



Report

Diversion Options and Detention Alternatives
for Women in Yemen

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Written by Dr. Najat Jumaan

International conventions on human rights state that detaining a person without trial is to be used only as a measure, a last resort, and for the shortest appropriate period of time. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment issued by the United Nations General Assembly 43/173 Dated 9 December 1988, states in Principle 4 that “Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.”, and in Principle 5 Paragraph 2, “Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.”¹ Nevertheless, the information collected in this study reveals a number of disturbing facts, as it was found that some of the women detainees were either accused or convicted of relatively minor offences often related to their families or non-serious acts under the pressure of the difficult social and economic conditions that Yemen is going through. What is worse than that is that there are some women detained inside prisons after they have completed their sentence period due to the refusal of their relatives to receive them from the official authorities as a legal condition for their release from prison and; therefore, it is common that their cases are pending for a long period of time. This contradicts the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the UN which states in Principle 36 paragraph 2 that: “The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.” Sometimes, a woman will spend longer in prison than the actual punishment for the offense committed if found guilty. It is not surprising that few women receive legal aid from lawyers pre-charge and during the trial. In the event that the accused is convicted and the imprisonment sentence is carried out, she is placed in a cell with women who may be serious offenders and those with precedents in criminality, as there is no system for sorting out female prisoners according to the type and severity of the crime. Detained women are often subjected to intimidation by their family members, and in certain cases they are abandoned and even denied their relation to the family, which may force them to join gangs. Most of the prisons in Yemen suffer from poor infrastructure and the lack of any health, educational services or psychological help. Some of the detained women suffer from malnutrition, respiratory diseases, and skin diseases due to overcrowding in detention and limited access to health services. However, there are some positive practices at the level of formal and informal (community) bodies in solving women's cases and preventing them from entering prison. It has been noted that official bodies such as the police, the prosecution, and the courts practice diversion and alternative punishments as a kind of social system that encourages helping women and spares them from imprisonment, but they are merely independent efforts as there are no specific texts that regulate restorative justice in the law, with the exception of some special cases (related to pregnancy/birth /breast-feeding / age / illness, etc.). Despite the existence of societal acceptance and legal recognition of societal solutions, the use of these alternatives has not always occurred, especially in recent years that have witnessed a decline in the practice of societal solutions that promote diverting women from formal criminal procedure to alternatives to detention due to

¹ The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted and made public by virtue of General Assembly resolution 43/173 of 9 December 1988, and is available at: <https://www.ohchr.org/ar/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>

the effects of the war that led to the deterioration of the economic and security situation in some governorates. This led to the reluctance of some practitioners to provide these services, especially among the local leaders who aspire to receive fees (a small wage) from the parties to the conflict, and this is what cannot be provided by some, especially the poor, due to the interruption of the salary for more than 4 years, the rise of unemployment rate and the poverty rate to a frightening level during the past five years. There is a rich history of informal justice systems in Yemen that can be benefited from, published and circulated in the region as it represents the most appropriate humanitarian practices for alternative measures for women in conflict with the law, and its applications and implementation mechanisms are in line with international standards for a fair judiciary represented by the restorative justice approach, which Yemen is a forerunner in its development and practice. Nonetheless, decision-makers lack sufficient knowledge and resources to implement alternative programs for detention in some cases as a result of the lack of clarity of some legal texts. For example, the penalty for compulsory labor is one of the original penalties in Yemeni law but the law did not specify the procedural mechanisms to implement it. Consequently, there is an urgent need to develop legislative texts, support specific departments related to women, and establish special units in police departments and support them with female cadres. Moreover, there is a need for material support and capacity building to overcome challenges and for the provision of enabling factors to enhance the practice of diversion and the application of alternative measures to imprisonment by supporters and international organizations working in the field of women and human rights. Reviews, evaluations and analyses of group of cases and stories collected about cases have shown that alternatives to detention can be effective in reducing recrimination and that diversion and other alternative measures to judicial and detention procedures are more effective in stabilizing the family, not only from the perspective of rights but also from a social and economic perspective. However, the detention of women leads to serious harm that goes beyond the guilty woman, extends its impact on the family, affects children, and may lead to the emergence of tragic cases as a result of the woman's imprisonment, despite the lack of reliable evidence to show that detaining women contributes to improving security or reducing criminality in community. On the contrary, placing them in prison increases their chance of recidivism. There is evidence that the crimes of women are often related to issues connected with their families or issues related to moral corruption, as the information collected on the ground showed that most of the cases related to women are connected with the family where they are exposed to abuse and domestic violence, followed by cases related to disputes between neighbors due to children or other reasons related to the daily activities of poor families.

In summary, this study sheds light on the types of diversion, alternative measures, and promising practices to ensure that women are not detained, which are practiced by formal and informal bodies and independent individuals who play important roles in preventing women from entering prison. Among such bodies are policemen, judges, lawyers, legal officers, prosecutors, civil employees, imams of mosques, sheikhs, local leaders, directors of directorates, heads of committees in the House of Representatives, and civil society organizations. There is a need to activate both social welfare and justice systems together to develop alternative programs to reduce women's detention and imprisonment. Alternatively, there is a need to develop services within prisons, such as nutrition, health care, training on life and professional skills, and education, as they play important roles in ensuring that women who have been in trouble with the law have a better chance to obtain basic services to help them integrate into community after their release in order to achieve stability, promote sustainable development, social peace and family stability.

I hope you find in this report information that helps clarify the picture about the practice of restorative justice in Yemen.

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Terms and Definitions Used

Within the scope of this study on diversion and other alternative measures for women in conflict with the law, we will deal with many terms and definitions which can be summarized as follows:

1- Diversion:

Diversion means to refer the case outside the judicial system by sparing the accused woman from contact with the judicial system and referring her to community support services.

2- Criminal Justice:

It is a set of legal services taken against women by diverting them to the competent authorities to accuse them of an act contrary to the law, starting with the initiation of the seizure and inference procedures, through the investigation phase, the trial and then the implementation of the adjudicated measure, and this is what is called the traditional aspects of criminal justice for women.

3- Restorative Justice:

It is an approach to dealing with crime that recognizes its impact on the victim, the aggressor themselves and the community in which it occurred, and it is concerned with making the aggressor responsible for repairing the damage caused by the crime, giving them opportunities to demonstrate their capabilities and positive characteristics, and dealing with feelings of guilt in a constructive way, in addition to involving others who play a role in solving conflict, including the victim, parents, extended family members and peers. The restorative justice system focuses on resolving the conflict by reconciliation by working on reparation and repairing the harm caused by the delinquent juvenile, compensating the community and the victim, and ensuring the reintegration of the delinquent juvenile as a productive member of the community.

4- Alternatives to Detention:

A set of alternatives, procedures and measures that limit detention and deprivation of liberty in all its forms, in one of two ways: The first method is to apply Non-custodial measures for women, which are stipulated for in the relevant laws. The second method is to divert women from the criminal justice system to the restorative justice system, which includes notifying the relevant authority.

5- Non-custodial Measures:

They are the decisions taken by a competent authority to subject a suspected, accused, or convicted woman to some obligations or alternative actions that do not include imprisonment, whether by applying the principle of priority release during litigation procedures, or through measures taken by the prosecution, as well as through alternative punishments that are taken by court judges, and the measures taken during the period of execution of the custodial sentences.

6- Custodial punishments:

It is any form of detention, imprisonment, or placing a person in a public or private detention framework that they are not allowed to leave of their own volition, based on an order issued by a judicial authority.

7- Alternatives to Pre-trial Detention:

They are the alternatives that may be imposed officially on women accused through the criminal justice system and that provide an alternative to the means of supervising women while awaiting trial instead of being held in a cell in police stations, pre-trial detention centers or remand centers.

8- Alternatives to Detention After Trial:

They are alternatives in the disposition / judgment stage that may be imposed on guilty women through a restorative justice system, and that provide societal options for

reintegration, supervision, and rehabilitation, rather than sending them to any form of detention and prison.

- **Women in Conflict with the Law:** Any adult female who engages with law enforcement authorities for allegedly violating, accused of violating, or confessing to violate criminal law.
- **Deprivation of Liberty:** Any form of arrest, imprisonment, or placement of a woman in a public or private place of detention, from which a woman is not allowed to leave whenever she wants, by order of any judicial, administrative or other public authority.
- **Preventive Detention/Custody:** Preventive detention / custody of women is used by the police, prosecutors and judges in order to protect them from a dangerous person or situation such as revenge of the victim (s) or the victim's family.
- **Reintegration:** Returning women who have been marginalized for some reason to the social milieu in which they live and consider them part of the community and accepted in it.

Executive Summary

The executive summary includes the main objectives and a summary of the most important findings of the desk and field review.

Introduction / Prelude

This study sought to focus on identifying urgent needs for appropriate intervention to support long-term policy initiatives that would help to systematically address prison overcrowding and poor conditions. Given the current conflict situation, there may be limited opportunities for progress on reforms at present. However, future interventions may include appropriate and rapid implementing in the practice of diversion, restorative justice, and appropriate alternative provisions for women in conflict with the law, which include appropriate options and alternatives available to women in contact with the law by evaluating and supporting appropriate prison options and alternatives available to women through the informal judicial system of customary justice and conversion, before and after the issuance of a court judgment of imprisonment. To achieve this, the type of practices that are currently applied and the ones that can be applied in the field of diversion will be determined, from formal judicial procedures before and after the trial, to alternatives through the informal justice system and the adoption of restorative judicial approaches for cases related to women.

Consequently, this study focused mainly and exclusively on identifying diversionary practices and alternative punishments within the formal and informal justice system, assessing those practices, identifying the types of challenges, their sources and causes, and how to overcome them, and identifying the enabling factors and actors that affect them in order to enhance the values of restorative justice for women in conflict with the law. To achieve this goal, information on diversion and other alternative measures was collected through a combination of four research methods that included a desk review of the Yemeni laws and relevant international agreements and treaties, various questionnaires (a questionnaire for the public, a questionnaire for experts and specialists in the field of law and restorative justice and a questionnaire for practitioners of restorative justice), interviews and visits to six governorates (Sana'a, Aden, Taiz, Ibb, Al-Hudaydah and Al-Bayda) as well as through discussion sessions (9 discussion sessions) with bodies related to the subject of the study.

I- Summary of the Most Important Desk Review Topics Relevant to the Context of Women's Justice

The desk review, focus group sessions, questionnaires, interviews, and work papers representing bodies related to the subject of the study provided important information for the context of women's justice not only in the selected governorates in particular but also for the country in general. The study included the collection and review of previous studies in the field of restorative justice and societal solutions or the so-called tribal custom, as well as collecting data and information through forms, work sessions and personal interviews for workers and experts in the field of restorative justice who belong to the informal justice system and also those affiliated with the formal justice system.

Everyone who monitors the Yemeni judicial affairs notices that official, customary and religious litigation interact clearly, and a convergence and intersection occur between them and make the impact of each of them clear on the progress of cases and their results. The justice system in Yemen lacks standards, principles and guidelines on which it is based in taking into account female privacy and responding to the needs and the requirements of gender, as dealing with females takes place according to the same mechanism in force for males, with a kind of privacy in dealing that takes place within the framework of the religious and cultural context of Yemeni society, not on an organizational or normative basis. The tribal formation of Yemeni

society and the traditional means of settling disputes between people makes the issue of working with alternatives to custodial sentences an easy matter. In the Yemeni society, which is dominated by a tendency in social relations to reconcile and mediate in order to find solutions to conflicts that may arise between members of society. For example they say, "crooked reconciliation is better than a tolerant law". This culture has made societal solutions and traditional patterns of justice equivalent to alternatives to custodial sentences, effectively not legally. The traditional patterns of justice prevailing in Yemen may serve as an entry point for promoting the idea of alternatives to custodial sentences and a method for promoting restorative justice, especially in crimes that do not involve grave danger or that harm the victim or the public interest. Those traditional patterns prevalent in many rural areas and some urban areas in Yemen represent an authentic way to resolve disputes because they are part of the legal legacy of the Yemeni people, as they represent an effective and fast method for individuals to resort to resolving their disputes away from the judiciary and resorting to it, whether the conflict is in personal status, in real estate or commercial, and even penal matters in the case of quarrels that lead to beating and wounding. However, these interventions and societal solutions remain governed by the nature of actions and the type of punishment regulated by the applicable law, and this leads us to the need to know the nature of those acts that are criminalized by the law and the original punishments stated in the Yemeni law.

The Nature of Criminalized Acts and the Original Punishments Stated in the Law:

The results of the desk study showed that the Yemeni law classifies the punishable acts into two categories of acts. The first category is the acts punishable by Hudoud (religiously stipulated punishment) and Qisas (retribution). Hudoud crimes are the acts whose punishments have a legal text and are the right of God, the Almighty, purely and they are seven²: (Transgression, apostasy, banditry, theft, adultery, slander and drinking alcohol). As for the crimes of retribution, they are the acts that are punished by a legal text and are the right of people, and they are of two types: (Crimes against persons that lead to murder, and crimes against persons other than murder, and they are crimes that affect the human body but do not destroy it.) As for the second category of punishable acts, they are the acts that require tazir and are called the tazir crimes, and they are of two types: serious crimes and minor crimes. Serious crimes are crimes, which are punishable by absolute religiously ordained punishments (Hudoud), by death in retribution (Qisas), or by severing a limb or limbs; similarly, all crimes that are convicted and sentenced to the death sentence or imprisonment for more than three years. Minor crimes are crimes that are fundamentally punished by blood money, indemnity for liable injuries, or imprisonment for a maximum of three years or a fine.

We find that the law made alternative punishments for detention one of the original punishments, as the law listed 11 original punishments, which are: 1. Capital Punishment: Execution (Killing) through a religiously ordained punishment, Retribution (Qisas) in Kind, or Tazir. 2. Stoning until death 3. Amputation as a religiously ordained punishment 4. Retribution (Qisas) for other than murder 5. Flagellation as a religiously ordained punishment 6. Imprisonment 7.



² According to *The Oxford Encyclopedia of the Islamic World* are Rebellion (*Baghi*), Apostasy (*Riddah*), War against God (*Hirabah*), Some types of theft (*Sariqa*), Illicit sexual intercourse (*Zina*), Unfounded accusation of zina (*Qadhif*), Drinking alcohol (*Shurb al-Khamr*). Available at the website: <https://www.oxfordreference.com/view/10.1093/acref/9780195305135.001.0001/acref-9780195305135-e-0322>

Blood Money 8. Indemnity Liabile Injuries³ 9. Fines 10. Crucifixion in the cases stipulated by Law 11. Compulsory Labor It is noticed that the compulsory labor punishment is one of those original punishments that the judge can use an alternative to imprisonment punishment within specific conditions and criteria. The importance of imprisonment punishments is highlighted by the Yemeni law as it is one of the original punishments that are almost accompanying every tazir crime, and the precautionary or alternative punishment in the event that the hudoud punishments or Qisas punishments are not imposed. The Yemeni legislator has approved the imprisonment punishment for more than 150 crimes in the General Penal Code, most of which do not specify the minimum period of detention and the majority of which are subject to a general minimum period of 24 hours, although the maximum period for some of them reach ten years. The law grants the trial judge the discretionary power to determine the period of imprisonment and whether to reduce or increase it. The Yemeni law philosophy regarding imprisonment punishments is unclear and their provisions are regulated as punishments depriving or restricting freedom. The Yemeni legislator has limited the period of imprisonment to not less than twenty-four hours and not exceeding ten years, except for some acts of a special nature that are specifically stipulated by the law.

Characteristics of the Judicial System in Yemen

Yemen has a peculiarity in the composition of its social structure, as the Yemeni society is tribal. This has affected the structure of the legal and judicial system, which is built on the basis of social specificity that regulates social relations and ties, which differ in the city or countryside. Therefore, we find that the legal system has taken care of that social specificity, and has taken into account to combine public and official responsibility in its judicial system for the safety of observing public and private ties that it has derived from the spirit of Islamic legislation. Therefore, we find that the legal system in Yemen has combined formal and informal mechanisms for settling disputes that arise between individuals, and while it has assigned to the formal judicial system⁴ the duties of adjudicating all disputes and crimes, we find that the Islamic Sharia has an important role in settling those disputes through religious leaders and fatwas, according to Article Three of the Yemeni constitution, which provides that the Islamic law is the main source of legislation, so it opened the door for the religious authorities to settle those disputes according to the Sharia rules mentioned in Islamic jurisprudence. In addition to that, the social leaderships have an important role in looking at these disputes and settling them. Many reports and studies indicate that an overwhelming majority of the Yemeni people adhere to the customs and traditions of conservative society, and the considerations imposed by tribal affiliation, whether political or social. Therefore, the customary justice institution has an important role in controlling matters within local communities, including even murders and disputes over the division of land and land ownership, and the priority of obtaining water from wells and various sources, which are dealt with in a manner that achieves the goal of retribution, which is to ensure community stability⁵ and it is based on that on a system of customary, tribal, substantive and procedural rules that social leaders are obligated to apply. Therefore, solutions to these disputes can be presented in accordance with the substantive and procedural rules governing that judicial system (official, legal, and customary), with



³ Known as (Al-Arish): compensation for wounds and fractures

⁴ The constitution stipulates that the judiciary is an independent authority judiciary, financially, and administratively, and the Public Prosecution is one of its bodies, and the courts shall adjudicate all disputes and crimes, etc ."

⁵ Ahmed Al-Talawi, Customary Judiciary and the Role of the Community Component in Achieving Civil Peace in Yemen, Sam Center for Strategic Studies, August 2015

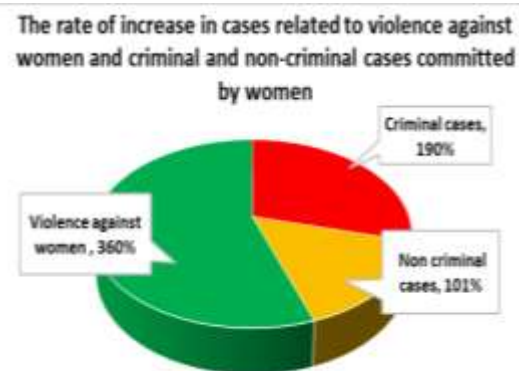
the exception of hudoud crimes in which the Yemeni legislator has restricted the right to adjudicate to the judicial system exclusively. Hudoud crimes are defined according to the text of Article (12) of The Law of Crimes and Penalties as crimes for which a specific religious Jurisdictional (Hudoud) stipulation exists and is a pure or mixed Devine right, which religious jurisdiction expresses as "limits" and they are seven: {1-Transgression (Rebellion “*Baghi*”), 2-apostasy(*Riddah*), 3-banditry (War against God “*Hirabah*”), 4-theft (Some types of theft (*Sariqa*), 5-adultery (Illicit sexual intercourse “*Zina*”), 6-slander (Unfounded accusation of zina (*Qadhf*) and 7-drinking alcohol}.

