



CONTEXT

Yemen has been devastated since the escalation of the conflict in mid-March 2015, resulting in a humanitarian crisis and protection situation that threatens the life, safety and well-being of millions of civilians, not least the most vulnerable already struggling to survive. The volatility of the security situation and military operations along conflict lines, in which all parties are alleged to have committed violations of international humanitarian law (IHL) and international human rights law (IHRL), have raised serious concerns regarding the protection of civilians. In addition to damaging public and private infrastructure and impeding humanitarian assistance, the conflict has resulted in more than 55,000 casualties (including nearly 8,000 deaths) between March 2015 and the end of June 2017.¹ Conflict and fighting have also caused some 10.4% of the entire population of Yemen to have been forcibly displaced. As of June 2017, there were some 2 million internally displaced persons (IDPs) and 0.9 million IDP returnees, spread across 21 governorates. Precarious shelter conditions (23% in collective shelters or spontaneous settlements), diminishing household resources and hosting capacities (91% displaced for more than a year), as well as challenges with respect to social cohesion, civil documentation and access to humanitarian aid or public services, remain serious challenges for IDPs and IDP returnees.

During the course of the conflict, lack of central or consistent state authority has further undermined the already weak rule of law in Yemen, resulting in a culture of impunity for crimes and lack of redress or remedial assistance for victims of crime and human rights violations, including arbitrary detention and enforced disappearances in contravention of the Yemen Constitution, Yemen Criminal Code and IHRL. Tribal and informal community-based actors, already recognized by Yemeni law in mediation, arbitration, non-state and traditional justice at the local level², are being increasingly relied upon rather than state institutions, but have also been negatively affected by the vacuum of and competition for local authority. The collapse of Yemeni public services and institutions, combined with overall economic decline, has exacerbated pre-existing vulnerabilities, with the resulting food insecurity (60% of the Yemen population), lack of access to basic services and interrupted livelihoods, leading to households and individuals resorting to harmful coping mechanisms, such as early marriage for now more than two-thirds of Yemeni girls in some locations³, child labor and recruitment. Women, children, older persons, minorities, persons with disabilities, as well as others with specific needs have been particularly affected. Displacement, family loss and separation and the breakdown of community support structures have increased needs for psychosocial and mental health support, as well as interventions for harmful coping mechanisms, domestic and family violence.

¹ These figures significantly undercount the true extent of casualties given diminished reporting capacity of health facilities and people's difficulties accessing healthcare.

² See e.g. Nadwa Al-Dawsari, *Informal Actors, Community and the State: An assessment of informal support structures and the social contract in Western Yemen*, Oxfam, December 2014.

³ UNFPA-Interos Assessment on Child Marriage (November 2016).

PROTECTION SITUATION ANALYSIS

Yemen is party to seven of the nine core international human rights treaties as well as all four Geneva Conventions of 12 August 1949 and to Additional Protocols I and II. All parties to the conflict in Yemen, including members of the coalition forces, are obliged to respect the applicable rules of IHL, while non-State actors exercising government-like functions and de facto control over territory are also accountable for human rights violations affecting those under their control. In 2013, Yemen adopted a National Policy on Internally Displaced People, with strategic goals to prevent and respond to arbitrary displacement, support IDP and host communities, and create conditions for durable solutions. As the conflict persists, the provision of protection and assistance will be increasingly vital in order to respond to the challenges of affected populations. Those populations along the frontlines of the conflict, such as in Taizz, Hudaydah, Marib or Sa'ada, have suffered the immediate consequences of military operations, including indiscriminate attacks on residential areas, airstrikes, ground and street fighting, as well as sieges and blockades. Internally displaced populations are spread across 21 governorates, where the conflict has severely affected both immediately and protracted displaced populations, those living with host communities and in collective sites and informal settlements, as well as IDP returnees. Weaknesses in the rule of law persist country-wide, but particularly in urban cities as well as places, such as the South, where the lack of effective control by one central authority creates a power vacuum where several armed groups and tribal entities compete for control. Meanwhile, negative coping mechanisms abound across households and individuals, but with a particularly harmful effect on vulnerable individuals and those without community support structures.

