentives for some Civil Registry Authority



staff to dedicate themselves for issuing documentations based on lists shared by the service provider; the incentives should not exceed 50,000 YER/month/staff, and should the service provider choose to pay the incentives, then only the official fees must be applied. In addition, the staff should be able to respond to the need of the service provider at any time.

Methodologies to provide legal documentation services in Yemen:

1. Referrals to Civil Registry Authority

Based on agreement with the Civil Registry Authority, humanitarian organizations can share lists of persons (after obtaining consent) with the Civil Registry Authority offices to issue the required documents. Legal service providers can cover the expenses by paying directly to the CRA.

This option can be adopted when the affected population can access the CRA offices without impediments.

2. Mobile registration units

In collaboration with the CRA, service providers can host a mobile registration unit, where staff from CRA join the organization's field team to register and issue the documents.

This option can be adopted when the affected population cannot access the CRA offices (remote areas, large number of people with disability, etc.)

3. Registration Units at Community Centers

Organization may host a registration unit from the CRA, with its staff at the community centers to provide legal documents to the community centers' visitors.

This option can be adopted if the location of the community centre is more accessible than the CRA offices.

In all the methodologies described above, the legal service provider is responsible for monitoring the quality of the services provided.

Case management

Legal assistance must be guided by case management system which clearly defines when the support of the case is initiated, how follow up is taking place and how/when the case can be closed or transferred.

- The legal staff must develop a comprehensive understanding of person's legal needs when the case file is created. The case file must also include all the forms that will be used from registration and assessment to follow up and closure.
- After understanding the legal needs of the person, the legal staff should develop their plan taking into consideration the different legal assistances which can be provided simultaneously to the same person. For example, personal ID of one of the parents and the birth certificate of the child can be linked together and therefore this should be taken into consideration in the plan. Same person, can have same file with different needs and different procedures.



- Any plan must be developed in consultation between the legal staff and the person. And informed consent must be obtained from the person prior to the assistance.
- Provision of legal assistance must be monitored and its impact should be measured to inform future interventions.

Case Management steps:

1. Case Intake and Assessment: the case is registered in the first counseling session with the person using case intake and assessment form. The form can be designed based on the main needs and type of cases that are expected.
2. Case Planning: Develop action plan based on legal needs of the person
3. Follow up: legal cases usually require follow up actions and they must be documented in a follow up form. The form must capture information that is can be used for advocacy, such as impediments caused by illegal practices and issues related to access to legal assistance. Consent must be obtained before any action is taken by the legal staff. The legal staff should never act on behalf of persons without a clear consent.
4. Closure: the case is closed when the legal need has been met, the person decides not to continue with the case, or there is no more contact between the legal staff and the person. The result and outcomes of the legal assistance must be clearly documented in the form.

Women access to legal documentation:

In the constitution of Yemen, women and men have equal rights, but in many situations the customary law is the one which is applied, especially when it comes to women's right to access legal documentations. There is no law obliges women to have a *mohram* (male companion) to be allowed to issue a national ID (or other documents), but in practice, this is often not followed. This has direct impact on women and girls who can be displaced without male relative and in need to issue a personal documentation. As protection actors, we have the responsibility to remind the key stakeholders about their commitments to adhere to the official law of Yemen and to facilitate women's and girls' access to legal documentation in specific and legal aid in general.