In spite of this, the study findings presented information about the existence of a number of treatments and solutions for some of these crimes, such as crimes of adultery, theft and slander. This is explained by the nature of the social structure in Yemen that sometimes allows the existence of those treatments provided by social components in conflicts that pose a threat to the harmony of the group or a threat to its unity. That result can be reached if those actions are re-examined in terms of the extension of their effect. We notice, for example, through the previous figure above that hudoud crimes are divided in terms of their impact into three categories. The first category has a direct impact that affects the social ties and it includes crimes of adultery, theft, and slander. The second category has a personal impact, and it includes the crime of drinking alcohol. The last category has a general impact that affects the sovereignty and security of the state, and because of the fact that the influence of the traditional institution extends to any conflict that poses a threat to the harmony of the group or a threat to its unity, and as the results of the study indicate that there are many community interventions that dealt with hudoud crimes, the law restricts the right to adjudicate in such crimes to the formal judicial system.

II. Summary of the Most Important Findings of the Field Study:

A. Results of the Questionnaire of Experts and Specialists in the Field of Restorative Justice

1. It became clear that there was a significant increase in the rate of violence against women during the previous years, as the rate of violence increased between 2016 and 2019 by 360%. Alternatively, there is an increase in the number of crimes committed by women, as the percentage of criminal cases increased to 190%, and non-criminal cases by 101% during the same period (opposite figure). These results indicate an increase in the rate of violence in the community, and therefore there is a need to study its causes to determine whether violence against women has led to the woman committing criminal and non-criminal crimes or vice versa (Is committing crimes what lead to violence against her?), before it becomes a phenomenon that causes extreme harm to the community as a whole and to women in particular.
2. According to experts' opinions, most of the criminal acts committed by women include family problems that amount to crimes, running away from home, disownment the paternity of a girl in the event of an honor offense and moral crimes. Most often, adultery crimes, indecent assault and corruption of morals represent 59% of women's crimes.
3. According to the experts participating in the questionnaire, the most suitable community method for settling disputes at the informal and formal level is through reconciliation and



it obtained a consensus of 98% (76% "often", 22% "sometimes"). The least two methods used to resolve disputes are arbitration and negotiations at rates of 15% and 17% respectively.

4. The majority of experts participating in the questionnaire indicated that the best stage for interventions to resolve conflicts through norms and community reconciliation, and in the case of Alhajar, mediation arbitration, is before the police arrives, with rates of 43%, 37%, 28% and 24%, respectively.
5. The findings show that each case has a financial cost that varies according to the type and complexity of the case, as well as the type of intervention. It is clear that reparation and payment of blood money were the highest cost, exceeding the amount of 400 thousand Yemeni riyals, based on the Yemeni custom, where the blood money in some cases reaches 11 million Yemeni riyals and is known as the heavy blood money.
6. As for mediation, 57% of the respondents indicated that the costs are usually between 100 and 200 thousand Yemeni riyals.
7. In case of arbitration, 43% of the participants indicated that the compensation cost ranges from 200 to 400 thousand Yemeni riyals. The estimated cost of negotiations and reconciliation is usually varied according to the type of crime committed by women, but it is no more than 400 thousand and it exceeds this amount in the case of murder and other cases such as swindling and fraud as there is often more than one victim, which requires a longer time and perhaps more than one mediator, according to tribal custom, as reported by the respondents.
8. The results of the cases committed by women and that the community components can address and end according to the restorative justice approach before reaching the official authorities showed that 67% of the acts committed by women against people are often resolved with and ended in accordance with the restorative justice approach before reaching the official authority. Next are acts committed against Property, at a rate of 43%, followed by crimes of adultery, indecent assault and corruption of morals, at a rate of 37%, then crimes afflicting the public office, at a rate of 22%, and finally, crimes of forgery, at a rate of 11% only. It can be concluded from these results that most women's cases are related to acts committed against individuals, the least of which are the crimes of forgery.
9. The results of the questionnaire revealed that the interventions after the cases reach the authorities varies according to the type of the case. Intervention often occurs in the case of crimes committed against people at a rate of 54%, and crimes related to property at a rate of 52%. A lower rate of intervention is in the case of crimes afflicting public service at a rate of 11%, and an even lower one is in the case of forgery crimes at a rate of 7% only. The percentages of levels of intervention and non-intervention vary according to the type of case (see figure). In the crimes of adultery, crimes afflicting the public office and crimes of forgery, the percentages were 17%, 20% and 28% for the respondents whose answer was "never" to intervene in these cases. On the contrary, the results showed that the rate of intervention in cases related to actions against people or Property was 100% and with different levels of intervention (often, rarely, and sometimes).
10. Participating experts indicated that crimes in which women prefer to be dealt with through the official judiciary (community custom) are cases related to fraud at a rate of 43%, and 13% in cases involving persons. While they prefer the informal judiciary in crimes committed against persons by 61%, the least of which is forgery crimes by 26%.
11. Crimes related to women in which a woman prefers to resort to the official judiciary and no conciliatory justice or treatment outside the official judiciary is applied at the present time and may be worked on in the future include forgery crimes (41%), crimes afflicting the public office (37%), crimes of adultery, indecent assault and moral corruption (30%),

- and with a lesser percentage for acts committed against Property 13% compared to only 2% of cases related to acts against persons in which conciliatory justice is not applied.
12. The differing opinions of the participants on the importance of appropriate interventions and requirements for developing community practices in solving women's cases showed that 98% of the respondents said that civil society organizations have an "important" role, compared to 89% who gave this important role for charities.
 13. There is a consensus on the importance of providing appropriate interventions and requirements to develop community practice in resolving cases where restorative justice is not applied or dealt with outside the formal judiciary at the present time. Such interventions and requirements include the formation of reconciliation committees within the courts, community committees, training, awareness, provision of work needs, financial costs to implement alternative solutions, and the support of the charitable agencies, organizations and associations working in providing alternative solutions, to a large extent (ranged between 89% - 98% as "very important and important").
 14. Alternatives to prisons that experts believe are appropriate for women and socially acceptable are material alternatives to the acts committed: against funds by 50%, against persons by 37%, on crimes of adultery, indecent assault, and corrupting morals only 20%, on crimes afflicting the public office and on forgery crimes 22% each.
 15. Support programs to be provided by institutions or community components when making a decision to apply one of the alternatives to detention for the rehabilitation and care of women and ensuring their reintegration into the community, and not to return to crime, in the case of acts committed against people, are programs of support and psychological, family and social rehabilitation and life skills. In the case of acts committed against Property, they include programs of support and psychological rehabilitation, family support and rehabilitation, social support and rehabilitation, life skills, vocational training at a rate of 24% for each. In the crimes of adultery, indecent assault, and corrupting morals, the percentage was 20%, and the rates varied for the rest of the types of support.
 16. Types of support / interventions and their level of importance suggested by the experts as "very important" to which convicted women could be diverted when applying alternatives to detention include psychological rehabilitation (89%), family rehabilitation (85%), social rehabilitation (74%), support and economic rehabilitation (87%), vocational training (87%), and educational qualification (74%).
 17. There is dissatisfaction on the part of experts about the performance and role of structural leaderships, feminist organizations, and women activists in feminist social leaderships, civil societies, the National Commission for Women in contributing to and promoting the work of the restorative justice approach. The majority of experts (more than 50%) believe those leaderships and structures, feminist organizations and women activists contributing to the promotion of the use of restorative justice and Non-custodial measures in cases committed by women are not effective and not of the required level.
 18. Regarding whether the legal system allows women judges to adjudicate criminal cases committed by women, the percentage of respondents who said "yes" is 74%, but most experts (59%) confirmed that the problem lies in the failure to transfer criminal cases committed by women to women judges, and this requires intervention of the concerned authorities.

B. Findings of the Practitioner Questionnaire:

1. The information gathered from social solutions practitioners showed that they do not wish to intervene in some cases or crimes committed by women. 59% indicated that they "never intervene" in the crimes of adultery, indecent assault, and corrupting morals, and 49% of them "do not intervene" in crimes afflicting the public office. As for forgery crimes, 61% of the

practitioners did not intervene. Alternatively, the rates of those who "often" intervened in solving such types of crimes were low at 14%, 15%, 10% for each, respectively.

2. Most practitioners prefer to intervene in cases through the traditional methods of reconciliation (59%), or through *Alhajar*, *Al'ihlakam* and *Al-Wasla* (40%), or mediation (34%), negotiations (30%) or arbitration (24%) before cases reach police stations, and at lower rates than that for the rest of the methods and the rest of the intervention stages.

Obstacles and Enabling Factors:

1. Obstacles:

The most important obstacles that limit the practice of restorative justice at the present time are the lack of legal texts authorizing the police to adjudicate women's cases according to a restorative justice approach, or to handle these cases with Non-custodial alternatives. A set of challenges and difficulties have been identified and determined according to their type, description, field, and impact on the reality of procedural work. The most important obstacles and reasons that limit the achievement of the contents and objectives of some of the alternatives stipulated in the national laws related to work in the application of these alternatives have also been identified, including the following related to:

- 1.1. The lack of clarity of some legal texts, which include expressions floating between possible, not possible and permissible as they are subject to the judge's jurisprudence to adopt or not to adopt them and no explanatory regulations have been attached to them;
- 1.2. The organizational and administrative aspect, such as the weak role of the technical sector specialized in dealing with litigating women's cases in the relevant authorities, which include the Ministry of Justice, the Attorney General's Office, the Ministry of Social Affairs and Labor and the Ministry of Human Rights;
- 1.3. The absence of internal regulations related to the organization of internal work in aspects related to the rights of women, especially women in contact with the law and defining services and programs, as well as regulations and provisions for the application of alternatives or business programs for the public benefit;
- 1.4. Technical challenges related to the official side, such as the lengthening of the investigation procedures and the litigation procedure in all its stages, failure to activate some laws such as the law relating to insolvent persons, failure to activate the conditional, permissible and obligatory release, and weakness or absence of assistance and support programs related to legal aid;
- 1.5. Technical challenges related to the informal side, including the inadequate performance of the bodies working to protect women by providing legal aid, the staff's lack of knowledge of the principles of restorative justice, and the lack of social workers at the central or local level;
- 1.6. A set of common challenges faced by official and non-official bodies related to women's cases, such as weakness or lack of equipment, inadequate infrastructure, weak staff, scarcity of material resources, weak community participation and limited support from donors.

2. Enabling Factors:

The enabling factors, required interventions and the relevant authorities were identified (more details appear in Chapter II of Section IV, pp 101-108).

- 1.1. Enabling factors were identified in this study, and they are represented in the necessity to issue regulations directives for the promotion of conversion work and alternative punishments, working to review laws and legislation related to alternatives, sensitizing judicial control agencies about the importance of practicing alternative solutions, raising awareness among members of community about the importance of tolerance and reparation from religious and moral perspective, and working to support departments specialized in women's cases within the official state apparatus (such as the women's police), as well as supporting community organizations and groups

working in the field of restorative justice or helping women such as the Yemeni Women's Union.

- 1.2. Benefiting from local leaders, community leaders and social leaders in the community in contributing to the provision of guarantees that support the implementation of the rules for alternatives to detention, such as fines to compensate the victim, reparation for harm and others, with the need to form community supervisory committees of experts and specialists in restorative justice in which women represent at least 50% to monitor performance and treat imbalances.

3. Summary of the Data collection Process included in this Report:

1. Desk Review: Laws, documents, reports and studies related to alternative punishments and restorative justice were reviewed and summarized in 49 pages within this report (Section I).
2. Data Collection: Data was collected through an electronic questionnaire for 101 targeted people from the public, and it was analyzed after reviewing it and excluding duplicate forms, analyzing them and presenting the results.
3. Data was collected through an electronic questionnaire for (46) experts and consultants in the field of formal and informal judiciary.
4. Data was collected through an electronic questionnaire for 64 mediators practicing societal solutions to women's cases in conflict with the law.
5. 7 unstructured questionnaires were created to assess the work of the authorities related to formal and informal women's cases and detailed data was collected with the aim of evaluating their activity in the field of diversion and alternative punishments, which are as follows:
 - 5.1. A paper representing the police station as a representative of the judicial control authority (General Administration of Family Protection)
 - 5.2. A paper representing the Public Prosecution as a control and investigation authority
 - 5.3. A paper representing the Ministry of Justice (Women, Children and Minors' Funds Affairs)
 - 5.4. The General Administration of Social Defense - Ministry of Social Affairs and Labor
 - 5.5. A paper representing organizations working in the field of the release of female prisoners (the National Prisoner Foundation)
 - 5.6. A paper representing organizations working in the field of women's cases (Yemen Women's Union)
 - 5.7. A paper representing community centers.
6. Nine (9) group discussion sessions and 12 in-depth interviews were carried out with Key Informant Interviews (KIIs)

Name of governorate	Number of Participants	Comments
1. Amanat Al-Asimah and Sana'a Governorate: The following discussion sessions were conducted:		
a. The first discussion session for specialists and decision-makers from the relevant authorities in Amanat Al-Asimah - Sana'a Governorate	8	Participants from related parties
b. The second discussion session for specialists and decision-makers from the relevant authorities in Sana'a Governorate	9	Participants from related parties
c. A discussion session held at the Prisoner Foundation	20	Participants from related parties
2. A discussion session in Aden	7	Participants from related parties
3. A discussion session in Al-Bayda	8	Participants from related parties
4. A discussion session in Dhamar	8	Participants from related parties

5. A discussion session in Ibb	13	Participants from related parties
6. A discussion session in Taiz	7	Participants from related parties
7. A discussion session in Al-Hudaydah	11	Participants from related parties
The total number of participants in the discussion sessions conducted	91	Ninety-one participants are experts and specialists from official and non-official bodies
A questionnaire for the public (Number of Participants)	101	
A questionnaire for experts (number of participants)	46	
A questionnaire for Practitioners (number of participants)	64	
KII Focused Interviews (Number of Participants)	12	
Total	314	

General Background About the Study and its Objectives

The general objective of this study is to benefit women who are in conflict with the law in obtaining legal and social services that enable them to obtain diversion to alternatives to imprisonment by presenting proposals and options for suitable alternatives to imprisonment. To achieve this, a methodology was prepared for the study and it included desk review forms, questionnaire and in-depth interviews with experts and key informants (KIIs) in the field of restorative justice, including community leaders, professional practitioners, or members of the community who have direct knowledge of women's cases for the purpose of collecting data on diversion, alternative measures, types of cases and solutions practiced. It also included an assessment of the actors in the field of diversion and alternative punishments. Then samples were collected from the target governorates and field visits, detailed information was collected on promising / good practices, including the ongoing costs of these practices and current and expected enabling factors and obstacles were identified. Thus, the main purpose of this study is to conduct a good and actionable analytical assessment of diversion, alternative measures, and restorative justice approaches currently practiced, as well as empowerment and barriers to the use of diversion and other alternative measures for female detainees and guilty women in line with human rights principles and standard litigation procedures. Consequently, this study seeks to support national efforts at the official and private levels, professionals in the areas of criminal justice, social care, informal judicial service providers, practitioners, and community organizations in their efforts to implement diversion programs and other alternative measures that limit detaining women and thus reducing overcrowding in prisons that suffer from a lack of humanitarian services, especially in times of conflict, as is the case in Yemen, and working on adopting policies that seek to harmonize these practices with international justice standards. Therefore, the outcomes of this study aim to present appropriate societal options and alternatives to arrest and detention available to women. The final findings of the research study are presented in a research report describing a series of promising / good practices that may serve as evidence for implementation and enforcement, changing the path of diversion, alternatives to pre-trial and post-trial detention, and restorative justice approaches. Moreover, the study will provide an assessment of current promising / good practices, identify enabling factors and barriers to the use of diversion and other alternative measures aimed at this study. The importance of this study stems from the fact that it is included in project that aims to enhance the application of diversion programs, restorative justice and Non-custodial alternatives for women in conflict with the law. The project includes a number of stages starting from conducting a good and implementable analytical evaluation on diversion, alternative measures and the restorative justice approach practiced at the present time, as well as enabling factors and barriers to the use of diversion and other alternative measures for female detainees, and women offenders, in line with human rights principles and standard litigation procedures.

1.1. THE GENERAL OBJECTIVE OF THE STUDY:

Developing the practice of diversion programs and Non-custodial measures for women in Yemen.

1.2. SUB-OBJECTIVES:

- Collecting more information about restorative justice principles, diversion programs, and Non-custodial measures for women in the targeted governorates.
- Monitoring promising / good practices and evaluating their level of success in the field of diversion programs or Non-custodial measures in the target governorates, based on their local experiences.
- Determining and analyzing the difficulties encountered in implementing those practices in order to develop and increase the efficiency of the level of implementation,

and adopting practical means and methods that enhance resorting to the application of diversion programs and Non-custodial measures when dealing with women's cases.

- Establishing joint enforcement mechanisms for the application of Non-custodial measures to ensure that custodial measures are applied only as a last resort and for the shortest possible period.
- Strengthening the enforcement of laws that regulate procedures for dealing with cases of women in conflict with the law, as well as in terms of the effectiveness of procedures, urgency in cases, and other principles for dealing with women's cases.
- Providing adequate information on the resources available within the local community to encourage the use of diversion programs or Non-custodial measures in the targeted governorates.
- Evaluating the level of actual efforts made by various governmental, non-governmental agencies and social components to work with diversion programs or Non-custodial measures in the targeted governorates.

Methodology and Methods Used in this Study

The study relied on the descriptive approach as it is the most used and appropriate for the study of social phenomena and the human sciences. The descriptive approach is based on describing and analyzing the characteristics of the phenomenon, its description and the quality of the relationship between its variables, causes and trends, by identifying the existing situation and determining the conditions and relationships that exist between the variables.

A number of descriptive research methods were relied upon, commensurate with the objectives of the study, as follows:

- i. Descriptive "Survey" Approach: To collect the required data and information.
- ii. Data collection tools:
 - a. Collecting data electronically by designing questionnaires using the Kobo Tool Box and Google form
 - b. **Collecting paper based data.**
- iii. Reviewing, writing, entering, analyzing and handling data using Excel sheet.
- iv. Interviews with Key Informants (KIIs), qualitative in-depth interviews with people with experience in social solutions who have first-hand knowledge of women's cases in community.

The methodology included preparing the ways and methods for collecting data through reviewing previous studies (desk review) and field study.

I- Desk Review:

The desk study is the first methodological step for this study. Its main purpose is to obtain a comprehensive background of existing national legislation and practices regarding adequate alternatives to imprisonment as well as the practice of diversion of women in conflict with the law to restorative justice. Data representative of the enablers and potential barriers to the use of these measures was collected in line with international standards on women's cases. The results collected through the desk review formed the basis for the methodological steps of the field study, represented by the questionnaire, interviews, and work groups of the parties related to the formal judicial system and the community judiciary. In sum, the relevant data was collected through a desk review of the field study represented by the questionnaire, interviews and work groups. Data not available in the secondary sources was emphasized in the interview questions and work groups.

Stages Of Implementing The Desk Review: -

- 1 - Phase 1: Preparation of methodology for desk review
- 2 - Phase 2: Collecting data on restorative justice in the formal and informal judiciary (diversion and alternative punishments) through:
 - 1- Desk review of the basic sources as follows:
 - i. Local laws and legislation
 - ii. Relevant international legislation and agreements.
 - iii. Local, regional and international experiences in the field of diversion and alternative punishment.
 - iv. Studies, reports, and documents related to women's cases.

