



Protection Cluster Note on Civil Documentation Issues in South of Yemen

Introduction

The lack of civil documentation in Yemen has been well documented and detailed in various analyses, most recently in the Protection Analysis Update 2022 and the 2023 Humanitarian Needs Overview. It is considered one of the main protection risks in the country. Lack of civil documentation not only prevents and undermines freedom of movement, people's ability to access their rights, basic services, and humanitarian assistance, but also heightens other protection risks and vulnerabilities. Access to civil documentation is a basic human right that should be selfishly protected by duty-bearers, as this is their duty to the citizenry. Increasing access to civil documentation and removing barriers to access is critical to reducing protection risks and an essential to achieving durable solutions particularly for internally displaced persons in Yemen.

Protection partners in South of Yemen have identified four broad categories of challenges around civil documentation, most of the challenges having two or more components as follows:

1. Limited Capacity of the Central Registration Authority (CRA)

- 1.1 Lack of material for identification documentation, including ID cards and ink. This is a common challenge affecting all southern governorates namely Aden, Abyan, Lahj, Ad Dhale, Shabwa, Ma'rib, Hadhramout, Taiz and Al Hudaydah. The material is supplied from the CRA Central Office in Sana'a.
- 1.2 Damaged CRA offices in certain governorates/districts as a result either of the conflict or lack of maintenance, leading to closure of operations in some cases or reduced operations in other cases. This is the situation in parts of Al Hudaydah and Taiz (West Coast) where CRA has had to either rent out an apartment or use other government facilities owing to damaged state of their offices.
- 1.3 Lack of qualified CRA staff. The divide created between the north and south by the conflict has complicated staff hiring and training within CRA, disproportionately affecting the south. With the CRA headquarters remaining in the North, the headquarter staff cannot easily travel to the south to support their southern colleagues with capacity enhancement. Some of the CRA offices in the South have to engage volunteers who are ill-trained, to lead their operations.
- 1.4 Lack of other equipment: printer, camera, server, and point-to-point connection with the Central office in Sana'a. This is an issue mostly in Hudaydah and parts Taiz (West Coast).

2. Access Barriers for Applicants

- 2.1 Missing supporting documents required to issue National ID cards. CRA requires applicants to submit specific documents to support their application for national identity cards. These supporting documents include the applicant's birth certificate and their parents' national ID cards. In instances the applicant does not have the supporting documents, their chances of being issued with an ID card are diminished.
- 2.2 Access to CRA offices: In principle, every district is expected to have a CRA office, although this depends on the geographical area covered by a district. This means that two or three districts,





each covering a relatively small geographical area, can be served by one CRA office. Residents of districts with expansive geographical areas might need to travel long distances to reach the only CRA office in the district. Also, as mentioned already, some of the CRA offices are in a state of disuse, meaning that residents might have to travel to other districts to access CRA offices. Such travel entails the use of significant amounts of money that many residents do not readily have.

2.3 Unaffordability of fees associated with issuance of documentation. CRA offices in south of Yemen continue to charge fees to applicants for national ID cards and indeed other civil documentation. The fee is not harmonized across different CRA outposts in the south. Applicants have to shelve the cost of documentation separate from any attendant costs such as transportation as already mentioned above.

3. Legal obstacles

3.1 Chapter VIII of the Executive Regulation of the Civil Status and Civil Registry Law stipulates that a person must be registered in the Civil Status Department and the Civil Registry in whose area he resides, in other words, an applicant is to prove that he is a resident of the geographical unit covered by the CRA office s/he presents themselves for registration. While this on one hand serves to deny applicants residing in districts whose CRA offices are in a state of disuse from services in neighboring districts, the provision has also been misapplied to deny internally displaced persons civil documentation. The misapplication relates to some CRA offices indicating that IDPs are entitled to civil documentation in their homes/districts of origin, as opposed to areas of residence as stipulated in the law. It is therefore not uncommon for CRA offices in the South to prioritize locals of the South in issuance of documentation while keeping IDPs particularly from the north waiting.

4. Political Factors:

4.1 Applicants' place of origin affects their readiness and willingness to apply for civil documentation. Understanding the political dynamics in Yemen, some of the IDPs who are originally from areas controlled by Ansar Allah would be hesitant to apply for civil documentation in areas controlled by the Internally Recognized Government where they are currently residing owing to fear of reprisal, stigmatization and association with Ansar Allah. Part of this also relates to fear of stigmatization upon return to home of origin. So, while they remain in dire need of civil documentation, they are reluctant to approach the CRA.

4.2 CRA's reluctance to issue national IDs to some IDPs due to possible demographic changes: There have existed in some districts and governorates hosting IDPs conspiracy theories around possible alteration of demographic composition if the IDPs are facilitated to acquire civil documentation from the host districts/governorates. This is closely linked to the misapplication of the law on registration in 3 above, suggesting that persons should apply for registration in their homes or origin.