The following is a summary of some of the main protection threats and vulnerabilities in Yemen:

Violations of International humanitarian law posing a threat to life and safety

The widespread lack of respect of IHL by all parties to the conflict in Yemen continues to pose a direct threat of loss of life or injury to civilians. The UN Panel of Experts found that all parties to the conflict in Yemen had violated IHL, including the principles of distinction, proportionality and precaution, particularly through their use of heavy explosive weapons in, on and around residential areas and civilian objects.⁴ According to health facility reports, between March 2015 and the end of June 2017, the conflict had resulted in more than 55,000 casualties (including more than 8,000 deaths), among whom some 16% were reported to be women and children. The Office of the High Commissioner for Human Rights (OHCHR) has verified at least 13,520 civilian casualties, with 4,980 killed and 8,540 injured between March 2015 and June 2017.⁵ At the same time, the Monitoring and Reporting Mechanism (MRM) and local field human rights monitors have also reported and/or verified significant casualties affecting men, women and children.

As documented by the UN Human Rights Council and others, allegations of such violations include attacks on residential areas, markets, weddings/funerals, public and private infrastructure, as well as attacks on objects benefiting from special protection, such as medical and educational

⁴ United Nations Security Council, Letter dated 22 January 2016 from the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) addressed to the President of the Security Council, 26 January 2016 (S/2016/73)

⁵ See www.ohchr.org/SiteCollectionImages/Countries/YE/2017/Infographic3YemenReport2017.jpg

facilities.⁶ Airstrikes, generally accounting for the majority of civilian casualties⁷, have been reported to primarily impact Sa'ada, followed by Taizz and Sana'a, and secondarily al-Hudaydah, Hajjah, Amanat Al Asimah, Al Jawf and Marib. Armed clashes, during which targeted shelling and indiscriminate rocket attacks cause significant damage to property and loss of life, have been reported in the highest numbers in Al Jawf, Taizz, Hajjah, Marib, Sana'a, Lajh and Sa'ada. Other violations of IHL include the siege and blockade on Taizz, which has also resulted in a serious deterioration of the health and protection situation for residents trapped in the fighting, as well as allegations of use of landmines, cluster munitions and other restricted weapons, specific targeting of IDPs and the use of snipers against civilians.⁸

Conflict-related forcible displacement

While internal displacement is not a new phenomenon in the country, since the escalation of the conflict in March 2015, some 10% of the entire population of Yemen has been forcibly displaced, while continued fighting continues to pose a threat of further displacement. As of June 2017, there were some 2 million IDPs and 0.9 million IDP returnees, across 21 governorates.⁹ Ongoing conflict in Sa'ada, Hajjah, Taizz and Amanat Al Asimah has produced 74% of all IDPs in Yemen, with the most recent large-scale displacement occurring along the Western Coast of Yemen as a result of Operation Golden Spear as well as due to conflict and airstrikes in Sa'ada. Approximately 43% of IDPs remain displaced within their governorate of origin. Hajjah, Taizz, Amanat Al Asimah and Amran host the highest number of IDPs, hosting some 49% of all IDPs, while limited pockets of return (not yet constituting a durable solution) have been identified in certain districts of Aden, Lahj and Amanat Al Asimah. Based on multi-cluster location assessments, some 79% of IDPs were estimated to be women and children.

Based on community assessments and focus group discussions, challenges faced by IDPs and IDP returnees have been reported to include lack of safety, harassment, limited freedom of movement, lack of documentation, limited access to services, family separation, loss of livelihoods as well as concerns for persons with specific needs, including victims of gender-based violence and children. Among those displaced, those with heightened vulnerabilities include those 23% in precarious collective centers or spontaneous shelters (among whom 21% were estimated to have specific needs), where shelter conditions may be poor or there may be insecurity of tenure, but also those living in host communities, where lack of privacy or inter-communal tensions may lead to exploitation or abuse. IDPs facing tensions with the host community (or other IDP communities) may be expelled from communities or compelled to return to their areas of origin, while those IDP returnees voluntarily returning may also face problems of re-integration or with respect to housing, land and property, particularly for example, with respect to land grabbing and mass restitution claims in the South since 2013. Given the protracted nature of displacement for 84% of IDPs who have been displaced for more than a year, loss of livelihoods, linked to problematic civil status documentation or lack of information or access to services, also represent priority protection concerns.