II. The Field Study:

Data was collected through questionnaires, interviews, and a working group by taking a random sample from the target community, non-random samples of experts and practitioners of restorative justice from the target governorates, which contained detailed data on practices for promising / good social solutions, type of cases, special costs for providing social solutions and other alternative measures to supplement the missing data in the basic resources of the desk study, as follows:

A. Questionnaires:

- 1- Semi-structured questionnaires which are of two types:
 - v. A general online questionnaire for a segment of the target community (Appendix No. 1).
 - vi. An online questionnaire for experts (Appendix No. 2)
 - vii. An online questionnaire for restorative justice practitioners from the targeted governorates (Appendix No. 3).
- 2- The Unstructured Questionnaires:

Seven unstructured questionnaires were created to collect detailed data and representative samples of the bodies related to women's cases (police stations, the prosecution, the court, civil society organization ... etc.) on the practice of diversion and the application of alternative punishments through restorative justice. In order to achieve effective participation, a participatory approach was used with decision-makers from the parties related to women's cases by presenting their views on diversion and alternative penalties and participating in developing a perception about restorative justice that this study seeks to achieve with the aim of helping in its implementation in the future through support from relevant parties. The participation of these parties during the preparation of the study and the consultation with them in identifying the obstacles and enabling factors will help in obtaining support from stakeholders and gaining greater support that leads to the participation of all parties related to the formal and informal judiciary as basic partners in implementing the outputs of the study aimed at strengthening the practice of conversion and replacing custodial punishments with alternative punishments and facilitating their implementation. To achieve this, meetings with workers in the authorities related to the subject of the study were requested during mini-work sessions in which an explanation of the topic of the study and its importance in light of the current circumstances at the level of the family and community was provided. It was requested to submit work papers representing the viewpoint of those authorities that are involved in procedures related to women who are in conflict with the law (such as bodies of control, seizure, investigation and issuance of judgments). To achieve this, the unstructured questionnaire was completed with the participation of the authorities with work papers representing the following relevant authorities:

- The Family Protection Department - Ministry of Interior Sana'a / Aden, representing the police station as a representative of the judicial control authority
- The Public Prosecution as a control and investigation authority
- The Ministry of Justice as a representative of judicial courts
- Ministry of Social Affairs and Labor
- Community organizations working in the field of women's cases
- Yemen Women's Union
- National Prisoner Foundation

B. KIIs: An interview form with experts and consultants working in conversion practice and social solutions was prepared and it includes: An interview form for experts and consultants who practice diversion and alternative punishments within the formal and informal litigation system that includes police departments, courts, public prosecutions, local leaders, mosque imams, community leaders, civil society organizations and independent persons working in addressing women's cases.

C. Groups of Work Sessions: -

A guide was designed for groups of work sessions to collect information on the practice of diversion and social solutions in women's cases for nine working groups in the target governorates, as follows:

Amanat Al-Asimah (two working groups), and a working group was implemented in Sana'a, Aden, Al-Bayda, Dhamar, Ibb, Taiz, and Al Hudaydah.

Means and Tools:

- 1- An electronic questionnaire: Intended for the public and consists of a number of quality fields for the required data.
- 2- An electronic questionnaire: Intended for experts working in the field of criminal justice and alternatives to detention, and it consists of a number of quality fields for the required data.
- 3- An electronic questionnaire: Intended for professionals practicing in restorative justice, and it consists of a number of quality fields of required data.
- 4- Interviews: Data collection tool for targeted samples of criminal justice workers and alternatives to detention with women.
- 5- Documents and records: A data collection tool, which requires access to the records and files in the competent institutions.
- 6- Reports and previous studies: A tool for collecting data related to analytical aspects, measuring variables between reality and supposition.

Scope and Population of the Study:

1- Institutions:

- Institutions at the central level (Ministry of Justice - Office of the Attorney General - Ministry of Interior - Ministry of Social Affairs and Labor - Yemen Women's Union)
- Local institutions (primary courts - courts of appeals - prosecution offices - police stations - family protection centers - local organizations - detention institutions)

2- **Governorates:** (Amanat Al-Asimah - Sana'a - Aden - Dhamar - Al Hudaydah - Taiz - Al Bayda - Ibb).

3- **People:** -Judges - lawyers - social workers / psychologists - judicial officers - members of local councils - social leaders - religious figures and references - workers and specialists in the field of criminal justice for women - committee chairs from the House of Representatives - Women in conflict with the law in detention institutions - workers case management programme, etc.



SECTION I: DESKTOP REVIEW:

Chapter I: Recent Trends in Dealing with Cases of Women Convicted or in Violation of the Law

Chapter II: Applicability of International Law in Yemen

Chapter III: Available Alternatives to Detention in Yemeni Legislation in Light of Human Rights Standards

Chapter IV: Examples of Yemeni Practices in Applying a Restorative Justice

Section I: Desk Review:

This section includes the legal framework for restorative justice in Yemen. It includes a review and narration of international standards and the extent relevant Yemeni legislation conform with them through reviewing studies and laws related to diversion and alternative punishments within the concept of restorative justice.

Chapter I: Recent Trends in Dealing with Cases of Women Convicted or in Conflict with the Law

In its broad sense, detention, as a deprivation of liberty, means that the suspect or the convicted person is deprived of freedom by placing them in any form of detention or imprisonment in any of the detention institutions, so that they are not allowed to leave it willingly, based on an order issued by any competent authority ⁶. This is considered an exception to the right of a man or a woman to enjoy their freedom, which is guaranteed by all the international standards contained in the relevant international instruments for reasons linked to committing a criminal act, which emphasize the necessity to reduce detention, and consider the deprivation of liberty as the last resort that can be used to deal with the accused and convicted persons, especially women, and which ensure that this is implemented in all procedures and stages of their adjudication with the law ⁷. The features of alternative punishments are determined in light of the relevant international standards, with a set of alternatives, procedures and measures that limit detention and deprivation of liberty in all their forms, by following the system of diversion that aims to spare the suspect from contacting the judicial system and divert them to community support services. The diversion decision is made by following one of two methods. The first method is diversion from the criminal justice system to the restorative justice system. The second method is the application of Non-custodial measures stipulated in the relevant laws. We will deal with this in some detail in this chapter through three branches, as follows:

1. The Concept of Alternative Punishments and Their Applications Around the World (Historical Development of Alternatives to Punishment)

The modern era has witnessed an accelerated development of laws in various disciplines, especially in the fields of criminology and punishment. Theories have arisen in these two fields and numerous social, psychological and economic studies have been published indicating that prisons have become a fertile ground for the emergence and spread of criminality rather than being institutions of reform and rehabilitation. In light of this, attention to the concept of reform and rehabilitation has become among the priorities of the concerns of the United Nations and its affiliated organizations, as well as the developed countries. This interest increased with the passage of time, turning in its importance from a topic of research and study to a topic for which events and conferences were held. After the aim of punishment was retribution and revenge on the perpetrator, the goal became to reform the perpetrator and reduce the severity of the punishment, and then to reduce corporal punishment and replace it with custodial sentences represented in imprisonment. With the development of knowledge related to crime and the consequences of imprisonment, alternatives to custodial sentences have been adopted, and these preserve people's freedom and dignity, ensure that there is no retaliation is made against them by the victim, and that the perpetrators are rehabilitated and integrated the into community as effective and productive members, instead of imprisoning and making them

6 Articles (1-2) of the United Nations Standard Minimum Rules for Non-custodial Measures, "The Tokyo Rules", *ibid.*

7 Article 37 of the International Convention on the Rights of the Child, rules 11, 13, 17, 18 and 19 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice "The Beijing Rules", *ibid.*, as well as the United Nations Standard Minimum Rules for Non-custodial Measures "The Tokyo Rules", *Ibid.*, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, *ibid.*

coexist with professional criminals. In light of this, recent trends have taken the approach of unifying and reducing custodial sentences. This started in the early nineteenth century during conferences organized by the International Penal and Penitentiary Commission, in which the issue of alternative punishments was raised for the first time in the London Conference of 1872 AD, and in the wake of which the Enlightenment movement emerged in the European continent. This was clear in the writings of philosophers and writers, especially Jean-Jacques Rousseau, Montesquieu and some clerics. The trend was to treat criminals humanely in a way that preserved their humanity and at the same time helped achieve the goal of the punishment, which was the rehabilitation and discipline of the convict. Thus, punishment in its modern concept has become to mean the reintegration of the convicted into community and reforming the guilty.

The International Human Rights Law has clearly contributed to the development of the idea of Non-custodial measures and enhancing their implementation. This is affirmed in the International Covenant on Civil and Political Rights, as it stipulated in Article (9/1) that "No one shall be subjected to arbitrary arrest or detention.", and in Article (10/1), it stipulates that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." This was confirmed by what was stated in the Convention on the Rights of the Child in Article (37 / B) of it, which states that: "No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

The United Nations has also adopted a set of principles and standards that affirm that detention measures and detention should be a last resort, and that any detained person must be treated humanely. Among the most important declarations adopted by the United Nations General Assembly in this regard are the Basic Principles for the Treatment of Prisoners ⁸, Standard Minimum Rules for the Treatment of Prisoners ⁹, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ¹⁰, The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and The Rules for Non-custodial Measures (the Tokyo Rules) ¹¹, which is the most important international instrument related to Non-custodial measures, and it defines their forms, guarantees to work with them, and how to put them into practice. The United Nations also approved the Bangkok Rules relating to the treatment of women prisoners and Non-custodial measures for women offenders (12), which stress the necessity of being guided by what is stated in the Tokyo Rules, and take into account both pregnant women, minors, and foreigners.

The Most Important Justifications for the Introduction of Alternatives to Detention:

- A. The effect of imprisonment on human rights, as the right to personal freedom is one of the fundamental rights recognized internationally and nationally ¹³, and the

8 The Basic Principles for the Treatment of Prisoners were adopted and made public by United Nations General Assembly Resolution 45/111 of 14 December 1990.

9 They are called Nelson Mandela Rules, which were adopted by the United Nations General Assembly unanimously, the revised United Nations "Standard Minimum Rules for the Treatment of Prisoners", 17 December 2015.

10 Adopted and made public by United Nations General Assembly Resolution 43/173 of 9 December 1988

11 Adopted by the General Assembly in its resolution 45/110 of 14 December 1990

12 Adopted and made public by virtue of the United Nations General Assembly Resolution on 21/12/2010

13 The findings of the study of the reality of detention centers in Yemen issued by Mwatana Organization for Human Rights indicate that places of detention in Yemen do not meet international and national standards regarding the spatial environment, the specifications of the buildings, and the basic services required to be provided in places of detention. The vast majority of those places are not spacious and comfortable for detainees. They do not enjoy the necessary cleanliness, good ventilation, and adequate lighting day and night. Public water and electricity services are not available permanently except in a few cases, as many of them depend on alternative sources to provide electricity and water to their residents, and some of them cannot provide alternative sources for these services. Mostly, there are no clean and sufficient toilets for the detainees, nor clean water for washing. In most cases, the detainees do not receive mattresses and blankets, and they do not receive personal hygiene tools such as soap and razors except in very rare cases.

International Human Rights Law does not permit states to deprive the individual of it except with severe conditions related to necessity, proportionality and legitimate interest, as it makes custodial measures a final haven, with precise and specific conditions.

- B. One of the striking issues that called on the international community to adopt alternatives to detention is that the number of prisoners in the world is constantly increasing, and there is no doubt that their increase will lead to a failure to respect the Standard Minimum Rules for the Treatment of Prisoners and Persons Deprived of their Freedom.
- C. Prison conditions in a good number of countries are unacceptable due to their lack of the standards mentioned by the International Human Rights Law, as prisoners in these countries are deprived of a number of their basic human rights due to overcrowding in prisons, poor food and clothing provided to them, the lack of rehabilitation programs, and abuse.
- D. High costs of imprisonment: The introduction of Non-custodial measures contributes to avoiding the steady rise in the costs of imprisonment, which may also lead to a deterioration in prison conditions. Therefore, states seek to avoid these through alternatives to detention.
- E. Arbitrary use of prison: The vast majority of prisoners are usually from the poorest segments and vulnerable or disadvantaged groups in society. These persons may be placed in prison for having committed minor or non-serious crimes, or they may be detained during trial for an unjustified long period. Detention or imprisonment during trial may not be appropriate for them or their condition.

Therefore, Non-custodial measures allow for the use of a variety of different strategic means to deal appropriately with these individuals. Practice shows that the goals and objectives of imprisonment or detention can be achieved better and more effectively through Non-custodial means, methods and measures that involve less violation of prisoners' human rights and are less costly.

2. International Standards Relating to Non-custodial Measures:

In rules “1-4”, the Tokyo Rules ¹⁴ determine the basic principles for promoting the use of Non-custodial measures, by encouraging greater community participation in the management of criminal justice affairs, and by supporting national efforts and the competent authorities working in the field of offender justice in achieving criminal administration policies, through developing mechanisms for dealing with criminals, which is commensurate with the local political, economic, social and cultural conditions. Those mechanisms emphasize ensuring that a correct balance is established between the rights of the perpetrator and the right of the victim, and the need to stimulate community's interest in public security and crime prevention, by providing other community alternatives that reduce the use of prison, achieve the goals of criminal justice policies and respect human rights, the requirements of social justice and the criminal's rehabilitation needs. The scope of action of Non-custodial measures to all perpetrators ¹⁵ without discrimination, and their application with flexibility that is consistent and in line with the conditions of the community, the nature of the offense and its severity, the personality and background of the offender, the requirements of community protection, avoiding the unnecessary use of prison sentences to avoid the negative effects resulting from detention, and the exchange of offender patterns, is determined by encouraging local communities to develop these alternatives, expanding them and evaluating them in line with

14 Available from website: <https://www.ohchr.org/Documents/ProfessionalInterest/tokyorules.pdf>

15 The fifth rule - of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), *ibid*.

their social, cultural and economic conditions, and providing the community with the opportunity to address and correct moral imbalance.

2.1. Legal Guarantees for the Work and Application of Non-custodial Measures:

The Tokyo Rules encourage the development of alternatives to detention based on an assessment of the nature and severity of the offense and are commensurate with the personality and background of the perpetrator, and are balanced with the rights of the victim, so that these alternatives can be resorted to at any stage of the criminal proceedings, after obtaining the perpetrator's consent, while ensuring their right to be reviewed and reconsidered by a judicial body or other competent independent body, at the request of the offender, while reserving the perpetrator's right to submit a request or complaint to a judicial body or other competent independent body. As for the types of Non-custodial measures mentioned in the document, as has already been said, the measures include all stages of the criminal proceedings. Therefore, the types of measures can be determined according to the stage the case is at.

2.2. Stages of Application of Non-custodial Measures:

- A. Pre-trial Measures ¹⁶: By authorizing the police, the Public Prosecution, or other agencies concerned with handling criminal cases with the power to drop the lawsuit brought against the perpetrator whenever they deem it unnecessary to proceed with it to protect the community or prevent crime, taking into account avoiding pre-trial detention except as a last resort, while ensuring the perpetrator's right to appeal before a judicial body or any other independent competent body in cases of using pre-trial detention ¹⁷.
- B. Trial and Sentencing Phase ¹⁸: Through the court adapting the measure in light of the social investigation reports that provide information on the perpetrator's social background related to their personal pattern of criminality and current crimes, and recommendations related to sentencing procedures.
- C. Sentencing Measures ¹⁹: At this stage, the authorities that issue judgments may decide cases in the following ways: (Verbal punishments such as warning, reprimand and warning; parole; penalties that affect an individual's legal status, economic sanctions and monetary penalties such as fines, and ordering the confiscation of Property or expropriation ...etc.; suspended judgment; placing defendants on probation and judicial supervision; commanding the criminal to perform services for the local community; referral to attendance centers; compulsory residence; and any other form of treatment other than placing in a detention facility).
- D. Post Sentencing Stage ²⁰: Among the alternatives that may be covered by the judgment are the following: (Furlough, halfway houses, work or education release, various forms of parole, remission, pardon).

In order to ensure the achievement of the desired goal of applying the alternatives, to limit the recurrence of crimes and help the criminal to integrate into community, the document stresses the importance of supervising measures being undertaken by a competent body that undertakes the tasks of reviewing and evaluating the measure periodically and the level of achieving its objectives.

16 Rule No.... of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), *ibid*.

17 The Sixth Rule of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), *ibid*.

18 The seventh Rule, *ibid*.

19 The Eighth Rule, *ibid*.

20 The Ninth Rule, *ibid*.

3. Women and Alternatives to Detention:

Taking into consideration that female prisoners are one of the vulnerable groups that have special needs and requirements, noting that many prison facilities around the world are primarily prepared for male prisoners, while the number of female prisoners is increasing significantly, and with the recognition that a large number of women offenders do not pose a threat to community and their imprisonment may make their reintegration into the community more difficult, like the case of other offenders, the international community has been keen to establish complementary rules for the treatment of arrested and detained females in custodial and Non-custodial facilities. In 2009, the Thai government submitted a resolution to the Commission on Crime Prevention and Criminal Justice, a subsidiary body of the United Nations Economic and Social Council, that details the extent to which women prisoners are exposed to a system built primarily for men. This resolution launched a series of meetings that culminated in the United Nations General Assembly's 2010 adoption of the first set of rules focusing on women prisoners, "Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the Bangkok Rules, which encouraged Member States "to adopt legislation to create alternatives to imprisonment and to give priority to financing such systems, as well as to develop the necessary mechanisms for their implementation."

3.1. Reasons and Justifications for Resorting to Alternative Punishments in Women's Cases:

The justifications for resorting to alternative punishments are in fact the same justifications for excluding custodial punishments, i.e. their defects, and as Behzad et al. (2012) mentioned, they include positive results which are as follows:

- Avoiding exposing women and their families to the shame that will be attached to them for so long and that causes social problems in a conservative and intolerant society like that of Yemen. Even worse, there are cases in which the family abandons the woman who entered prison for any charge, regardless of the type or size of the offense committed, and these negatives can be avoided by applying the alternative punishment.
- Utilization of the Workforce: The aim of alternative punishments is not to separate women convicted of minor prison sentences from their work and to benefit from them according to their capacity and ability to work in public service in state institutions such as hospitals, parks and schools, etc. Instead of restricting their freedom and putting them in prison.
- Avoiding the negative effects of imprisonment known to specialists, which showed that prisons are no longer a place to reform the offenders. What is worse is that they may be exploited because of mixing with prisoners of criminal record and become dangerous to community.
- Avoiding community's low perception and contempt for female prisoners: Among the negative effects of imprisonment is the negative perception of community regarding the female prisoner and her family.
- Reducing the social and economic negatives of prisons: Among the social negatives of prisons is separating the woman prisoner from her family and her social environment, either due to social factors (her family denies her) or economic (transportation costs for the purpose of visits may be unaffordable among the poor categories). Among the other negative effects of imprisonment, the husband may resort to marrying another woman, which leads to social problems in the event that there are children of school age.
- Avoiding the effects of the low health level among female prisoners: Female prisoners are exposed to adverse health effects and psychological disorders that are difficult to treat due to the lack or weakness of psychological and health services in most Yemeni prisons.