The lack and loss of civil documentation affects all population groups in Yemen whether IDPs, host community/nondisplaced Yemenis, migrants, asylum seekers and refugees. IDPs are however disproportionately affected by this issue, as both legal bottlenecks and political factors relate more to them than to other population groups, over and above the other two broad challenges around civil documentation already mentioned.

Minority groups in parts of Southern Yemen notably the *Muhamasheen* are equally significantly affected by the lack of civil documentation, with most of them reporting barriers to accessing civil documentation





as including high costs associated with obtaining documentation (affordability), lack of information (ignorance amongst the population on processes) and missing/lack of supporting documents.¹

Denial of Services

The other commonly highlighted challenge linked to civil documentation across south of Yemen is lack/denial of access to services. This Note will highlight the issue of denial of services owing to people’s inability to produce one of the specified documents required by service providers as a prerequisite to service access. When humanitarian organizations implement this policy, then significant number of deserving persons are left out from service provision.

The lack of recognized civil documentation amongst the population has created challenges in accessing humanitarian services in south of Yemen according to humanitarian actors, as alluded to hereabove. Such access constraints mostly relate to in-kind and cash assistance more than any other interventions.

According to an assessment done in May 2023 by CCCM actors in Southern Hudaydah, up to 29% of IDP households residing in managed sites lack any form of recognized civil documentation. Most of these IDP households often are in possession of other documents, notably the marriage certificate and/or election cards, both of which fall outside what is ‘recognized’ for service access.

A common donor criterion for in-kind and cash assistance is the possession of a *recognized* civil document. This criterion defines 5 recognized documents, lack of which individuals and households from the affected populations are screened out from assistance, or such assistance is delayed pending issuance of one of the recognized documents:

- a. National ID
- b. Temporary national ID (Estibyan)
- c. Temporary ID card²
- d. Passport
- e. Driving license

This list excludes more common documents like an election card, birth certificate, family book, marriage certificate/contract, and school certificates including university cards, all of which are regularly used in Yemen to provide identification.

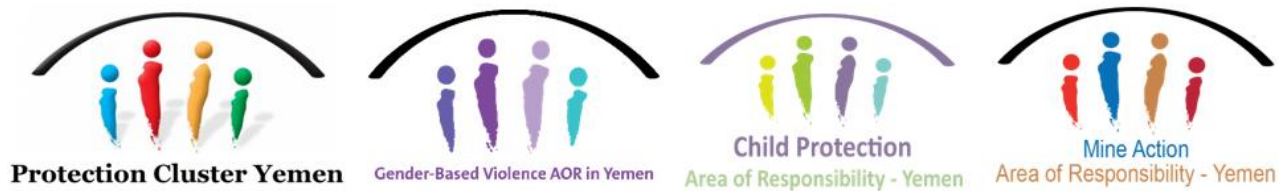
When a household lacks any of the five recognized civil identification documents, they are ineligible for in-kind or cash-based interventions/transfers until they can get one of the recognized identification documents. Denial or delay of access to humanitarian services on the basis of lack of civil documentation is problematic and has led to numerous complaints from communities to local authorities and humanitarian actors on unfair treatment, in addition to creating tensions within communities as some people receive assistance while others who are equally deserving, do not.

Protection partners in the south including Aden, Marib and West Coast report that conditions set by certain donors for access to services particularly in-kind and cash-based interventions have become stricter over time. In West Coast for instance, numerous households that received transitional shelter in

¹ Rapid Protection Assessment - Legal Documentation Needs for *Muhamasheen*, June 2023, featuring South Hudaydah governorate (Al Khokha and Hays).

² The temporary national ID (Estibyan) is a document people receive while they wait for the central CRA office in Sana’a to process their request for the national ID card; the temporary ID card is a temporary card issued by the CRA but is only valid for two years.





2020 from an NGO were ineligible for shelter maintenance through cash-based intervention in 2023 by the same NGO as they did not have the necessary recognized civil documentation, although this was not a criterion for the original in-kind distribution. Indeed, several humanitarian actors have changed their eligibility criteria to comply with donor requirements or have had to change their distribution method to avoid the civil documentation criteria (largely avoiding cash-based interventions or transfers through a financial service provider). Simultaneously, as criteria have become more rigid, it has also become more unclear as actors have different interpretations of what is accepted and not by the donors. For instance, some actors recognize expired or damaged civil documentation while others do not. Such differences among humanitarian organizations coupled with unclear criteria have created confusion amongst the affected populations as well as causing uneven implementation in South of Yemen.

In response to the widespread lack of civil documentation, and the need for some form of identification at service points, humanitarian actors have developed and are implementing different measures. One such measure entails the practice by some organizations to develop a **self-identification form** purely for access to the services offered by the organizations in question. By presenting the form, persons who do not have civil documentation can access the issuing organization’s services. Such forms may be verified by the community leader, local authority (such as the Executive Unit, ExeU), or the police. However, not all organizations can implement similar measures due to donor regulations and are thus forced to remove households from their distribution lists in the absence of ‘recognized’ documentation.