Violations of human rights and weak rule of law posing threats to life, safety and freedom

The conflict in Yemen has severely undermined the already weak rule of law in Yemen, with the security vacuum being increasingly exploited by armed groups and others, resulting in threats to life, safety and freedom for civilians across Yemen, particularly critics, journalists, human rights

⁶ Human Rights Council, Situation of Human Rights in Yemen: Report of the UN High Commissioner for Human Rights, 5 September 2017 (A/HRC/36/33)

⁷ 60% of civilian deaths and injuries were caused by air-launched explosive weapons, according to Hannah Tonkin and Iain Overton, eds. "State of crisis: explosive weapons in Yemen" (Action in Armed Violence, Office for the Coordination of Humanitarian Affairs, 2015)

⁸ See e.g. "We Lived Days in Hell": Civilian Perspectives on the Conflict in Yemen, Center for Civilians in Conflict, 2016

⁹ Task Force on Population Movement, 15th Report – Yemen, July 2017

defenders and ethnic or religious minorities. For example, a national NGO verified 53 cases of arbitrary detention and 26 cases of enforced disappearance between January 2015 to May 2016,¹⁰ during which the official law enforcement apparatus, such as police stations and public prosecutors, as well as laws and procedures outlined in the Yemen Constitution and Criminal Code, were ignored or bypassed. According to the UN Panel of Experts, the systematic suppression of freedom of expression and freedom of assembly in certain cities and urban areas has included legal structural measures enforced through summary extrajudicial executions, arbitrary arrest, detention, torture and disappearances. The Human Rights Council has also expressed deep concern at the abduction of political activists and violations against journalists, where the vast majority (89%) of incidents of deprivation of liberty were allegedly committed by non-state actors,¹¹ as well as detention facilities which were overcrowded, damaged and with shortages of food and medicine, all exacerbated by the conflict.¹²

Impunity for crimes and lack of redress or remedial assistance for victims of crime and human rights violations, whether politically-motivated or not, has been reported to disproportionately impact boys, girls, women and men, minorities, such as the *al-Muhamasheen* (meaning “marginalized”), through intimidation or harassment, physical or other abuse, gender-based violence, and others. In the absence of or complementary to formal governance, informal structures, such as *aqils* (recognized as judicial officers under Yemeni law) and *Sheikhs* as well as religious leaders, have traditionally played a critical role in dispute resolution (*sulh* or *tahkim*), justice and law enforcement, accounting for an estimated 70-80% of dispute resolution pre-conflict and even moreso for women who may be barred from official courts due to social restrictions.¹³ Despite the fact that these informal structures have also been negatively affected by the vacuum of and competition for local authority, a recent conflict analysis indicated an increasing role for sheikhs, *aqils* and tribal leaders in comparison to local government, while women respondents pointed to community / IDP committees and youth leaders as well as key community decision makers.¹⁴

Psychosocial and socio-economic insecurity exacerbating specific needs and vulnerabilities, resulting in resort to negative coping mechanisms

Yemen has historically been one of the poorest countries in the Middle East due to intermittent conflict, under-development and governance. Since the escalation of the current conflict, the humanitarian challenges have become catastrophic. An estimated 60% of the population is in food crisis or emergency, lack access to safe drinking water and lack adequate healthcare, while basic services and institutions are no longer functioning and the overall economy in collapse. Among those most affected are those with specific needs or chronic vulnerabilities, such as women, children, older persons, minorities, persons with disabilities, IDPs and others. Of the more than 1 million persons identified through multi-cluster location assessments as having specific needs among IDPs and host communities, are malnourished children (27%), elderly (22%), pregnant / breastfeeding women (18%), chronically ill (8%), female heads of households (6%), minor heads of households (6%), persons with disabilities (7%) and separated and unaccompanied children (3%).¹⁵

¹⁰ Mwatana Organization for Human Rights, They Are Not Here: Incidents of Arbitrary Detention and Forcible Disappearance, May 2016.

¹¹ Human Rights Council, Situation of Human Rights in Yemen: Report of the UN High Commissioner for Human Rights, 4 August 2016 (A/HRC/33/38)

¹² Human Rights Council, Situation of Human Rights in Yemen: Report of the UN High Commissioner for Human Rights, 5 September 2017 (A/HRC/36/33)

¹³ Laila, Al-Zwaini, The Rule of Law in Yemen: Prospects and Challenges, Hague Institute for Innovation of Law (September 2012)

¹⁴ From the Ground Up; Gender and Conflict Analysis in Yemen, Care International, Oxfam and GenCap, October 2016.