- Saving the state budget: Saving the financial costs that are spent on female prisoners serving simple sentences and the absence of benefit from the short prison term, not to mention the great harms that afflict the woman and her family. Consequently, the prison sentence in such cases exhausts the state treasury and does not achieve the desired benefit. Therefore, resorting to alternative punishments will contribute to reducing the financial burden. Some studies have shown that the costs of imprisonment are high, for example the cost per prisoner per month in Kurdish prisons amounted to at least 450 thousand Iraqi dinars (Behzad, 2012), and in England the cost per prisoner per year is approximately £ 50,000 and the cost of administering community service is £ 2,500.
- Preventing corrupting women prisoners and repeating the percentage of perpetrators of the same acts criminalized by the law, and thus limiting the acquisition by prisoners of the culture of acceptance of imprisonment as an alternative to the culture of freedom, where the prisoner is exposed during her imprisonment to contact with criminals with a history who have a major involvement in criminality and criminal methods in light of not separating prisoners according to the type of crimes or in light of the gravity of the crimes committed or the punishments and the seriousness of each offender. This results in the acquisition of a criminal culture from dangerous criminals, and instead of reforming them, they may commit greater crimes, and consequently the goal of imprisonment, which is reform and rehabilitation, is not achieved.
- Mistreatment of Female Prisoners: The mistreatment of female prisoners is reflected on the reform programs presented to them. Reform requires a lot of time and effort. The short period of punishment is not sufficient to reform the offender and does not achieve the desired goal of imprisonment represented in general and individual deterrence. In other words, it cannot achieve the aim of punishment. Studies have shown that the system of work for the public interest and alternative punishments came to complement the well-known objectives of the purposes of punishment, which are general deterrence, individual deterrence and achieving justice, which are the purposes of the penal policy for combating crime according to the type of crime, the social risk of its perpetrator and the interest that has been attacked.

3.2. International Standards for Alternatives to Detention Available to Women:

Bangkok Rules ²¹ present guidance to policymakers, legislators, sentencing authorities, and prison staff to reduce women's incarceration, and to meet the specific needs of women in incarceration. The rules cover a variety of issues, such as admission procedures, health care, humane treatment, research procedures, and children who accompany their mothers to prison. Bangkok Rules direct to protect the rights of detained women, and care about the status of female prisoners at all stages of the case to include women who are administratively arrested (pre-trial detention), prisoners awaiting trial (awaiting trial), women sentenced and convicted, women sentenced to Non-custodial sentences, children of imprisoned parents and children accompanying their imprisoned mothers. These rules address the various needs of women, and although they stress the reduction of unnecessary imprisonment for women and the application of alternatives to detention, they stress the importance of responding to the special needs of women prisoners, such as providing adequate health care, humane treatment, preserving dignity during the process of inspection, protection from violence, providing for the children of female prisoners, the importance of taking into account gender differences in detention, and activating alternatives to detention that guarantee reintegration in an appropriate manner. In the field of Non-custodial measures, rules (57-62) regulate the process of diverting women to reform programs outside the scope of criminal justice, and the principles that must be taken

21 https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

into account when applying these alternatives, such as not being separated from their families and communities, applying alternative methods of detention to women in all stages of the case, providing the necessary resources to integrate alternatives with treatment systems, psychological counseling and educational and rehabilitative programs. Moreover, they stress the importance of courts having the power to enable them to consider mitigating factors for the judgment such as criminal record, the seriousness of the criminal act, the nature of the act, women's care responsibilities and their special status.

3.3. Conditions or Controls

It is possible that alternatives to Non-custodial sentences not only may have negative effects on the offender, and thus may not achieve the desired purpose or goal, but also may lead to the opposite of their intended purpose. In order for these punishments to remain within the desired goals, conditions and controls must be established; a legal and legitimate framework that cannot be bypassed. Among the most important of these controls are ²²:

- The alternatives to be applied do not conflict with human rights: It is well known that human freedom is the most important thing in existence, and this is what international conventions on human rights and international conferences on crime prevention confirm. Therefore, the alternatives should not harm the convicted person, either physically or psychologically.
- Applying alternative punishments by the judicial authority or the public prosecution: In many countries the system of alternative punishments is applied through a special judicial institution established for this purpose and in some systems, it is called the execution judge. The execution judge is the one who decides to replace the original punishment with an alternative punishment and the women offenders remain under the supervision of the judiciary in order to reconsider the punishment when needed and stop it if its purpose is achieved or replace it with a variety of aggravating or mitigating factors, including imprisonment if it turns out to be ineffective. Consequently, there is a need for a system that regulates alternative punishments within the official judiciary, and for it to be stipulated in the Penal Code or Criminal Procedures, and there must be a unit specialized in applying the alternative punishment in an orderly manner without leaving it to the jurisprudence.
- Consent of the convicted woman to subject her to the alternative punishment: The alternative punishment must be compatible with the desire of the convicted woman, especially if it is a work for the benefit of community, such as working in a public institution and the convicted woman does not want to perform this work because of the negative effects it may have. When neglecting this, it is not possible to expect the convicted woman to do the work assigned to her in the required and correct manner if she did not agree to it. She should be willing to do it and prefer it to the original punishment.
- Taking into account the personal and social conditions of the convicted woman in terms of her health and psychological condition, as well as the circumstances surrounding the offense or the crime she committed, so that the alternative is proportional to the gravity of the crime.

In addition to the above, keeping away from defaming the convicted woman and from anything that causes negative effects for her (or her family) such as stigma and embarrassment in front of the family, peers, neighbors or others.

France is like other European countries that have tended to introduce an alternative punishment system in their penal organizations. Perhaps the most important alternatives

22 Behzad Ali Adam (2012). The concept of alternative punishments, Center for Secular Studies and Research in the Arab World <http://www.ssraw.org> - <http://www.ssraw.org/ar/print.art.asp?aid=327319&ac=1>.

that France have taken are: daily fine, semi-freedom, suspension of punishment, conditional release, electronic monitoring, work for the public service.

- A. Daily Fine System: The daily fine is generally intended to compel the convict to pay a sum of money estimated in the sentence for the state treasury. French law has defined the fine as a Non-custodial alternative titled daily fine (or fine days)
- B. Semi-Freedom System: This system is intended to allow the convicts to go outside the penal institution and without constant supervision, either to practice a technical work or to receive an education in an educational institution.
- C. The System of Suspending the Execution of the Punishment: The system of suspending the execution of the punishment means suspending the execution of the punishment of the defendant, and the suspension of the execution of the punishment as soon as the sentence is issued on a suspended condition, within a period of time specified by the law. If the condition is not met, the conviction sentence shall be annulled; if it was not met, the sentence shall be executed in full ²³.
- D. The Conditional Release System: It means "a system whereby the Punitive Administration allows the release of the convict before the end of the period of execution of the originally imposed sentence, provided that they adhere to good conduct and perform the duties imposed during the remaining period of the sentence until its final termination according to the date specified in the sentence ²⁴.
- E. The Electronic Monitoring System: The electronic monitoring system, whether it is an alternative to custodial punishments or an alternative to pre-trial detention, is one of the most important results of technological progress, which in turn had a positive effect on the penal policy in most contemporary regimes that have adopted it ²⁵.

On the other hand, the English law provides alternative punishments since 1972, such as community service, which is called "paying debt to society", in addition to electronic monitoring that was approved in 2010. Overall, operating Frankland Prison in 2017/2018 cost £ 51 million. In other prisons in the northeast, the cost of keeping an inmate in HMP Durham prison has increased by 9.9% to an average of £ 31,765. Across England and Wales, it costs an average of £ 37,543 a year to keep a prisoner in jail last year. This was up 6.1% from £ 35,271 in (2016/2017).²⁶ As for Australia, the annual cost of prisons in Australia was more than \$ 4.6 billion in 2017-2018, i.e., \$ 302 per prisoner per day²⁷.

In USA, the application of restorative justice has witnessed a significant increase during the previous years, after studies showed the high cost of custodial punishments represented by prison punishments; the cost, based on the 2018 fiscal year data, was about \$ 37,449.00 (\$ 102.60 per day / person) for federal prisoners in federal facilities and \$ 34,492.50 (\$ 94.50 per day / person) for federal prisoners in community correctional centers ²⁸.

As for the African continent, the Ouagadougou ²⁹ Declaration issued in 2002 by the African Commission on Human and Peoples' Rights states in its first article, "Criminal justice agencies should work together more closely to make less use of imprisonment."³⁰ It is evident from this that many countries of the world have replaced the prison sentence with other

23 Fahd Yousef Al-Kasaksa, "Punishment's Function and its Role in Reform and Rehabilitation, *Ibid.*, p. 289.

24 Ishaq Ibrahim Mansour, *Ibid.*, pp. 211 and 212.

25 Saher Ibrahim Al-Walid, an article entitled "Electronic Monitoring of the Accused as a Means to Reduce the Evils of Pre-Trial Detention: An Analytical Study, *Journal of the Islamic University for Islamic Studies*, Volume 21, First Issue, January 2003, p. 663.

26 <https://www.chroniclive.co.uk/news/north-east-news/hmp-frankland-most-notorious-prisoners-15332522>

27 <https://www.ceda.com.au/Digital-hub/Blogs/CEDA-Blog/July-2019/Australia-pays-the-price-for-increasing-rates-of-imprisonment#:~:text=According%20to%20the%20Productivity%20Commission,%24302%20per%20prisoner%20per%20day.>

28 <https://www.federalregister.gov/documents/2019/11/19/2019-24942/annual-determination-of-average-cost-of-incarceration-fee-coif>

29 The capital of Burkina Faso

30 <https://storage.googleapis.com/qurium/fakartany.com/9ba47c724ca74c56abb00e0317a73438.html>

alternative punishments, in many minor crimes and crimes that do not pose a real threat to society to reduce the burden on the state and to reduce prison being overcrowded with large numbers of detainees and prisoners.

There is no doubt that the implementation of Non-custodial measures in Arab countries has become an urgent requirement in recent years, and it is seen as one of the most prominent aspects of the reforms that are expected to be approved and put into practice in the coming years under the pressure of human rights activists at the local and international levels and the aspirations of citizens who seek to bring about change and transformation from punitive policies to modern and contemporary criminal policies that are consistent with basic human rights and actually achieve the goals of the criminal justice system in most countries of the region. Here, it is important to refer to a number of Arab experiences. Perhaps one of the most important Non-custodial alternatives the Egyptian legislator has adopted is to work with a system of suspending the execution of punishment. The system of suspension of execution was defined for the first time in the Egyptian Penal Code according to the law issued on February 14, 1904 in Chapter IV under the title "Sentences Whose Execution is Suspended on a Condition." The Egyptian legislator has dealt with the system of suspension of execution and its provisions in Articles 55 to 59 of the Egyptian Penal Code, and the Egyptian legislator also dealt with the conditional release system, the provisions of which are mentioned in Articles 52 to 64 of the Egyptian Prisons Organization Law, considering that conditional release is one of the means of punishment. The Egyptian legislator adopts the system of work for public service, as an alternative to simple imprisonment for a period not exceeding six months, as Article 18/2 of the Penal Code stipulates.

Among the alternatives to punishment that the Jordanian legislator has adopted, it has begun to apply house arrest as one of the alternatives. The Jordanian legislator believes that placing the person under police control is one of the preventive measures to deal with cases of criminal seriousness for some groups of criminals. The Crime Prevention Law No. 07 of the year 1954 includes some provisions and rules for measures to impose house arrest³¹. Moreover, the system of suspension of the execution of punishment was introduced as a judicial procedure subject to the judge's discretionary authority, and the conditions of work in this system were regulated. In addition, the system of conditional release was regulated, as it was stipulated in this system under the title of encouraging treatment of inmates; Article 34 states that "Correctional and rehabilitation centers must make the necessary arrangements to encourage inmates to improve their behavior to enable inmates sentenced to a month or more imprisonment, detention, or hard labor to be released if they have served three quarters of their sentence."

Among some of the applications for alternative punishments in other Arab countries, what is stipulated in the Lebanese Penal Code in Articles 169 to 172, the Libyan Penal Code in Articles 112 to 115, and Article 82 of the Kuwaiti Penal Code of 1960 as well as in Qatar and Tunisia.³² This system is limited to juvenile delinquents in the UAE, Tunisia and Iraq. Sudan and Kuwait place the convict under judicial probation or social control, while this is limited to juvenile delinquents in the United Arab Emirates, Tunisia, and Iraq. Some countries take the residency ban system as an original measure, as is the case in the UAE. Moreover, there are some countries, such as Tunisia, Algeria, and Qatar, that limit it to specific crimes such as drug crimes or as a precautionary measure. The purpose of this system is to remove the convicted person from places that affect their behavior. Moreover, work for the public service is considered an alternative punishment in most Arab legislations such as the UAE,

31 Fahd Yusef Al-Kasasa, "The Punishment's Function and Its Role in Reform and Rehabilitation: A Comparative Study", *Ibid.*, p. 297

32 Pohentala Yassin, "The Punitive Value of a Custodial Punishment: A Study in the Algerian Legislation," *Ibid.*, p. 141.

Sudan and Tunisia, but only in minor crimes and its application was restricted to juvenile delinquents in both Egypt and Bahrain ³³.

It is evident from the above that the international community has paid great attention to alternative punishments. It can be said that many countries have started implementing alternative punishments and have achieved great positive results in the economic and social aspects, reducing crime rates and achieving other advantages. As for Yemen, the need to adopt alternative punishments has become an urgent necessity given the current conditions in Yemen such as the war, which has led to the deterioration of the economy and the loss of work for many people. This has constituted psychological pressure on family life and has led to the spread of some simple negative phenomena (such as theft and minor assaults) imposed by the circumstances. It is unfair to view such cases as crimes that deserve imprisonment, but at the same time they cannot be ignored and accepted completely. Therefore, it is necessary to present appropriate options to deal with them. In order to achieve this, this study seeks to present an integrated vision about diversion options, alternative measures, the restorative justice approach related to women's cases, and discuss the proposal with many concerned parties, such as the Yemeni Bar Association, civil society organizations that work on the criminal justice file, human rights organizations, and the Yemen Women's Union. Then we seek to share the results with the competent authorities that are expected to adopt them and direct their implementation or issue a special regulation on alternative punishments or a law in this regard and present it to the relevant authorities for approval, because of prison overcrowding due to minor cases and the preventive imprisonment of many women. It is likely that the proposal to replace the imprisonment punishment with alternative punishments will be supported as soon as possible and that a real discussion will occur between the parties concerned.

International charters and instruments have given women special attention in determining many guarantees to protect their rights, in addition to their equality with men in various fields. In this part of the study we will highlight the findings of the desk review on the position of the Yemeni legislator in dealing with these standards, and their applicability in Yemen or their direct use before the judiciary of Yemen, which we explain as follows:

Chapter II: Applicability of International Law in Yemen:

Most of the international standards concerned with the issue of fair trial are applicable in Yemen as a party to it. Yemen is one of the Arab countries most interacting with international human rights mechanisms, and it is the country that has ratified the biggest number of them; on September 29, 1994 it has ratified the Universal Declaration of Human Rights under which states agree on the right of every person to enjoy all rights and freedoms without any discrimination. Moreover, in 1978 it has ratified the International Covenant on Civil and Political Rights according to which states parties undertake to respect rights in relation to the political and civil aspects and guarantee them for all individuals without discrimination. In addition, it has ratified the International Covenant on Economic, Social and Cultural Rights, whose articles focus on the principle of the right to self-determination for all peoples and the pursuit of their economic, social and cultural growth with the commitment of states to make the exercise of these rights clear of racial discrimination. Also, it ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 5/11/1991. In 1972, it ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Political Rights of Women in 1987 as well as the Convention on the Elimination of All Forms of Discrimination Against Women in 1984, and other international conventions and instruments related to a fair trial for women.

³³ Abdullah bin Ali Al-Khathami, "Alternatives to Custodial Punishment Between Reality and Expectations," *Ibid.*, pp. 103 and 104.

A- The Supremacy of International Standards Over National Law: It is known that the rank of these international standards differs from one state to another, as some give them a higher rank that transcends all national legislation, including the constitution, and others give them the rank of national legislation that follows the constitution in rank within certain conditions and controls, such as the condition of parliamentary approval or publication in the Official Gazette. Paragraphs (12-13) of Article 119 and Article 92 of the Constitution regulate the procedures for ratification of international agreements as follows:

- -The promulgation of laws regarding these agreements to have the force of ordinary national legislation, but they do not transcend the constitution ³⁴.
- issuing a republican decision to ratify treaties and agreements approved by the House of Representatives, or issuing them by Republican Decrees by the President of the Republic in accordance with the constitutional authority granted to him in some treaties and agreements that do not need ratification by the House of Representatives after the approval of the Council of Ministers." The obligations contained in these agreements are implemented through the issuance of national laws in which the provisions of the conventions are included to become enforceable national legal provisions.

B - Directly Invoking International Human Rights Law before the Yemeni Judiciary:

A number of applied models were found to include some articles of international treaties in national legislation, and the permissibility of invoking ratified international standards before the Yemeni judiciary. The Yemeni legislator has given agreements on international judicial cooperation priority in implementation and explicitly stipulates this, so the national text is only applied in the absence of an agreement that regulates this or the absence of an agreement between Yemen and another country. However, it is devoid of regulating judicial cooperation between the two states, as Article (251) of the Criminal Procedures Law states in the chapter that regulates international judicial delegation "The provisions of this Section are only applicable where there are no agreements existing with other countries, or where such agreements do not have provisions which pertain thereto. " Such a ruling is repeated in the Money Laundering and Terrorism Financing Law; Article (34) Paragraph (B) of it states that: "Subject to what is stipulated in bilateral or multilateral agreements concerning the exchange of legal aid in which the Republic is a party and the principle of reciprocity, the competent judicial authorities may provide any the legal aids." Jurisprudence explains the priority of application of treaties, given that they contain special texts and the special text has supremacy to the public, but they are below the rank of the Constitution, which is superior to all other legislation. Therefore, in accordance with what the constitution affirms in Article VI of Yemen's commitment to work with the United Nations Charter, the Universal Declaration of Human Rights and the Charter of the League of Arab States and the generally recognized rules of International Law, the judge should take into account this binding force of treaties and apply them to national laws in case of conflict. The legislative authority must also embody the state's respect for international conventions in its national legislation by harmonizing its legislation with what is required by those treaties and not in conflict with the constitution and the peremptory principles of significance and evidence in Islamic Law ³⁵.

34 Article (92) states that: "The House of Representatives shall ratify international treaties and Conventions of a general political and economic nature, in whatsoever form or level, and in particular those connected to defense, alliance, conciliation, peace or border issues. All international Conventions and treaties which involve financial commitments on part of the State or require a law for enactment shall also be ratified by the House of Representatives." Then the President of the republic shall undertake "

35 Article (92) states that: "The House of Representatives shall ratify international treaties and Conventions of a general political and economic nature, in whatsoever form or level, and in particular those connected to defense, alliance, conciliation, peace or border issues. All international Conventions and treaties which involve financial commitments on part of the State or require a law for enactment shall also be ratified by the House of Representatives."