This has created uneven and unequal implementation across sites depending on the implementing actors and/or donor covering that site. In numerous area coordination meetings, actors expressed that they would like to be more flexible with the civil documentation criteria and have agreed that a self-identification form would work and meet their organizational requirements but are unable to due to donor requirements.

Pressure on Legal Aid Actors

The strict civil documentation criteria coupled with the high number of households who lack a recognized civil document has resulted in an overwhelming number of referrals to Protection/legal actors in South of Yemen for legal assistance, namely registration for civil documentation. Legal actors are unable to respond to the high number of referrals in a timely manner, and to cover the civil documentation gap related to such cases, as partners have their separate workstreams in addition to such referrals. It should be noted that even in cases where the legal actor is able to respond to a referral, it takes on average four to five weeks for a temporary ID card to be issued, and during this time, the households remain unable to access humanitarian assistance.

There are several barriers to accessing legal documentation that contribute to- and help explain- the lack of civil documentation amongst the IDPs and host community in South of Yemen. This includes but is not limited to a lack of awareness of the importance of documentation among communities; lack of understanding of the civil documentation process; cost of civil documentation; transportation cost; and lack of capacity of local CRA offices. Due to the barriers already discussed in this note, and the importance of civil documentation, legal aid is one of the most important protection services in the South of Yemen and, as aforementioned, Protection partners/legal aid actors are unable to efficiently and effectively support the IDP and host households who are excluded or at risk of being excluded from humanitarian assistance at any given time. Although lack of civil documentation is a protection issue and legal aid actors are working to address the underlying barriers mentioned above and support the most vulnerable access





civil documentation, the immediate issue of accessing humanitarian assistance, especially for in-kind and cash-based interventions, without a recognized civil document requires a multi-sector solution at the highest level with involvement of donors and the humanitarian leadership.

Conclusion

It is critical that a solution for households who lack a recognized civil document is found to enable people in need to access humanitarian assistance and not be excluded from needed services. While humanitarian actors in the South of Yemen recognize the need for identification documents to verify beneficiaries, avoid duplication, and mitigate fraud, the narrow list of recognized civil documentation and strict and rigid criteria related to identification is having real-life implications, excluding households from assistance and creating barriers of access to humanitarian services and assistance for people in need while causing tensions within the community, confusion and frustration amongst the affected population.

The limited capacity of the Civil Registration Authority as demonstrated by destroyed and malfunctioned offices, offices lacking key operating equipment, under-staffing or ill-trained CRA staff in some of the offices, etcetera is a key barrier between the Yemeni nationals and access to civil documentation. Furthermore, CRA's inconsistent application of the laws relating to registration of persons not only causes confusion to the affected population, but also denies many people their right to civil documentation. While the CRA is funded by the humanitarian community in Yemen to enhance the performance of its mandate, the Authority in its different satellite offices continues to charge applicants for issuance of documentation, which fees are not harmonized across different locations. There is need for the humanitarian leadership to step into this space and work with the CRA in improving the civil registration system in Yemen by clarifying some things and where possible, focusing support to some aspects within the system.

Recommendations for Humanitarian organizations and donors The expansion of the list of recognized civil documentation to include other civil documents that are currently excluded such as the election card, birth certificates, school certificates, marriage certificates, , university card, and allowing expired and damaged civil documents.

- Linked to the above recommendation, create one unified (and expanded) list of recognized civil documentation that all humanitarian actors recognize and abide by.
- Creation of a standard temporary identification document, such as the self-identification form being used currently by some actors. Such a standard form would be recognized by relevant donors and clusters for use by humanitarian actors/service providers to facilitate access to humanitarian services and assistance particularly to individuals and households that do not have valid civil documentation. This temporary identification document can be used while the head of household waits for an official recognized civil document to be issued. This would ensure access to services while also alleviating the pressure on the legal actors.
- Legal aid actors should engage in targeted legal awareness sessions on civil documentation to households identified to be without recognized civil documentation and in sites with low levels of civil documentation.
- Consider the need for inclusion of the cost of civil documentation such as birth certificates and IDs (temporary or permanent) in the calculation for multi-purpose cash assistance for individuals and households.





Recommendations for the Humanitarian leadership

- The humanitarian leadership ought to help underscore the government's legal obligation through the Civil Registration Authority to ensure all citizens have access to civil documentation regardless of their area or origin or other considerations. This can be done through ongoing advocacy with the CRA.
- Support fundraising for the CRA to facilitate the implementation of mobile registration services in hard-to-reach areas and areas with no access to CRA offices.
- Support the renovation of the CRA offices in a state of disuse to enhance the Authority's capacity to provide its legal obligation (a separate report of CRA offices in a state of disuse will be provided at a later time to facilitate this process). In its current state, Yemeni authorities are not prioritizing the renovation of CRA offices, and therefore the humanitarian community will need to step in.
- Work with the CRA towards the harmonization of the fees payable for the different types of civil documentation to foster trust, consistency, and predictability in the processes.