¹⁵ Task Force on Population Movement, Multi-Cluster Needs Assessment of IDPs, Returnees and Host Communities in Yemen, February 2017

The combination of conflict, risk of famine and health-related issues such as cholera has also resulted in new vulnerabilities, with the loss of heads of households or primary earning members, family separation and the breakdown of community support network structures. These factors force conflict-affected persons to resort to adverse coping mechanisms, such as child labor or early marriages, as well as put persons at risk of exploitation and family violence. With the stress and loss of the conflict mounting, mental health and psycho social support needs of the population continue to grow, for which there are limited specialized service providers as well as limited centers or establishments for community-based activities. A recent study found that 79% of child respondents met the criteria for Post Traumatic Stress Disorder (PTSD), with a higher severity among females than males.¹⁶ Likewise, the majority of respondents during community engagement surveys indicated that they did not feel the most vulnerable were receiving assistance, with the problem particular among women and girls.

Violations of the rights of children and gender-based violence

Indiscriminate hostilities and grave violations of children's rights have continued across Yemen since the escalation of conflict. Between March 2015 and August 2017, grave child rights violations continued and resulted into the killing of 1706 children and maiming of 2780 children. Furthermore, armed forces and armed groups continue to recruit and use children. More and more children under the age of 18 are victims or at risk of recruitment and use in the armed conflict. In 2017 alone, 377 cases of recruitment and use of boys have been verified and documented. The true extent of this violation is certainly much wider. In its third year, 2017, the conflict has resulted in the killing of 195 children and maiming of another 347 children. Such grave violations committed against children and the continuous attacks and military use of schools and hospitals results in a devastating impact on the physical and psychological well-being of children and denies them access to their basic rights of education, health and development. Children exposed to grave violations of their rights require a holistic protection response, including case management, medical referral and rehabilitation assistance, and psychosocial support through access to child-friendly spaces and community-based child protection networks. In order to prevent harm to children, mine risk education and prevention messaging related to recruitment are essential. Children released by armed groups require assistance with socio-economic reintegration. At the same time, unaccompanied and separated children – including trafficked children – need assistance and support with family tracing and reunification as well as interim care services. Incidents of GBV have risen significantly since the conflict escalated in March 2015, with a 63% rise in GBV incidents reported to the GBV Information Management System (IMS). The significant percentage of female heads of households may face elevated GBV risks as they seek to provide for their families. GBV survivors and at-risk groups require access to safe, confidential, multi-sectoral GBV services, including timely case management and referral, medical assistance, psychosocial support, emergency shelter, legal assistance and livelihoods programmes. On the prevention side, humanitarian partners – across all sectors – require training, technical guidance and support to ensure measures are in place to prevent and mitigate GBV risks and threats. *For more information, see the Child Protection Sub-Cluster and Gender-Based Violence Sub-Cluster Strategies.*

¹⁶ Fawziah Al-Ammar, Posttraumatic Stress Disorder among Yemeni Children: Consequences of the War (2017).

PROTECTION STRATEGIC OBJECTIVES

The Inter-Agency Standing Committee (IASC) has defined protection as “... all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law (IHRL), International Humanitarian Law, International Refugee law (IRL)).”¹⁷ The IASC has also affirmed that all humanitarian actors have a responsibility to place protection at the center of humanitarian action. In line with the Yemen Humanitarian Response Plan (YHRP) and complementary to the HCT Protection Strategy 2016 and the Human Rights Up Front Initiative, the following are the strategic objectives of the Protection Cluster¹⁸:

1. Monitor key protection issues (including violations of IHL/IHRL, displacement, vulnerable populations, GBV and child protection) in order to identify persons in need of assistance, inform the humanitarian response and advocate for the protection of civilians.
2. Provide protection assistance and services to vulnerable, conflict-affected individuals, including children and GBV survivors.
3. Develop community-based responses in order to prevent, mitigate or address protection needs and risks, including protection awareness (e.g. mine/UXO and community safety), enhancing individual and community coping strategies and conflict resolution.
4. Strengthen the capacity of partners, service providers, civil society and authorities on protection issues.
5. Mainstream and integrate protection into all sector and cluster-specific humanitarian responses, including the towards the achievement of durable solutions.