4. International Standards Related to Fair Trial Principles and Guarantees for Women in Yemeni Law:

Given that women are half of the community and are the ones on whom the other half depends in various fields of life, international conventions have given them a special interest in determining guarantees and rights in addition to their equality with men in various fields. Through this part, we will show the extent to which what is contained in national legal texts conforms to these principles and guarantees contained in international fair trial instruments, with commentary on the issues regarding agreement or disagreement. This will be clear through this part of the chapter based on the results of the analysis and comparison between the most important principles, rights and general guarantees for the next fair trial:

4.1. Rights and Guarantees for Women in Detention:

International and regional standards have specified a number of rights and guarantees for women based on the special qualities enjoyed by women that require taking into account, for example, the necessity to detain women separately from men and be supervised by female guards, either by placing them in an institutions special for them, or detaining them in a separate ward under the supervision of female staff if the prison is mixed. "No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member, and when any female detainee or prisoner is questioned, a female employee must attend the questioning. Moreover, this female employee alone must be entrusted with conducting anybody search of the detainee or prisoner" Rule 81 of the Minimum Standard Rules for the Treatment of Prisoners. Therefore, men and women are to be imprisoned, as far as possible, in different institutions. "When there is an institution that receives both genders, it is imperative that all of the places designated for women be completely separate." - Money Laundering and Terrorism Financing Law; Article (34) Paragraph (B) of the Rules for the Treatment of Prisoners. In mixed prisons, staff is to be trained on how to deal with issues that affect women³⁶, and institutions designated for the detention of women shall be equipped with facilities to provide medical care and treatment for pregnant and nursing women.

By reviewing Yemeni legislation and comparing it with what was stated in international standards, we find that Yemeni law has been keen to include these rights and guarantees in many legal texts as follows:

1. Provision of Specialized Female Staff: It is required for the interrogation to be attended by a female employee who is alone assigned to conduct any body search for female detainees or prisoners. Moreover, the competent authorities in all stages of evidence gathering, investigation or trial must provide the specialized female staff when conducting investigations of women and in their places of detention, care and accommodation, Article 7 of the Human Trafficking Act.
2. Prohibition to Searching a Female by a non-Female: The Yemeni law prohibits searching an arrested woman by a female according to Article (143) which states: "A female may not be searched except through another female who is called for this purpose by the person conducting the search; her name and identification card number shall be recorded in the Minutes (Report) of the Search; the search is conducted with the presence of two female witnesses".
3. Non-permissible Entering of Persons to Women Prisoners: Article 4 (19) of the Regulation on Prisons Organization Law stipulates that no one may enter women's

³⁶ See Articles 2 of the Universal Declaration of Human Rights and Articles 2, 3, and 26 of the International Covenant on Political and Civil Rights.

prison or places designated for their residence or work except for persons legally authorized to do so to perform their official work, and on condition that this takes place in the presence of the female supervisor of the women prison or whoever acts on her behalf.

4. The right to work in prison in a way that is proportional to the nature of the woman: Article 23 (b) of the regulations on the Prisons Organization Law gives women the right to work in prison and states that: "Female prisoners sentenced to prison should only be employed in jobs that are appropriate to the nature of the woman."
5. The right to health care and care for pregnant and nursing women and exemption from disciplinary measures: Where the aforementioned Article 27 decides: (The right of pregnant and nursing women to the necessary medical care and care - their exemption from disciplinary measures imposed on prisoners in accordance with the provisions of this law), and states that: " Pregnant women who are imprisoned before, during and after childbirth must be provided with the necessary medical care and care in accordance with the directives of the specialist doctor and according to the regulation. Prisoners according to the provisions of this law. Prisoners who are pregnant shall be provided, in accordance with the regulations, with suitable pre-, peri- and postnatal care under medical supervision. The competent authorities shall provide such pregnant woman or mother with food as directed. Pregnant prisoners and nursing mothers shall be exempt in all circumstances from the disciplinary measures applicable to prisoners under this Act.

4.2. Rights and Guarantees for Pregnant Women

International standards restrict the imposition of the death penalty through excluding certain categories from its application, including people who were under eighteen at the time of their crimes (juveniles), people over the age of seventy, pregnant and nursing women, and people suffering from mental disorders or mental illnesses. This is stated in the text of Article 12 of the Arab Charter on Human Rights, which states: "Sentences of death shall not be carried-out on persons below eighteen years of age, or a pregnant woman, until she gives birth, or a nursing mother, until two years have passed from the date of [her child's] birth. In all cases the interest of the infant prevails."

The Yemeni legislator has exempted pregnant and nursing women by delaying the execution of the death penalty. Article (484) of the Code of Criminal Procedures provides for the suspension of the execution of the death penalty, religiously stipulated punishment or retribution that results in the departure of the soul or an organ of the body in a pregnant and nursing woman and states that: "The sentences meted out to pregnant women or nursing mother shall be suspended until she has given birth or had ceased breast – feeding after two years; someone else has been found to take care of the child; she shall be imprisoned until such time that the sentence can be carried out accordingly. "

We also find that Yemeni law has also singled out the suspension of the execution of the stoning penalty, as Article (487) of the Code of Criminal Procedures stipulated that the execution of the penalty of stoning a pregnant and nursing woman should be stopped in the event of a conviction for the crime of adultery, and if she is protected (married). Article (492) of the Code of Criminal Procedures stipulates that the punishment of flogging be stopped for pregnant and nursing women in the event of a conviction for the crime of adultery if they are unmarried, slandering for adultery, or drinking alcohol if the specialist doctor decides that: And it states that: "....., Flogging shall be undertaken under the supervision of the relevant medical doctor, after the latter has decided that the execution of the sentence will not lead to the death of the sentenced defendant, in which case the flogging shall be suspended."

4.3. Rights and Guarantees for the Woman as a Victim

Relevant standards in international conventions emphasize that when a woman is the victim, she shall have the right to defense in discussing witnesses present in court and in calling experts and other persons who can shed light on facts to testify. Special measures may be required to address special requirements for investigating crimes that involve the use of violence against women and the prosecution and punishment of perpetrators, including rape and other forms of serious sexual assault. Often women who are victims of these forms of violence are reluctant to testify. Relevant standards in international conventions also stress the importance of adequate training for judges and judicial personnel who are engaged in these cases in order to be trained in handling such cases, to sense their sensitivities, and to help them deal with cases involving acts of violence against women. Moreover, they emphasize that effective measures must be taken to protect women victims, their families and witnesses from being subjected to retaliation and unnecessary suffering that public trials may cause without affecting the rights of suspects and defendant to a fair trial.

By comparing these principles, we find that the Yemeni law has stipulated many of these rights. Article 264 of the Code of Criminal Procedures, for example, gives litigants the right to present their evidence and to discuss witnesses. The procedures before the courts are verbal and the court has a positive role when considering the case, as it must examine the evidence directly and interrogate the defendant, the victim, witnesses, the civil claimant, and the civil official; listens to expert reports; examines the material evidence; reads records and other documents; and submits them to verbal discussion. The clause of equality before the law shall be considered concerning investigating crimes involving the use of violence against women and in prosecuting and punishing the perpetrators, including rape and other forms of serious sexual assaults, where the litigants, the defendant or the victim, in accordance with the constitutional and procedural legitimacy and procedural legitimacy in the Code of Criminal Procedures have equal rights before the law without any discrimination on the grounds of nationality, race, origin, language, creed, profession, degree of education, or social status. Moreover, Article 263 of the Code of Criminal Procedures permits all or some of the court sessions to be secret and not attended by persons irrelevant to the case, in the interest of security and order, or for the preservation of morals, or if there is a concern of divulging secrets about the private life of the parties to the case. In terms of receiving adequate training for judges and judicial personnel who may be used in these cases, the Law of the Higher Judicial Institute No. 34 of 2008 guarantees the training of judges according to general or specialized training programs according to the continuous training system at the Higher Judicial Institute and the Training and Rehabilitation Department of the Public Prosecutor's office. This needs to be more activated, especially in the conditions of women and juvenile justice. Finally, we recommend for this guide to pay more attention to addressing this aspect so that judges are trained to deal with these cases and to sense their sensitivity, and to help them deal with cases involving violence against women.

In order to ensure that effective measures are taken to protect female victims, their families, and witnesses from exposure to retaliation and unnecessary suffering that may be caused by public trials, without prejudice to the rights of suspects and defendants in a fair trial, Articles 102, 106, 107, and 108 of the Penal Code stipulate taking a number of preventive measures, including placing the perpetrator under police surveillance or requiring the convicted person to deposit an amount of money or provide a guarantor. Such measures are general rules decided by the court with every person whose behavior and inclinations are proven to warn of committing crimes, especially in crimes of assault on honor, soul, or Property. These measures are not limited to the case of the convicted person; rather, they can be applied during the

investigation stage if it is decided to release the accused temporarily according to the system of permissible release with guarantee, to place the defendant under monitoring, to prevent them from going to a certain area, or to order them to stay in a specific area and not leave it according to the text of the article 197, 201) of the Code of Criminal Procedures.

Chapter III: Available Alternatives to Detention in Yemeni Legislation in Light of Human Rights Standards

Preface: Prisons appeared in ancient times, and they were just places for the custody of criminals either pending trial or in preparation for the execution of punishment. Ancient societies did not care about these prisons and the conditions of the criminals in them, and there was a lack of concern for prisoners without discrimination or classification. Prisons remained places for the practice of torture and the implementation of cruel punishments, and prisoners remained subject to cruel, inhuman and degrading treatment. There was no interest for prisons and prisoners until recently when, during the second half of the eighteenth century, thinkers, jurists and men of law called for reforming prisons, sorting prisoners, and abolishing cruel treatment for them, emerged in Europe. These opinions and ideas paved the way for the emergence of scientific schools interested in studying the problem of crime and its causes, particularly, the appropriate punitive policies and their objectives. The first of these schools was the traditional school which established the principle of legality of crimes and punishments and saw all people equal in the amount of freedom of choice and punishment. Then it was followed by the new traditional school which tried to reduce its extremism by recognizing the disparity of people in the amount of freedom of choice and punishment; hence, criminal responsibility to them differs accordingly. Next, the positivist school emerged and it adopted the empirical approach while focusing attention on the criminal by researching the reasons and motives that led the criminal to commit the crime, and it embraced the principle of constraint. Then conciliatory attempts between the two previous schools came by the International Association of Penal Law through the combination of punishment and precautionary measure. Finally, the social defense movement emerged based on the social defense law and social defense measures. Some of the supporters of this school saw that the rehabilitation of the criminal can be achieved by taking social measures, and it can also be achieved by applying the punishment.

These calls continued until 1927, when the International Committee on Punishment and Reform tried to draft minimum rules for the treatment of prisoners, and this interest in treating prisoners and ensuring their rights continued through international charters and conventions such as the 1945 United Nations Charter and the Universal Declaration of Human Rights, which affirmed that every human being should be treated in a manner that preserves their human dignity. Then the first United Nations conference on the prevention of crime and the treatment of criminals was held in 1955, and approved by the Economic and Social Council in 1957, which established the Standard Minimum Rules for the Treatment of Prisoners, which are considered the main and universal reference in the field of treating prisoners and ensuring their rights, and these rights were enshrined at the international level through many treaties and agreements, as well as various United Nations General Assembly resolutions such as the United Nations Rules for the Treatment of Women Prisoners of 2010, the Basic Principles for the Treatment of Prisoners of 1990, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the various decisions of the Economic Council And social, which is concerned with treating prisoners, ensuring their rights and protecting them from violations, the United Nations rules on Non-custodial measures (the Tokyo Rules)

³⁷, which is the most important international instrument related to Non-custodial measures, and it defines their forms, guarantees to work with them, and how to put them into practice. Moreover, the United Nations has approved special rules relating to the treatment of female prisoners and Non-custodial measures for women offenders ³⁸ on 21/12/2010, where it affirmed the necessity of being guided by what was stated in the Tokyo Rules, and the rules took into account pregnant women, minors, and foreigners, entered into force in 1953, the European Convention for the Protection from Torture and Inhuman Treatment, the European Prison Rules of 2006, as well as the American Declaration of Human Rights of 1984, and the Inter-American Convention on Human Rights for the year 1969. In the Arab world, however, rules for treating prisoners and ensuring their rights were defined in the Arab Charter for Human Rights and the Cairo Declaration for Human Rights in Islam. All of these international treaties, agreements and international instruments related to the treatment of prisoners were made to guarantee prisoners' rights, to protect them from violations, and to promote Non-custodial alternatives. Moreover, they are implemented and consecrated at the internal level of countries, through joining and ratifying them, and harmonizing their national laws and legislation with these conventions and treaties. In this part of the study, we will deal with the rights and guarantees related to women when they are subject to criminal responsibility. In explaining these rights and guarantees, we will follow the comparative method between those rights guaranteed by international human rights law and then explain the corresponding ones in Yemeni legislation with some comments, especially in cases where what is stated in the legislation varies from the rights and guarantees guaranteed in International Human Rights Law. On the other hand, we will take into account in dividing this topic into sections that include all stages of the criminal case, including the pre-trial stage, that we first invoke the rights and guarantees guaranteed in International Human Rights Law and general guidelines that must be taken into account when arresting the defendant and in all stages of the legal case, then the rights and guarantees specific to each case in Yemeni legislation.

The next part includes an explanation and clarification of the legal framework for restorative justice in Yemen through a desk review of previous studies of Yemeni laws, international treaties and agreements related to diversion, Non-custodial alternative and restorative justice with examples of practices at the local, regional and international levels.

1- Restorative Justice:

In their modern sense, Non-custodial alternatives are considered a system that overcomes the negatives and sterility of criminal justice. They are not new to our Arab and Islamic societies in general and our Yemeni society in particular. Islam and Islamic thought have urged to pursue this justice; furthermore, Islam's binding beliefs necessitate the introduction of these reconciliatory concepts to move from the state of hostility and hatred into love, brotherhood, and strengthening community building. These concepts include: pardon, tolerance, forgiveness for the offender, not practicing injustice, patience in the face of harm, and waiting for the heavenly reward ³⁹. Moreover, Yemeni social norms, customs and traditions include a number

³⁷ The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) adopted by the General Assembly by its resolution 45/110 of 14 December 1990

³⁸ The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) - approved by the United Nations General Assembly on December 21, 2010 without a vote

³⁹ Many Quranic verses are used to resolve conflicts through societal practices because of the great benefits that this includes, and among these verses, God Almighty said: {And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in souls is stinginess. But if you do good and fear Allah - then indeed Allah is ever, with what you do, Acquainted.} (39) Surah An-Nisa (128), and He said: {And the retribution for an evil act is an evil one like it, but whoever pardons and makes reconciliation - his reward is from Allah. Indeed, He does not like wrongdoers. }Ash-Shura, and He said: {And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah

of societal alternatives and customary methods used to settle criminal acts, such as customary arbitration and desertion, etc. These social practices guarantee the right to address criminal disputes away from custodial procedures. The Yemeni legislator was not far from that, as the system of national legislation includes a number of texts approving the actions of a set of alternatives to imprisonment punishments. The competent authorities were granted, to varying degrees, the authority to assess the appropriate discretionary punishment with the possibility of replacing it with Non-custodial measures if it became evident to the authority that the educational effect of the measure to reform the personality of the perpetrator and the mitigating circumstances of the sentence were achieved. Through the extrapolation of the legal texts, we find that there are a number of legal texts that have dealt with some Non-custodial alternatives, such as reconciliation and preservation of the case or refraining from pronouncing the sentence, etc. In addition, the legislator indicated the classification and multiplication of penalties subject to compulsory action⁴⁰, but they generally come within contexts often restricted by specific types of crimes and within strict controls related to the prescribed period of the punishment, the perpetrator's history, and the surrounding environment during the commission of the offense. However, the Yemeni legislator's philosophy towards Non-custodial alternatives is unclear, its provision has not been clearly organized, and the mechanisms for working with them have not been detailed nor guarantee developing using them. We will explain this through the following division:

The traditional judicial system is not the only system that should address the phenomenon of women committing crimes, as the traditional policy in criminal justice does not give sufficient weight to the personal and objective circumstances of women when they commit an act against the law.

- The role of victims in the traditional judicial system is often marginalized, and the state often takes over the role of the victim. Moreover, victims are rarely given opportunities to express their feelings to the aggressors or to talk to them because the trial mechanisms are the ones that govern the relationship between the victims and the guilty woman.
- The traditional criminal policy focuses on criminalizing women and punishing them for every violating act without looking at the circumstances that led them to commit those acts and ignoring any reform alternatives that achieve their interests.
- It is known that addressing women's cases requires the integration of roles within the community to reduce them, so that the community has the most prominent role in addressing them through community facilitators who work to create ways of reconciliation between women perpetrators and the victims, to put women in contact with the law in community programs designed to address the reasons for their deviation, and to work to qualify them to become active members of the community.

2-The Work Mechanism of Restorative Justice System in Yemen as an Alternative to the Regular Criminal Procedure

Restorative justice in Yemeni law consists of any path in which both the victim and the perpetrator or any person or group affected by the crime participate in order to contribute effectively with the aim of finding solutions to all issues related to crime with the help of a facilitator. Restorative justice through the internationalist concept is a method or behavior that

loves those who act justly. (9) The believers are but brothers, so make settlement between your brothers. And fear Allah that you may receive mercy. (10) Alhujurat (9), (10).

40 The Yemeni legislator enumerated the original penalties and limited them exclusively to eleven penalties, namely: 1. Capital Punishment: Execution (Killing) through a religiously ordained punishment, Retribution (Qisas) in Kind, or Tazir. 2. Stoning until death 3. Amputation as a religiously ordained punishment 4. Retribution (Qisas) for other than murder 5. Flagellation as a religiously ordained punishment 6. Imprisonment 7. Blood Money 8. Indemnity for Liable Injuries 9. Fines 10. Crucifixion in the cases stipulated by Law 11. Compulsory Labor It made the punishment for liable injuries (compensation for bodily harm), fines and compulsory labor legal alternatives to detention punishments, and this can be extrapolated in many legal texts.

seeks to counteract criminal behavior through reconciliatory programs and paths based on important basic principles, namely the participation of the parties concerned with crime (victims, perpetrators and community) on the basis of mutual respect between all parties and commitment to the path of acceptable results that are reached between the parties. In Yemeni community, we find that one of the goals of restorative justice is to promote order and social peace by uncovering all criminal behavior and considering it socially unacceptable in addition legal criminalizing it, and working to help victims, reparation for their injury, to feel their grievances, to help them achieve their demands, and to take responsibility from everyone, especially the perpetrator and their kin such as family or local community (the tribe) starting with offering apology, acknowledging their responsibility for the crime, bearing its consequences, and pledging to return to being an active member of the community. All of this takes place in conciliatory climates based on tolerance and acceptance of the other and with the participation of community parties through their representatives in the settlement that is made. Perhaps the most important features of this type of justice is that it does not benefit the perpetrators without holding them accountable; rather, it achieves benefit to the victims through reparation, and by extension, it achieves success for community by terminating disputes in it. The reconciliation process takes place through dialogue and communication between the perpetrators and the victims, mediated by facilitators from the surrounding community or one of its institutions, with the aim of reaching solutions that respond to the needs of the victims, enabling the perpetrators to take responsibility for their actions and giving them the opportunity to rehabilitate and reintegrate into community. The work mechanism of restorative justice includes diverting the case to a number of models in which the role of community in all its bodies emerges, and these programs differ and vary to suit the needs and conditions of the local community, the social factors in which the crime arose, the needs of the community, the possibilities and the circumstances of the perpetrator. Therefore, they vary and differ according to all these circumstances, and the local communities work on developing these programs according to their conditions, needs, and local policies that limit crime and repairs damage. Some of these models can be mentioned as set out in the training manual issued by the United Nations:

- Respecting the basic principles of human rights and guaranteeing the rights of all parties (the offender, the victim, and community). Reconciliation / mediation programs between the offender and the victim, where mediators are used to bring together the families of the offending party and the victims to discuss the crime, its consequences, and the necessary steps to correct the situation.
- Equality and non-discrimination based on gender, race, marital status or anything else in all procedures. Family meeting programs are similar to reconciliation / mediation between the offender and the victim, but they differ in that they not only engage the victim and the offender, but also allow for the participation of the family of both the victim and the offender.
- Involving the female offender and taking her opinion in all the procedures followed, and the concerned authorities should give her opinion full attention. Community Correctional Councils bring together the lawbreaker, the victim, and a group of individuals from the community to discuss the crime that has occurred, its impact on the victim and community, and the appropriate punishment.
- The decisions taken must be proportionate to the scale of the harm caused, and restorative justice measures must be fair and equitable and they promote social harmony through the treatment of victims, perpetrators and local communities. Round Table Meetings: These are facilitated meetings attended by the lawbreakers, victims, their friends and families, and representatives of the local community, as well as representatives of the staff of justice, and people who have received training on holding these meetings by order of the court.

3- Diversion to Restorative Justice Programs:

If there is sufficient evidence to indict the woman, she can be diverted to restorative justice programs at any stage of the litigation after obtaining free and voluntary consent from her and from the victim as well as their acceptance to submit to the restorative justice system. Moreover, their right to withdraw their consent at any time during the community facilitation for the restorative process must be guaranteed. The victim and the perpetrator must agree on the basic facts of the case as a basis for their participation in the restorative process, and her participation in reconciliation should not be used as evidence for admitting guilt when the restorative process fails. The solutions developed by community facilitators must match the nature of the act committed by the woman and she should voluntarily agree on it. When there is no satisfactory agreement between the perpetrator and the victim, the case must be diverted to the criminal justice authorities and decided upon without delay. In general, the basic principles must be respected when diverting women to the restorative justice programs referred to in the previous paragraph.

Chapter IV: Examples of Yemeni Practices in Applying a Restorative Justice Approach:

It is known that Yemeni social norms, customs and traditions have included many social means and tools to deal with criminal cases away from the official authorities, and we will demonstrate how the national law maker deals with those societal alternatives and how women can benefit from them by discussing the most important of those means from which women can benefit, namely (arbitration - conciliation - temporary reconciliation, etc.) as follows:

1. Community Mediation (Arbitration)

Community mediation (*tahkim*), also known as tribal arbitration, is one of the social alternatives in the Yemeni social norm that works to spare guilty women of the negative effects resulting from their contact with the official system, and it may prove successful in many cases; it secures community intervention in the local context and within families without removing the guilty women from their families and their communities. The arbitrators carry out the mediation process through a community committee composed of community elders and persons of reference and social significance for the woman's family. This committee carries out the mediation process with the victim and its family and initiates the process of mending the damage resulting from the act committed by the party they represent and authorize the victim and their family to judge them for what has resulted from the act committed in accordance with the rules of equity and social justice. Among the basic programs proposed by the Community Mediation Committee: mending the damage, compensating the victim with appropriate compensation, moral restoration of reputation, social apology and other remedies. Mediation is characterized by being based on the intervention of one or more persons in disputes, either on their own initiative or at the request of one of the parties of the conflict. Independent mediators should seek to promote an amicable settlement by proposing solutions to the parties. It is clear that mediation may only succeed if the parties agree to the proposed solutions⁴¹. Arbitration is one of the most important alternative means for resolving disputes in Yemen in the context of the informal judiciary, as it was organized by the Republic Decision Law No. 22 of 1992 and its amendments, and we find that the legislator has opened a wide field for settling disputes through arbitration in various fields and branches, except for specific cases limited to the cases specified by Article (5)⁴² of the arbitration law. Arbitration is not permissible in the following matters: (A) "Forbidden" things, divorce of women, adultery, and dissolution of marriage. (B) Challenging the judges. (C) Disputes related to enforcement;

41 The State of Gender Justice in the Arab Region (2017), Economic and Social Commission for Western Asia (ESCWA) <https://www.unescwa.org/file/77658/download?token=zK2qmfag>

42 <https://www.international-arbitration-attorney.com/wp-content/uploads/2013/07/Yemen-Arbitration-Law.pdf>

(D) Matters that are not subject to out-of-court settlement; (E) Anything related to public order. There is no exclusive court for arbitration cases. However, the Commercial Court of Appeals has exclusive jurisdiction to examine cases involving arbitration, unless the parties to the arbitration agree otherwise. Public policy inside Yemen excludes arbitration in some of the topics and matters previously described. There is no prohibition on arbitration agreements in future disputes as Article (15) of the Arbitration Law states that the arbitration agreement can be concluded before or during the dispute, or even if the dispute is already under consideration by the court, if the parties agree.

1.1. Women Cases that Can Be Addressed by Arbitration:

It is clear from this text that the field of arbitration that can contribute to dealing with women's cases is very wide, but the most important areas in which the role of arbitration in dealing with women's cases in practice is highlighted in the following:

- Personal status, civil, and commercial cases, where customary structures contribute to settling most of the personal status disputes through reconciliation, especially divorce and inheritance disputes that are characterized by a secret nature in the culture of the community, taking into account some of the rules of customary law that regulate the subject that are still in effect. After reaching a consensual agreement on the divorce and its particulars, the formal formula for this agreement is given by a ruling in the official court. The same provision applies to disputes related to inheritance and the distribution of the estate, before they are given the official form as an obligation by the notary. Customary reconciliation councils mediate in many cases to solve real estate disputes using the rules of customary law in force.
- Simple criminal cases committed against persons, which relate to various forms of intentional violence committed by women against persons, which are considered non-grave punishable crimes, e.g. disputes related to assaults on Property and people by beating or intentional wounding unless they lead to death. Customary councils are automatically convened or according to a complaint - if the facts do not come to their knowledge - to deliberate and resolve them through reconciliation and prevent them from reaching to the judiciary, as long as this conflict is considered a threat to the unity of the community and the prevailing system and a threat to its security. Moreover, tribal and religious customary reconciliation councils seek to reconcile the quarrels under a consensual reconciliation contract in which it is agreed either to compensate the damages to the aggrieved party, or to have the aggrieved party pardon the aggressor.

1.2. Persons and Entities that Undertake Arbitration Tasks

The Yemeni legislator has made the selection of arbitrators open to all who have the necessary conditions for adjudicating the cases they have decided upon, and this is evident from the text of Article (20) of the Arbitration Law, which stipulates that (The arbitrator may not be incompetent, under guardianship, deprived of his civil rights, or unfit to adjudicate in the matter requiring arbitration- and the arbitrator's acceptance of their mission shall be in writing.)

1.3. The Will of the Accused Woman and the Victim and its Role in the Arbitration Procedures:

The litigants' will has a major role in determining the arbitration litigation procedures for litigants, and this is evident in the texts of articles (Article 1 / Definition of conciliation - 7 - 10 - 32 - 45) of the Arbitration Law, where the paragraph on conciliation mentioned in Article No. (1) stipulated the consent of the two parties when proceeding with the arbitration and

conciliation procedures, as conciliation was defined as the resolution of a dispute between two parties with their mutual consent in a manner that does not contradict the Sharia. Both parties of the arbitration, if one of them or both of them is not Yemeni, can express their will by agreeing to the law that the arbitration is subject to in form and subject according to Article (7) of the law on the language and location of the arbitration. Article (45) of the same law obliges the arbitration board to decide the dispute. The arbitration panel must settle the arbitration decision according to the legal rules chosen by the parties, to settle the dispute based on the legal rules agreed upon by the parties. Article (10) of the Arbitration Law allows the parties to the arbitration to agree to stop the proceeding of the dispute before the arbitrator or the arbitration panel for the period they deem fit. The arbitrator or arbitration panel must approve this agreement, and the litigation will resume after the end of the suspension period with a request submitted to the arbitrator or the arbitration panel by the two parties or one of them. Moreover, this article indicated the right of the litigants to agree on stopping the arbitration procedures for a specific period. Article (32) of the same law has shown the will of the parties in determining the procedures to be followed. Article 48 stipulates the role of the will in exempting the arbitration panel from causing its judgment.

2. Reconciliation:

Reconciliation (*Al-Solh*) is one of the important alternative means for resolving disputes, and the legislator has regulated it in Section Six of the Civil Code in Articles 668 to 680. Reconciliation, as defined in Article (668), is a contract that removes the dispute and cuts off the litigation by which the two parties settle an existing dispute or prevent a potential dispute by each of them waiving a part of their claim. Accordingly, reconciliation is a contract and is subject to the provisions that contracts are subject to. In order to explain the nature of reconciliation, its scope and its role in resolving the dispute, we shall take a look at it as follows:

The scope of reconciliation according to Yemeni law is broad in resolving disputes. Reconciliation based on compromise in all crimes related to blood, Property and rights is valid, provided that it does not permit something that is forbidden or forbid something that is permitted, and does not affirm a kinship or drop a penalty. Moreover, it is permissible with admission, silence, and denial, and reconciliation is permissible for financial cases that arise on the personal status or that arises from the commission of one of the crimes. Examples of this include:

- The Public Prosecution, according to Article (301) of the Code of offender Procedure, in crimes where the penalty does not exceed the fine, as well as the crimes of liable Injuries, may conduct a reconciliation in which the fine it assesses in the first case, and the indemnity in the second case, with the consent of the two parties, are sufficient. Otherwise, the case is submitted to the court with the summary procedures if the defendant confesses their guilt; the crime is not grave; and the trial is possible directly without being bound by the cases stipulated in the normal procedures and urgent procedures.
- Reconciliation is permissible in accordance with Article (68) of the Law on Crimes in Retribution with more or less than blood money or indemnity for liable injuries, and reconciliation is in the hand of whoever controls retribution or pardon, and it is not permissible for anyone other than the victim or their own heirs to reconcile on less than blood money or indemnity for liable injuries except for an interest approved by the judge.
- In commercial matters, an example of this is what was stated in the Commercial Law in Articles 700-728 and other articles that there's no room to mention.
- Personal status cases, and examples of this: Article 54 of the Personal Status Law which states: (If a woman requests dissolution of marriage because of hatred, the judge

must investigate the reason; if that was proven to them, they should appoint an arbitrator from the husband's family and an arbitrator from the wife's family to reconcile them. Otherwise, they shall order the husband to divorce the wife. If the husband abstains, the judge rules the dissolution of the marriage and the woman is to return the dowry.).

Reconciliation is implemented as a means of resolving disputes between litigants with their mutual consent, and according to which the dispute between them ends before the court in accordance with Article (165) of the Code of Procedures. The litigants in any case of the litigation may reconcile and present what they have agreed upon in writing signed by them or by their authorized agents for the reconciliation. Then the court decides to attach it to the session minutes to ratify it and consider it in the strength of the enforceable document according to the text of Article (214) of the same law. If the reconciliation takes place before there is a dispute, then it prevents that dispute from taking place before the court due to the resolution of the dispute in accordance with Article (677) of the Civil Code, which states that: (The reconciliation settles the disputes it has dealt with, and it results in the termination of the rights and allegations that either party has waived.) If the reconciliation is completed and fulfilled its pillars and conditions and is approved in accordance with what is stipulated in the previous articles, then it is considered an executive document according to Article (4/328) of the Code of Civil Procedures and Execution.

3. Methods for Practicing Diversion Measures

3.1. Diversion to Restorative Justice Programs and Alternatives to Detention:

Diversion means to divert the case outside the judicial system to spare the defendant woman from contacting the judicial system and to divert her to community support services (informal judiciary). Consequently, the diversion is considered a conditional directive that can be applied with women who are in conflict with the law, away from the formal judicial procedures, towards different alternatives and ways to solve the problem through mediators or formal or informal authorities who have knowledge of the laws or customs and have dealt with them before. Consequently, women are spared from formal judicial procedures, criminal records, and associated costs and negative effects. Taking into account not to violate international laws and conventions related to human rights. Accordingly, diversion is made from the official judicial procedures with specific conditions and criteria.

3.2. Restorative Justice Programs and Alternatives to Detention are among the Methods of the Criminal Policy:

The criminal policy defines four methods for reducing crime and resolving criminal disputes, and each method is suitable for facing specific crimes of a nature commensurate with the nature of the applied method. Among these methods is the Punitive Method which is based on the idea of punishment and at the center of which is the perpetrator who is to be rehabilitated and deterred by placing them in prison and depriving them of their freedom; the Treatment Method which is based on the idea of alternatives to punishment and security measures and aims to eliminate the criminal risk inherent in the criminal through placing them in rehabilitative and therapeutic institutions; and the Compensatory Method which is based on the idea of compensating the victim by repairing the damage. The last of these methods is the Accord Method. This method seeks to reach a solution to the conflict between the perpetrator and the victim, and the focus of this method is to preserve the relationship between the two parties to the conflict by conducting the process of reconciliation between them to reach an accord solution. The last two methods are the ones on which the restorative justice system is based.

Therefore, before the legally competent authority authorized to make the diversion decision, it must take into account a number of considerations, the most important of which are:

Considerations for making the diversion decision	Diversion Options
<ul style="list-style-type: none"> - The seriousness of the criminal act. - The circumstances in which the criminal act was committed. - Degree of criminal responsibility - The motives and circumstances of the crime. - The perpetrator's past preceding the act. - The perpetrator's status and social personality. - The personal perpetrator's action after committing the crime. - The perpetrator's relationship with the victim. - Whether the perpetrator compensated the victim or not. 	<ul style="list-style-type: none"> - Reconciliation. - Arbitration. Noting that it is not permissible to arbitrate in cases of hodoud, accusation of adultery, annulment of marriage and litigating judges - disputes related to compulsory enforcement procedures - all matters in which reconciliation is not permissible - everything related to public order) - Saving the case. - Compensation / fine / indemnity to liable injuries - Compulsory work. - Suspension of execution / abstention from pronouncing the punishment. - Deprivation of some rights - Placement in treatment shelter / placement under social control

The next part of this report contains the extent of application of international charters, agreements and treaties in Yemeni laws and legislation through shedding light on the extent to which the principles and guarantees of a fair trial for women in contact with the law have been implemented in Yemeni legislation and their compatibility with international standards in this regard.

4. Alternative punishments contained in the Yemeni Penal Code

The opposite figure shows the types of alternative punishments in the official judicial system in Yemen, as the Yemeni system adopts the unified judicial system, in which the court of first instance has the general jurisdiction to consider all cases, whether criminal, civil, administrative, personal or commercial cases, etc. The unified judiciary is meaning the existence of a single supreme court for the republic that undertakes legal oversight over all exceptional and first-instance courts through the judicial rulings they issue within the framework of the legal texts regulating this. It should be noted here that the Yemeni Judicial System adopts the principle of litigation at two levels (primary and appeals), then Supreme Court oversight.

The alternative penalties in the Yemeni legal system has granted the judge the right to assess the appropriate discretionary punishment between the upper and lower limits and the possibility of replacing it with measures if the judge finds that the rehabilitation impact of measures to reform the perpetrator's personality has been achieved through his assessment of the mitigating circumstances represented: the degree of responsibility, motives for the crime, the perpetrator's past and his subsequent behavior, his relationship with the victim (as



illustrated in the opposite shape) . The Judicial Services Map shows the provision of judicial services throughout the republic within the scope of 333 administrative units called directorates, distributed over 22 governorates, in addition to the Capital Municipality where judicial services are provided to citizens through a network of courts and prosecution offices of various degrees and specializations in light of the legal rules regulating the spatial and qualitative specializations for their specific work in laws and regulations in force.

The total number of courts and prosecution offices throughout the republic reached 460 courts and prosecution offices, distributed as indicated in the following table:

No	Governorate	Courts of Appeal	First Instance Courts	Specialized Courts	Appellate Prosecutions	First Instance Prosecutions
1	Hajjah	1	23	1	1	23
2	Al Hudaydah	1	17	4	1	17
3	Ibb	1	19	1	1	19
4	Taiz	1	16	4	1	16
5	Hadhramaut	1	16	4	1	16
6	Amran	1	18	0	1	18
7	Sana'a and Al-Jawf	1	15	0	2	15
8	Lahij	1	13	0	1	13
10	Shabwah	1	13	0	1	13
11	Amanat Al-Asimah	1	6	7	2	6
12	Sa'dah	1	12	0	1	12
13	Dhamar	1	9	2	1	9
14	Aden	1	5	6	1	5
15	Dhale	1	9	0	1	9
16	Abyan	1	8	1	1	8
17	Al-Mahwit	1	8	0	1	8
18	Al-Bayda	1	5	0	1	5
19	Raimah	1	5	0	1	5
20	Al-Mahrah	1	5	0	1	5
21	Ma'rib	1	3	0	1	3
22	Socotra	1		0		

5. The Specialized Judiciary:

The unity of the judiciary and the convening of the general mandate have given the first instance courts the right to hear all cases. Nonetheless, this does not mean the absence of specialized first instance courts, as the Judicial Authority Law has permitted the establishment of specialized first instance courts in the governorates of the Republic that have jurisdiction over a specific type of cases whenever the need arises. This indicates the possibility of establishing other specialized courts, and probably there will be none among them that is special for women since Yemeni law is committed to equality between men and women. The results of the focused meeting with the Director General of Women, Children and Minors' Funds Affairs indicate that the administration is currently working on reviewing a study that was previously prepared by the Technical Office of the Ministry that proposes to the Supreme

Judicial Council to establish specialized courts to look into family cases that are specialized in dealing with all cases related to the family, including women ⁴³.

6. Community Practices on Women's Cases:

Unlike other countries in the Arab and Islamic worlds, Yemen has adopted regulations in formal and informal laws, or the so-called customary laws, which include provisions on the treatment and justice of women. In many cases, women receive preferential treatment, especially with regard to the actions committed against people; if a woman does a specific action or saying against a man, the man cannot harm her or respond to her, and any action the man takes against her is classified as a taboo.

6.1. Formal Legal Framework:

Yemeni legislation recognizes the principle of equality between men and women and non-discrimination between them with all civil, political, social, economic and cultural rights and freedoms for it is a constitutional principle that affirms the principle of equal opportunities for all citizens politically, economically, socially and culturally on the basis of social solidarity based on justice, freedom and equality ⁴⁴. It has given the citizen, whether a man or a woman, the right to resort to the judiciary to protect their legitimate rights and interests, and affirms their right to submit complaints about the violations that they may be subjected to from the state apparatus and institutions ⁴⁵. This is confirmed by Article 2 of the Judicial Authority Law ⁴⁶ and is also confirmed by Article (5) of the Criminal Procedures Law and Article (16) of the Civil Procedure and Execution Law. There are general guarantees for a fair trial that women enjoy, including the principles of personal criminal responsibility ⁴⁷, presumption of innocence during the period of criminal investigations, trial procedures and until the final consideration of the case facts ⁴⁸, the non-applicability of penal laws retroactively, and the right to defense, which is according to the philosophy of Yemeni law one of the constitutional principles according to Article 49 of the Constitution. The right to defense is guaranteed in all stages of the investigation and case and before all courts, and the state guarantees legal aid to those who are incapable according to the law. This is confirmed by the text of Article (9) of the Code of Criminal Procedure, and Yemeni Law requires the judicial officers, the Public Prosecution and the court to alert the defendant to their rights towards the accusation directed against them, the means of proof available to them, and to work to protect their personal and financial rights in accordance with the text of Article 17 of the Law of Procedure. From these texts, we find that the legislator has not only given the right of defense for the person, but also has given them the right of defense by proxy through a lawyer. Moreover, it obligated the state to guarantee the right to legal aid for those who are unable to pay the costs of a lawyer. The Yemeni Law also recognizes a number of exceptions in favor of women, including the impermissibility of imprisoning a pregnant woman against who is convicted according to the text of Article (364) of the Civil Procedure and Execution Law. The instructions of the Public Prosecutor according to Article (88) also emphasize that it is necessary to take into account that women should not

43 A study prepared by the technical office of the Ministry proposes to the Supreme Judicial Council, to establish specialized courts to look into family issues, to consider all cases related to the family, including women.