These Protection Cluster strategic objectives are applicable throughout all regions of Yemen, with prioritization and implementation subject to the specific needs at the sub-national and hub level.

Objective 1: Monitor key protection issues (including violations of IHL/IHRL, displacement, vulnerable populations, GBV and child protection) in order to identify persons in need of assistance, inform the humanitarian response and advocate for the protection of civilians

In order to monitor key protection issues, Protection Cluster partners will, among others, engage in IHL/IHRL monitoring and reporting, population movement tracking, and protection monitoring activities. IHL/IHRL monitoring is conducted through the collection, verification and use of information to identify and address human rights violations. Population movement tracking is conducted through the Task Force on Population Movement (TFPM) which implements information management on data on the status and location of displaced persons across Yemen, including periodic multi-cluster location assessments. Protection monitoring is conducted through a combination of methodologies including rapid protection assessments, community-level assessments, focus group discussions and in-depth household protection assessments, in order to identify and follow-up on protection trends and concerns while delivering tailored assistance and interventions for households and individuals. Through regular information sharing and analysis within the cluster as well as targeted assessments or profiling of certain vulnerable

¹⁷ Inter-Agency Standing Committee, Policy on Protection in Humanitarian Action, October 2016.

¹⁸ See also the Child Protection Sub-Cluster and Gender-Based Violence Sub-Cluster Strategies.

populations, e.g. *al-Muhamasheen* or persons with disabilities, these activities together will assist in monitoring IHL/IHRL violations, identifying persons in need of protection, remedial and other assistance, informing a mainstreamed and integrated humanitarian response, and advocating for strategic decision-making regarding protection. As the situation permits, Protection Cluster partners, together with other stakeholders, will engage with local and national-level counterparts in dialogue and advocacy in order to strengthen the protection of civilians and assistance of vulnerable and displaced populations.

Objective 2: Provide protection assistance and services to vulnerable, conflict-affected individuals, including children and GBV survivors

Protection assistance and services provided by Protection Cluster partners include, among others, psycho-social support, legal assistance and cash assistance to conflict-affected individuals, including victims of IHL/IHRL violations, victims of mines and UXOs, vulnerable populations, children and GBV survivors. Psycho-social support (PSS) is intended to address the severe, adverse effects on the physical, social, emotional and spiritual well-being of persons due to exposure to conflict, violence, family separation, lack of access to services, and other reasons. In close complementarity with mental health and community support activities, PSS activities are conducted by Protection Cluster partners in communities, at community centers and health facilities. With the stress and loss of conflict-affected communities continuing to mount, strategic efforts will be made on strengthening inter-agency referral pathways, community PSS efforts as well as targeting services for the most vulnerable households, at risk of harmful coping mechanisms or family violence, in line with PSS and mental health needs assessments. Legal assistance will be provided with an emphasis on functioning administrative remedies, such as obtaining lost or missing civil registration documentation, especially as a protection for women and other vulnerable persons, while supporting other legal remedies to the extent available through the judiciary in Yemen. At the same time, increasingly efforts will be made to work with community-based informal structures, such as *aqils*, *sheikhs* and religious leaders, who traditionally play an important and complementary role in dispute resolution, while ensuring linkages with formal justice and protection for women and other vulnerable persons. Beyond one-time assistance and inherently linked to case management, cash assistance will be provided on the basis of protection and vulnerability criteria, in order to fill life-saving basic needs gaps for vulnerable households facing protection risks, address or mitigate the effect of a protection incident, as remedial assistance for victims of protection violations, and to avoid recourse to negative coping strategies.