44 Articles (24-25-31) of the Constitution of the Republic of Yemen: Article (24) states that: " The state shall guarantee equal opportunities for all citizens in the fields of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof. " Article 25 states that: "Yemeni society is based on social solidarity, which is based on justice, freedom and equality according to the law. " Article (31) states that: "Women are the sisters of men. They have rights and duties, which are guaranteed and assigned by Shari'ah and stipulated by law."

45 Article (51) of the Constitution stipulates, " Citizens have the right of recourse to the courts to protect their rights and lawful interests. They also have the right to submit their complaints, criticisms, and suggestions to the various government bodies directly or indirectly. "

46 As stipulated in Article (2) of the Judicial Authority Law "Litigants are equal before the courts, regardless of their qualities and conditions".

47 Article (47) of the Constitution, Article (2) Penalties, Article (3) Procedural Code, Ibid.

48 Article (47) of the Constitution Article (4) of the Procedural Code, Ibid.

be held in pre-trial detention except in case of necessity and in the crimes that require this, with them being placed in the criminal institutions designated for women whenever possible, and in all cases they must be held separately from men. In the event that a decision is issued to detain or arrest a woman, the Yemeni Law has recognized the right of pregnant and nurse women to obtain care and health care with the exemption from disciplinary measures. Article 27 referred to states: the right of pregnant and nursing women to care and health care necessary as previously clarified in the clause of rights and guarantees of women in detention (pp 10-11). Despite the existence of these texts, a failure to apply this principle has been observed for many reasons, including the lack of budgets to cover the expenses of legal aid, and if there were budgets, they would be in the minimum limits; however, they are limited to providing service at the trial stage, and the lack of awareness of workers in the stages of litigation, especially among judicial officers, and lack of proper provision of legal aid from the bar association and organizations.

6.2. The Legal Framework for Restorative Justice Programs:

Restorative justice appeared officially in a manner referred to at the 10th United Nations Congress on the Prevention of Crime, which was held in Vienna, which included the Vienna Declaration in 2000 to limit the phenomenon of criminality, to emphasize reconciliation and restoration, and to encourage the inclusion of restorative justice programs, and that 2002 would be the target year for reviewing state programs. In the session of the Economic and Social Council of the United Nations, which was held in Vienna in 2002, which announced that most countries emphasized the promotion of restorative justice within offender justice systems, and the definition of the Economic and Social Council of the United Nations came as confirmation of this, which states: Restorative justice consists of any path in which both the victim and the perpetrator or any person or group affected by the crime participate to contribute effectively with the aim of finding solutions to all cases related to crime with the help of a facilitator (previously referred to in the "Introduction" section of the report). We also find that the Yemeni legislator was not satisfied with deciding those rules and foundations related to reconciliation in a conciliatory justice. Rather, we find it in the Law of Procedures and its amendments in force in accordance with the text of Article (165) amended in 2010 has given the competent court the authority to urge the parties to the dispute to resort to amicable reconciliation before considering litigation and reaching an amicable reconciliation and considering the case closed.

Thus, it is clear in this regard that Yemeni legislation has given wide areas for the possibility of implementing the restorative process for resolving disputes and cases amicably in accordance with the principles, conditions and procedures stipulated by law, including the head of the state being given the powers to decree a special pardon for the public right sentence by virtue of a final ruling. This legislative approach represents an encouraging factor for the progress in the procedures of the restorative process to settle what is related to the personal and civil rights of the victim, as long as there is a possibility to obtain a special pardon for the public right penalty under the powers vested in the President of the Republic in accordance with the powers, procedures and controls stipulated in Article (539) of the Criminal Procedures Law. Another factor that encourages the continuation of the restorative process of resolving the conflict amicably is that the Yemeni legislator in the Law of Crimes and Penalties in force has stipulated in Article (109) that among the mitigating circumstances for the assessment of the public right penalty is that this article obliges the offender judge to take into consideration when his appreciation of the discretionary punishment between its upper and lower limits by estimating the reduced punishment in the event that the perpetrator indemnifies the victim or the affected person, all of these things referred to and the rest of the texts mentioned in other

laws enhance the effectiveness and facilitation of restorative justice and achieve its desired positive results, whether the perpetrator is male or female.

6.3. The Legal Framework For Alternatives To Detention:

The International Human Rights Law has clearly contributed to the development of the idea of alternatives to detention and the strengthening of their implementation. Among the most important declarations adopted by the United Nations General Assembly in this field are: (Basic Principles for the Treatment of Prisoners, the Standard Minimum Rules for the Treatment of Prisoners, International Legal Standards for the Protection of Persons Deprived of Their Liberty, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, on 21/12/2010. The Bangkok Rules emphasized that it is necessary to be guided by what came in the Tokyo Rules. The rules also took into account pregnant women, minors, and foreign women. Rule No. 57 provides “gender-specific options for various measures, and that member states in their legal systems prepare alternatives to pre-trial and pronouncement of the verdict, taking into account that many women are victims before they are considered offenders and taking into account their responsibilities in caring for and providing for the young.” The effect of being in pretrial detention, even for short periods, may be more severe if the prisoner is the only provider for her children, a role that many mothers still play. Even a short period of time in prison may have devastating long-term consequences for children accompanied by their mothers, and this must be avoided, especially for the purposes of achieving justice. By keeping women outside the prison walls, when imprisonment is unnecessary or unjustified, children can be protected from any negative effects resulting from imprisoning their mothers, including avoiding them being incarcerated in the future. Furthermore, the concept of alternatives to detention was not new to Yemeni society with its Arab and Islamic identity. Islamic religion and thought urged to use these alternatives, as we find that alternative punishments have a legal root in Islamic heritage, and examples of these alternatives are the penalty of penance as a punishment for committing some behavior patterns such as breaking the fast in a month Ramadan, perjury, fasting for two consecutive months as a punishment for murder by error after paying the blood money as an alternative discretionary punishment, losing the capacity to testify as a prescribed penalty for slandering married women if the slanderer was unable to bring four witnesses to prove the validity of what he attributed to the married woman, and the punishment of estrangement and exile for the adulterer and the bandit. Moreover, among the lessons that we read in the biography of the Prophet (PBUH) on how he dealt with the prisoners of Badr, as he replaced the punishment with an action of social benefit, which is teaching reading and writing ⁴⁹.

States may decide to adopt non-custodial measures in light of their suitability for the offender and the interests of the community and the victim. The judge may also combine two punishments or more. One of the findings of the study is that the traditional image of alternatives in Yemen is the judge’s discretionary power to assess the punishment between the upper and lower limits of the punishment, where the judge in each case estimates the limit commensurate with the gravity of the act, the personality of the perpetrator and their past, as

49 After the Muslims in the Battle of Badr captured seventy prisoners of the polytheists, the warriors, where the Prophet gathered upon him the best of prayers and salutations to his companions to consult them on the matter of the prisoners. They were fined with money, and some of the prisoners were poor and knew how to read and write, so the Messenger of God saw that their redemption would be to teach each of them ten young men of Al-Madinah Al-Munawwarah. The Prophet bestowed a favor on some of the prisoners without ransom and released them without taking anything from them, including Abu Izzah Al-Jamhi, who was a poor man who said to the Messenger: “You know what money I have, and I am in need and have children, so bestow a favor upon me.” The Prophet bestowed a favor upon him, but had him pledge not to fight against him again; nonetheless, he did not fulfill his pledge, and he was punished after that. (Pardon from punishment after taking necessary pledges)

Yemeni legislations give the judge the right to assess the appropriate discretionary punishment between the upper and lower limits, with the possibility of replacing them with non-custodial measures if the judge finds that the educational effect of measures to reform the perpetrator's personality has been achieved and mitigating circumstances for the penalty are achieved. Article 109 of the Law of Crimes and Punishments No. 12 of 1994 stipulates that the judge estimates the appropriate discretionary punishment between the two upper and lower limits for the crime, taking into account all the mitigating or aggravating circumstances, in particular the degree of responsibility, motives for the crime, the seriousness of the act, the circumstances in which it occurred, the offender's past, their personal status, their subsequent behavior after committing the crime, their relationship with the victim, and whether they compensated the victim or their heirs. When determining the fine, the judge takes into account the economic status of the perpetrator, and if the prescribed punishment for the crime is death and it is accompanied by a mitigating circumstance, the judge sentences the perpetrator to a maximum of fifteen years and a minimum of five years in prison.

By reviewing the legal texts, the most important options for alternatives to detention in Yemen can be listed as follows:

- Temporary Alternatives: They are one of the legal safeguards for restricting detention, with an emphasis on the priority of temporary release of the defendant after taking the necessary guarantees to attend upon request.
- Alternative Punishments: which are the replacement of incarceration with one of the following measures: compulsory work, prescribed measures for begging, and prescribed measures for people with mental illness.
- The discretionary power of the court: in the crimes that the law enables the judge to have the right to use his discretionary power in ruling one of two options for incarceration and one of the alternatives to detention, such as fine, a suspended sentence against the defendant, or a sentence with refraining from pronouncing the punishment and the reconciliation that will be implemented according to his discretion.

To clarify, some examples of traditional practices in the Yemeni community that converge with that internationalist concept, which were monitored by the results of the study, can be cited, including:

- 1- Tribal Arbitration: It means that the two parties to the conflict attend before the authority of the popular judiciary, which is embodied by the sheikh of the region or 'Uzlah, or perhaps the sheikh of the tribe or a cleric, or a person known to be a just arbitrator and whose ruling is not refused, and sometimes the tribal rulings are appealed at a person called: the terminator. .
- 2- Mediation: in which the parties to the conflict refer to a neutral person unrelated to them and has the decisive power to find the solution that is in the form of suggestions or recommendations that may be accepted or not. Reconciliation is similar to mediation in the since that both of them aim to end the dispute amicably. Moreover, mediation is done through a third person who has nothing to do with the dispute, and usually sheikhs play the mediation role.
- 3- Reconciliation is one of the most important solutions that the social components offer to deal with conflicts arising in Yemeni society. Reconciliation is a solution to the dispute between the two parties with their mutual consent, and it may represent a temporary truce for a specific period of time between the litigants and in which the right holder commits not to carry out any activity against their opponent and is mediated by a third party playing the role of the mediator. Here, a distinction must be made between the mediator who is authorized to reconcile by the court and who must return their reconciliation authorization and is bound by its scope.

4- Multilateral meetings: The main purpose of these meetings is very similar to the mediation meetings, taking into account that the mediator is referred to as a facilitator. However, the difference between mediation and multilateral meetings is that the latter is more inclusive, and encourages the participation of victims, advocates of the victim and the perpetrator, members of the perpetrator's family, friends of the perpetrator, representatives of law enforcement and community representatives, and any other individuals affected by the crime. The facilitators arrange the meeting in a neutral place and give each affected party an opportunity to express their views and ask questions during the meeting. As is the case with mediation, the goal is to reach an agreement (written or verbal) about appropriate outcomes. The results of multilateral meetings are the same as those that result from mediation meetings, except that they are based on more organized participation from other interested parties.

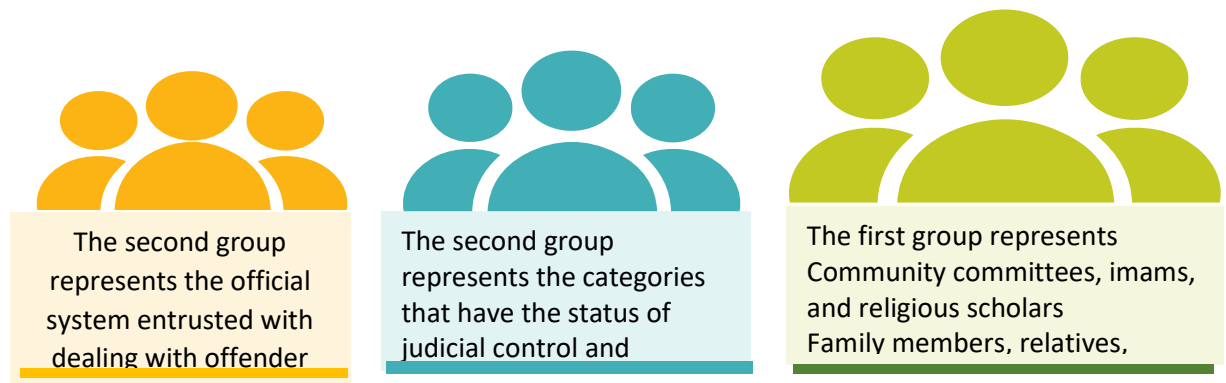
6.4. The Main Actors In Providing Alternative Solutions And Measures To Resolve Disputes:

Shedding light on the entities and individuals who can play an effective role in resolving disputes outside the litigation circuit leads to strengthening efforts to activate their role in this system and actively contribute to enhancing confidence in alternative procedures and assist in drawing procedures in line with their role in the alternatives system, and the most important of these entities are:



- The tribe and its notables, sheikhs and community arbitrators; local leaders and social figures in neighborhoods and members of local authorities, civil society organizations and lawyers; retired judges and eligible social figures; religious figures and references; community committees; imams of mosques; religious scholars; family members; relatives; and neighbors (for simple cases).

The following shape shows the actors involved in providing alternative solutions (formal and informal). It is evident through this study that there are three main parties at the present time that play a fundamental role in providing transfer options and alternative solutions, namely:



The following shape illustration also shows estimated percentages of women's cases that are dealt with through diversion and alternative measures. Experts estimate that 80-90% of the cases related to women are resolved outside the official judiciary, and only 10-20% of cases reach the official authorities (i.e. police stations). In police stations, between 35-40% of women's cases are resolved through restorative justice. Other official authorities also deal with some cases in a conciliatory manner (percentage of cases shown in green colour arrows), for non-serious cases.



It is worth noting here the positive practices of the formal justice system in encouraging societal solutions to many offender cases or violations of the law within the framework of community customs and traditions. Rather, some bodies that follow the formal justice system transfer some women's cases to society and this is done after they reach police, prosecution, or the court (sometimes and only for some cases). Consequently, many of the crimes or cases that are committed by women or in which the woman is a party, are dealt with via mediation and reconciliation, either through individuals, informal agencies, or through individuals affiliated with the official justice system. Community measures are applied which make the woman avoid detention and arrest. In the event that her case reaches the courts, and she was sentenced to prison, many entities concerned with female prisoners' cases, supported by the private sector, would work to speed up the early release of the woman from prison.

6.5. Restorative Justice And Speed Of Penal Procedures:

Restorative justice is a system that aims to quickly compensate the victim with reparation for the damages inflicted on them. It is also not subject to the procedural rules that ordinary trials abide by, which are characterized by slow progress in litigation procedures. Consequently, the application of restorative justice is supposed to take place faster than offender case procedures. Our attention has been raised by the large number of individuals in Yemen resorting to restorative justice programs mediated by customary institutions (community and popular leaders) to resolve disputes in reconciliation to avoid early resorting to the traditional judiciary, because this method is of great importance as it is a method emerging from the structure and culture of society and contributes to achieving social stability, which is the purpose of the law, as well as providing support to ease the burden of the official judiciary. In spite of this, there are no legal studies on this method, which is one of the most important alternative methods of resolving disputes prevailing in Yemen, although alternative methods of resolving disputes have become a fertile field for various legal studies in the countries of the world.

6.6. Restorative Justice And The Policy Of Limiting Punishment:

The contemporary offender policy defines several means to treat the offender justice crisis, represented in the policy of reducing offenderization and punishment, and restorative

treatment of the offender case. The policy of limiting punishment is that the act remains offender, but with a dilution of the idea of punishment. This is achieved through the appropriate authority of the Public Prosecution not to initiate the offender case, through the penal reconciliation procedure - which the law maker should expand its scope, and with this procedure the policy of limiting punishment can be activated in a way that leads to the development and reform of the offender justice system.

6.7. Restorative Justice, Rehabilitation And Reform Of The Perpetrator:

Rehabilitation of the perpetrator and reintegration into society is one of the most important ideas advocated by the restorative justice movement as a measure that greatly contributes to reforming the perpetrator, because the punishment exposes the perpetrator to isolation from society, such as if the perpetrator is a beginner, their crime is of low seriousness, and they are not subject to rehabilitation and reform. The results of the study show that most of the social programs and practices in Yemen miss this part; even if they achieve the goal of reducing the social stigmatization of the perpetrator of the crime and with the idea of reducing punishment, they lack the adoption of programs that ensure the rehabilitation of the perpetrator and the modification of their behavior.

7. Mandatory Legal Aid for Women and Type of Offense

The litigation strategy followed in Yemen obliges the court to appoint a lawyer to provide compulsory legal aid to defendant women in accordance with the principles of Sharia law and the laws in force. In the event it was proven that the defendant woman is insolvent, the attorney fees are to be paid by the court under the legal aid funded by the state. This includes the costs of legal advice, aid or representation, which are provided to beneficiaries who cannot pay it free of charge, and the state pays the rest of the costs.

For this purpose, the General Administration for Women, Children and Minors' Funds Affairs was established in the Ministry of Justice and assigned to undertake the following tasks:

- Providing legal aid and legal advice to insolvent and poor women who are unable to pay attorney fees and in need of legal aid before the prosecution offices and the courts.
- Establishing a litigating women services unit in the Municipality Appeal Court
- Providing legal aid to the insolvent and poor in addition to the incompetent and people with deficient competence (the elderly and the handicapped). It is one of the means to achieve justice and a human right for them guaranteed by the constitution, laws and international legislation. Therefore, the leadership of the Ministry of Justice sought to provide legal aid to a number of beneficiaries in a number of targeted governorates through the General Administration of Women and Children and Minors' Funds Affairs.

By evaluating the role of the administration in this field, it was found that the ministry, in the current circumstances, was limited to providing legal aid service to women in two governorates (Amanat Al-Asimah and Al-Hudaydah). This decline in the number of lawyers according to those in charge of the administration was due to the current economic conditions due to the war, and the government funds stopped because the Central Bank was moved which led to stopping the operational expenses. However, it has been noticed that there is some kind of coordination with some local organizations such as the Yemeni Women's Union whereby women who need legal aid are transferred to other governorates. The administration is currently striving to regulate the provision of this service by developing monitoring and evaluation mechanisms for the performance of lawyers, despite their limitations, by developing a guide for providing the service and using a number of forms in this regard. It was found that the administration was recently able to extract a ministerial decision to establish a unit to support

litigant women in the Municipality Appeal Court. These efforts, albeit limited, indicate the will of the specialists and the leadership in activating such services, but they remain restricted and limited due to the lack of support and funding in the operational budgets.