Objective 3: Develop community-based responses in order to prevent, mitigate or address protection needs and risks, including protection awareness (e.g. mine/UXO and community safety), enhancing individual and community coping strategies and conflict resolution

Community-based responses by Protection Cluster partners include establishment or support of community-based protection networks, community centers for service provision, information and awareness raising, and supporting women, youth and community groups with social cohesion, conflict prevention and protection initiatives. Community-based protection networks, composed of a members of IDP and host communities from different age, gender; backgrounds and origins, are a volunteer mechanism for communication and information sharing related to humanitarian

situation between the IDPs and humanitarian actors. Community centers are intended to ensure that communities remain at the center of service provision and community-based activities, including for IDPs, host communities, children, youth and women. Through these mechanisms, partners can provide services in the community as well as deliver information on protection and rights of displaced, availability of humanitarian assistance and ensure two-way communication and feedback in line with the key principles of Accountability to Affected Populations. Information and awareness activities target key populations on issues ranging from availability of specialized and non-specialized services, community safety in conflict, mine risk education and civil documentation for the displaced, not least on GBV and child protection. Community-based initiatives include those to mobilize communities regarding addressing and mitigating protection issues, as well as those relating to social cohesion, conflict prevention and protection through support to women, youth and community groups with conflict analysis, mediation and developing local initiatives for conflict management and protection for the vulnerable. Strategic efforts will be placed on developing community based initiatives that enhance individual as well as community coping strategies, including social cohesion and social protection, as well as early-warning communication regarding protection needs.

Objective 4: Strengthen the capacity of partners, service providers, civil society and authorities on protection issues

In order to foster an environment conducive to the realization of the rights of the vulnerable and displaced, Protection Cluster partners deliver capacity-building activities for humanitarian partners, service providers and local authorities on protection, while expanding outreach to civil society actors to be engaged in protection. Given the limited number of international partners in Yemen and needs of national partners in protection programming, the Protection Cluster will also strengthen the capacity of local partners to deliver protection assistance, not least through national service providers. Local authorities also benefit from training on humanitarian principles, protection programming, international human rights and humanitarian law.

Objective 5: mainstreaming and integrating protection into all sector and cluster-specific humanitarian responses, including the towards the achievement of durable solutions

As part of the HCT Protection Strategy, protection is at the centre of the humanitarian response, and all assistance will be planned and implemented so as to promote the safety, dignity and rights of affected people. In line with the YHRP and through the capacity building and technical support of the Protection Cluster, humanitarian partners across all sectors develop protection mainstreaming commitments and, where feasible, integrated protection activities on areas ranging from food security to WASH and health. Strategic efforts will be placed on collaboration with humanitarian, as well as development, actors in furtherance of the achievement of durable solutions.

PROTECTION CLUSTER CONTACTS

Samuel Cheung (cheung@unhcr.org)
Senior Protection Cluster Coordinator

Safa Algahoum (algahoum@unhcr.org)
Protection Associate, Protection Cluster

ANNEX – INDICATIVE PROTECTION RESULTS FRAMEWORK

The below Protection Results Framework is for indicative purposes only, with specific activities and indicators to be developed in line with the planning process for the Yemen Humanitarian Response Plan.

Strategic Objective	Protection from:			
	IHL Violations	Forced Displacement	Individual HR Violations	Socio-Economic Safety
Specific Objectives / Activities				
Monitor key protection issues (including violations of IHL/IHRL, displacement, vulnerable populations, GBV and child protection) in order to identify persons in need of assistance, inform the humanitarian response and advocate for the protection of civilians	IHL/HR monitoring and reporting	Population movement tracking	IHL/HR monitoring and reporting	
		Protection monitoring (rapid, community- and household-level)		
	Protection assessments and advocacy reports			
Provide protection assistance and services to vulnerable, conflict-affected individuals, including children and GBV survivors	Psycho-social support			
	Cash assistance			
		Legal assistance		
Develop community-based responses in order to prevent, mitigate or address protection needs and risks, including protection awareness (e.g. mine/UXO and community safety), enhancing individual and community coping strategies and conflict resolution		Community-based protection networks		
	Community centers			
	Information and awareness Raising			
	Social cohesion, conflict prevention and protection initiatives			
Strengthen the capacity of partners, service providers, civil society and authorities on protection issues	Capacity building for local authorities, humanitarian partners and community members on protection issues			
	Outreach to civil society for engagement in protection			
Mainstream and integrate protection into all sector and cluster-specific humanitarian responses, including the towards the achievement of durable solutions	Development and implementation of cluster protection mainstreaming commitments and, where feasible, integrated protection activities.			
	Collaboration with humanitarian and development actors in furtherance of the achievement of durable solutions			