8. Other Aspects of Litigation Strategies

The litigation strategy followed in Yemen, like many countries in the region and possibly around the world, is subject to the jurisprudence of judges and lawyers due to the technical and complex nature of the litigation process, which requires a clear understanding of some aspects of offender, civil and customary laws that their texts may not differ with the contents of laws and Sharia. However,

Although Yemeni legislation guarantees equality between men and women before the law, there are some deficiencies in the application. For example, offender laws still pardon the rapist from punishment if he marries his victim. Moreover, the perpetrators are acquitted in honor crimes.

they may differ in the penalties options they contain. Usually, lawyers incorporate religious or cultural arguments in the litigation strategy, as it is the most effective way to establish equality between parties to a conflict on the basis of what culture and religion acknowledge. Lawyers have often relied on these strategies, which enable them to reduce the application of harsh sentences related to legal or religious texts, through which they are able in many cases to present acceptable legal arguments that are consistent with the community's values and are not unfair to women who are guilty. For example, human rights lawyers have developed legal lists that enhance the protection of rights by providing non-restrictive interpretations of some Qur'anic texts or hadiths that are permitted by Sharia and are included in ijihad. For example, some lawyers encourage their clients accused of drinking alcohol or adultery to choose flogging rather than jail time. These lawyers succeeded in demonstrating the symbolic nature of flogging and reliance on religious definitions, such as the size and type of the whip, which limited the application of the prison sentence. Often judges, out of frustration, give up carrying out such penalties. Moreover, this approach eliminates the problem of misinterpretations of Sharia about unequal treatment between men and women by redefining the legal methods that can be used to protect human rights through working in an Islamic context ⁵⁰.

9. Units / Institutions Specialized in Women's Justice

There are no specialized units or institutions working to promote women's justice, but there are technical departments that support judicial justice institutions for women and children, such as (General Administration for Women and Children and Minors' Funds Affairs at the Ministry of Justice - Department of Women and Children in the Human Rights Department of the Office of the Attorney General - General Administration for Protection The family in the Ministry of Interior), and the programs and services provided by these bodies remain confined and within a narrow framework that may be confined to the central framework only and some cases with a major deficiency of the role of a number of administrative units directly related to the women's justice, such as the role of the General Administration for Women Development in the Ministry of Human Rights, the General Administration for Women Development at the Ministry of Social Affairs and Labor. etc.) Also, the number of women workers in the field of justice is small and ineffective, and therefore there is a need to strengthen a comprehensive justice system for women by activating the role of these departments at local levels, such as enabling the General Administration for Family Protection by establishing specialized units within police stations of specialized female staff and technical personnel in the social and psychological field, the role of the General Administration for Women and Children at the Ministry of Justice to provide legal aid services, litigating women's protection units to include

50 https://pdf.usaid.gov/pdf_docs/Pnadf477.pdf

various courts and prosecution offices in all governorates, supporting the rest of the departments with women and technical staffs in other institutions such as the Attorney General's office, and the Women Development Department at the Ministry of Affairs to develop systems and programs for rehabilitation and social reintegration as well as professional advocates or other representatives who provide legal or other appropriate assistance to women. This confirms what a number of participants in the meetings pointed out, i.e., the need to establish family courts and special units to undertake the task of providing mediation services in resolving cases related to women, either as separate units or as part of the existing local courts. Where this is not immediately possible for practical reasons, directives should be issued from the relevant authorities encouraging the presentation of mediation and social solutions within the official state institutions concerned with offender cases, and specialized services such as monitoring, advice or supervision should be established along with specialized facilities to assist woman.

10. Female Specialists Working in the Field of Justice

Through the data and information collected in this study, it became clear that the number of professional and specialized women in the field of justice is very small, and that the professionals, including judges, lawyers and workers in the field of women's justice, did not receive any kind of training in the field of women's justice. Some of the participants in the working sessions indicated that there is a need to develop workers in the field of the judiciary, especially women's justice, to deal with cases of women violating the law. There is also an urgent need for specialists in dealing with women's cases at the police, prosecution and court levels, and sociologists and psychologists.

11. Community Organizations and Services Provided to Women in Conflict with the Law

Civil society organizations and local councils have a fundamental and important role in promoting the work of diversion programs and Non-custodial alternatives, and international standards in this regard confirm the importance of the role of local councils and civil society organizations and institutions, and indicate the need to involve them in directing their programs and activities to provide a package of services related to women in contact with the law. In addition, they play an important role in setting, developing and implementing policies, and urging states to develop partnerships with non-governmental organizations and local councils, as they represent a fundamental pillar in dealing with women in contact with the law, so that it supports and backs the roles assigned to official bodies but does not replace them with the aim of developing and strengthening coordination and networking with it in accordance with an integrative pattern that brings it together with non-governmental organizations in the field of providing services to women in contact with the law. It is known that the services and programs that can be provided through the local council and organizations are numerous and many and may include prevention and awareness programs, counseling and legal aid programs for women in contact with the law and their families, services and programs to encourage official bodies to divert to them as non-custodial alternatives, programs that facilitate contact with parents or restoring links with the family, social, educational and professional rehabilitation programs, health, recreational and educational services, aftercare programs, documentation, monitoring and follow-up, marketing of products, and creating job opportunities after the term of the sentence ends, etc. The results of the meetings and discussion groups that were carried out in a number of governorates indicate that there is no inventory of the local resources of these organizations and the services and programs provided by them. Consequently, the judiciary and law enforcement officials lack the knowledge of those services and programs.

The results of the meetings implemented with a number of those organizations, such as the Yemeni Women's Union, Sajin Foundation, and the Community Center in the Capital Municipality, indicate that a number of problems have arisen that prevent civil society organizations from carrying out their duties. The most important of which is that the legal texts contained in Yemeni legislation related to the restorative justice approach and Non-custodial alternatives for women are weak and do not include specific mechanisms for the interventions that can be provided. In addition, there is a lack of awareness of the human resources involved in the application of those alternatives, absence of the female component working in these institutions, and the absence of technical staffs and specialties, such as social and psychological workers, to work on women's cases to

alleviate psychological and social pressures during a period of conflict with the law. There is also weakness in the services necessary to deal with women's cases, whether legal, health, or financial that contribute to the best interest of women in a way that does not conflict with the law, in addition to the slowdown in the provision of services, especially legal aid services, as a result of the lack of trained and qualified staff to work in women's cases In an emergency. Moreover, among the challenges is the lack of speed in resolving cases, especially women's cases, and the long legal procedures that often cause defamation against them and everyone's knowledge of their situation and what they had faced and done. Among the most prominent challenges expressed by the participants are customs, traditions and cultural values that offenderize women if they depart from the prevailing values in the community without any consideration or attention to the pressures she was subjected to and thus is looked at in a way that she must be punished and retributed so that she becomes an example. This, in turn, greatly affects and impedes the work of the restorative justice approach and Non-custodial alternatives.

Providing accessible justice is a state obligation under international human rights standards, but this obligation does not require providing all justice through formal justice systems. Therefore, providing justice through informal justice systems is a substitute if it is done in ways that respect human rights and supports them, in a way that does not conflict with human rights standards and can be an alternative mechanism to enhance the fulfillment of human rights obligations by providing justice that formal justice cannot reach and cover either because of its inability to exist or its inability to exist in a certain geographical area. Hence the importance of informal justice to provide social solutions and maintain order and law within the community. It is evident that this system can integrate and engage with formal justice systems, achieve greater respect and protection for human rights, and provide justice within flexible structures and processes with higher effectiveness in communicating with popular societies at lower costs ⁵¹. The difference between formal justice and informal justice in Yemen can be explained through a comparing the two. The formal justice system and the informal justice are two methods that differ in form and are

The Results of the Field Visits Indicate:

- ✍ The presence of a number of women who have received release decisions, yet they are still being held because they were not received by their families and there are no community programs to which they are diverted.
- ✍ Most correctional facilities do not provide vocational, educational, or psychological rehabilitation programs and other basic services for women.



51 https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/informal-justice-systems.html

similar in content, and the two of them can be distinguished through the answers that each of them focuses on obtaining in the tribal justice mechanisms.

12. Alternatives To Penalties in The Official System Of The Judiciary

There is no specialized body or unit within the judicial system in Yemen that regulates the application of alternative punishments by the judicial authority or the public prosecution, as is the case in many countries that apply the alternative penal system where there is a special judicial institution established for this purpose and is called in some systems the penalty execution judge entrusted with the decision to replace the original punishment with an alternative punishment. The women offenders remain under judicial control in order to review the punishment when needed and stop it if its purpose has been achieved or to replace it with a variety of aggravating or mitigating factors, including imprisonment if it is found to be useless. Consequently, there is a need for a system that regulates alternative punishments within the official judiciary, and for it to be stipulated in the Penal Code or offender Procedures, and there must be a unit specialized in applying alternative punishment in an orderly manner without leaving it to jurisprudence. Although there is no mechanism for alternative penalties within the official system in Yemen, one of the pros of this system is its acceptance and authorization to make reconciliation as a legally recognized tradition in family dispute settlement processes by some judges trained in tribal reconciliation. NGOs in Yemen have made progress towards recognition of reconciliation according to Sharia.

13. Informal Justice Systems⁵²

Defining the informal justice system as the informal conflict resolution mechanisms through tribal and community norms that are rooted in their culture and are outside the scope of the formal justice system. The term informal justice systems are used here to distinguish between formal justice systems run by the state and informal justice systems run by non-state actors. In the Arab region in general and in Yemen in particular, women may not resort to the formal justice sector for many reasons, the most important of which is misunderstanding the law, fear and intimidation, high litigation costs, or lack of familiarity with formal procedures, etc. Lack of understanding of laws and formal litigation procedures. As a result, women resort to informal justice systems, which represent the best options for reaching a settlement of disputes for many of these women when the formal justice systems are ineffective or suffer from the high number of cases they receive, or when formal court systems may collapse or lose their authority in periods of turmoil and conflict. At the same time, informal justice systems stand out strongly because they are derived from the community, and traditional justice mechanisms have played critical roles in dispute resolution during and after the dispute phase better than the formal judiciary. Accordingly, women resort to informal justice systems that derive their authority from social groups and societal norms, which include traditional, tribal, and religious courts or procedures for settling disputes on the basis of what is customary in the local community. Informal justice systems can be used to resolve many disputes. However, informal justice systems face pressures from the authorities in rural or conflict-affected areas, as they are still vulnerable to pressures from political and social conflicts, and their decisions depend to a large extent on the ability of community leaders to avoid pressures and interventions by the parties to the dispute. Hence the importance of analyzing informal justice systems and their suitability to address cases related to women and women's access to dispute resolution mechanisms, especially since, in the developing world, about 80% of women's

⁵² The state of gender justice in the Arab region (2017), Economic and Social Commission for Western Asia (ESCWA) <https://www.unescwa.org/file/77658/download?token=zK2qmfag>
Like someone who lives in a box: Women and the male guardianship system in Saudi Arabia, July 16 (2016 a) <https://www.hrw.org/ar/report/2016/07/16/292114>

lawsuits are settled through informal systems⁵³. Nevertheless, informal justice systems are subject to male domination, lack binding precedents and thus have less predictability, and most of them do not keep adequate records on decisions taken to guide the parties. They are often guided by religious texts or by local customs and traditions, which provide a basis for precedents. International Development Studies on the right to equality within informal justice systems recognize that merely providing legislative guarantees for equality is not sufficient. Rather, it should address customary law and practice reforms, enabling local women to assume leadership roles in justice mechanisms, and improve legal knowledge and awareness of rights. Despite some shortcomings in the informal justice system of litigation, there are several factors that lead women away from the formal legal system and push them towards informal justice systems. These include the presence of some biased laws; women are more reluctant than men to rely on formal channels of justice to resolve disputes; and lack of trust in the legal and governmental systems, especially when they are perceived as biased against women. Even when women have access to justice institutions, they are unlikely to be treated in an equal manner because some laws are discriminatory, whereby court results or decisions grant privileges to men and subordinate women in order to consecrate patriarchal society and guardianship. In general, the methods adopted for settling disputes in informal justice systems in Yemen have been associated with methods of conciliation, reconciliation, and mediation. These methods are used in private endeavors to control disputes that are not addressed by the state, and traditional customary steps are taken to resolve them. Sometimes, private and official methods of seeking justice can be simultaneously resorted to in order to achieve reconciliation. The methods of conciliation and reconciliation are alternative and original forms of controlling and limiting disputes, with the need to address the psychological effects of the victim through the confessing and acknowledging of the perpetrator of their act with expressing their regret for what they had done to the victim.

14. Alternatives to Detention for Women in Pre-trials

14.1. Methods of Detaining Women in the Evidence Gathering Stage

Through the extrapolation of the legal system in the Yemeni offender justice system, we did not find explicit texts authorizing the police to take Non-custodial measures in offender cases committed by women, children, or other groups of society during the evidence gathering stage. However, women's cases are of special concern in the Yemeni society due to its nature and its social structure; Yemeni society is keen to solve women's cases through society without reaching formal justice systems or resolving these cases in their early stages during the evidence gathering stage. Therefore, in some cases of non-serious nature, especially when dealing with women's cases of a family nature, a number of interventions carried out by the police have been monitored through the General Administration for Family Protection, through the implementation of the Administration to study the circumstances of these cases and the social background. The administration has dealt with these cases in accordance with a restorative justice approach based on reparation. After ensuring that the victims are convinced of reconciliation, the dispute is ended by mutual consent in order to avoid the social, psychological and family consequences and effects of the detention of women accused of committing these crimes of a non-serious nature.

Due to the special nature of women in Yemeni society, the Family Protection Department takes into account the adoption of a set of measures aimed at not detaining women through the release of detainees with confirmed guarantees until the collection of evidence is completed and the records are submitted to the Public Prosecution. There is also a special type of women's cases that are reconciled according to the restorative justice approach. One of the

⁵³ United Nations, General Assembly, 2011.

challenges facing the administration is the inability to reintegrate women into the family due to the social stigma and the social view of women in contact with the law, which forces the Administration to place these women in one of the women shelters and centers in the geographical area in a way that achieves the best interests of these women and guarantees Rehabilitating them psychologically, socially, and professionally.

14.2. Alternatives to Pretrial Detention in National Law

Instructions of the Public Prosecutor No. (20) for the year 1998 require the Public Prosecution to issue general instructions to the Public Prosecutor's Office not to detain women under preventive detention except in case of necessity and in crimes that require this. However, when preventive detention is done, they are placed in criminal institutions designated for women whenever possible, and in all cases, it must be in isolation from men⁵⁴. In addition, it is obligatory that the decision of preventive detention against the woman is only done after interrogating the defendant, in a case that was brought after her escape; if the prosecution decided that it is in the interest of the investigation or to prevent her from escaping; for fear of its impact on the progress of the investigation; after making sure that there is sufficient evidence of her accusation; the crime of the defendant is punishable by imprisonment for a period exceeding six months; the defendant does not have a known place of residence when the crime is punishable by imprisonment; if the defendant is over fifteen years of age; or when the prosecution has not been able to determine the identity of the defendant. In all cases, the statements of the fugitive defendant must be heard for whom a pre-trial detention order was issued twenty-four hours from the time of her arrest. Legal texts confirm that the detention order issued by the Public Prosecution shall not be effective except for the period of seven days following the arrest of the defendant, and if the Public Prosecution deems the extension of preventive detention, before the expiration of the seven-day period, it must present the papers to the competent judge to issue an order of what he deems after hearing the statements of the Public Prosecution and the defendant. The judge may extend the detention for one period or successive periods so that the total time of detention periods does not exceed forty-five days. If the investigation does not conclude despite the expiration of the period of precautionary detention mentioned in the previous article, the Public Prosecution must present the papers to the competent governorate's appeals court to issue its order after hearing the statements of the Public Prosecution and the defendant to extend the detention for successive periods not exceeding forty-five days each if the interest of the investigation requires that or the release of the defendant with or without a guarantee. Nevertheless, the matter must be presented to the Public Prosecutor if three months have passed since the defendant's imprisonment has passed in order to take the measures, he deems necessary to expedite the completion of the investigation. Moreover, he has the right, for the sake of completing the investigation, to authorize the Head of the Appeals Prosecution to request the extension of preventive detention for multiple periods not exceeding three months so that the entire period of preventive detention does not exceed six months. Unless the defendant was informed of her referral to the competent court before the period expired, she must be released.

According to what has been reviewed during the preparation of this study, detention options at this stage are as follows:

A- Temporary Release:

According to Yemeni law, the prosecution may decide to issue temporary release in all crimes for any defendant and at any stage of the case. The temporary release is of two types

⁵⁴ Article (88) of the Attorney General's Decision No. (20) of 1998 provides for issuing general instructions to the Public Prosecution" should be taken into account that women should not be held in preventive detention except in cases of necessity and for crimes that necessitate that, while they are placed in punitive facilities designated for women whenever possible, and in all cases, they should be kept separately from men.

(compulsory and permissible), and the law shows how to deal with the two types of temporary release as follows:

Mandatory release: And it is done in one of the following cases:

- The first case: the compulsory release of the defendant in non-serious crimes if the seven days after the date of their interrogation have passed ⁵⁵. Whenever the defendant has a known place of residence in the country and the maximum prescribed punishment does not exceed one year, with the exception of those who have been previously sentenced to imprisonment for more than one year without suspending the execution or if they were recurring offenders.
- The second case: if it becomes evident to the investigation authority that the crime attributed to the defendant is not permissible for pretrial detention. For example, if it is found that the defendant has not reached 15 years of age⁵⁶, or that the incident has a penalty of less than six months, fine only, or it is only a minor offense.
- The third case: If a decision was issued that there is no point in instituting the case for objective or legal reasons; because the legal period specified by the competent authority to detain the accused has expired and neither the former or any other competent authority has decided to renew on the date specified for that; for the expiration of the six-month period that the judge has for extending the preventive detention with the defendant not referred to the competent court; or if the defendant has reached custody before the court more than half of the maximum limit of the legally prescribed penalty and the judgment has not been issued against them ⁵⁷.

B- Permissible Release:

We also find that Yemeni law permits the Public Prosecution, either on its own initiative or at the request of the defendant who is held in preventive detention, to order their release with or without a guarantee, provided that they undertake to attend whenever they are requested to do so and do not refuse to implement the ruling that may be issued against them ⁵⁸. We find here that the law stipulated two conditions for permissible release, namely: pledging to attend whenever the defendant is asked to do so and not to refuse the execution of the issued sentence to convict the defendant. This condition does not mean waiving the right to appeal the judgment; rather, this condition is about the execution in the sense that the accused submits himself/herself after the issuance of the conviction judgment for execution even if they appeal this ruling. These two conditions are not applied in the case of compulsory release.

C- Judicial Oversight System:

The law allows the investigative authority according to the text of Article (201) to ask the defendant to choose a place to reside in other than the place in which the crime occurred and to prohibit them from visiting a specific place. Here, we find that Yemeni law has adopted a system of judicial oversight as an alternative to preventive detention, but it is limited to two measures, namely: residing in a place other than the place where the crime was committed or prohibition of frequenting certain places.

D- Criminal Reconciliation:

Criminal reconciliation is one of the alternative options that allow the investigative authority to conduct reconciliation in crimes where the penalty does not exceed the fine as well as crimes punishable by indemnity, in which it is sufficient to collect the fine assessed in the

55 Article (194) of the Criminal Procedures Law No. (13) for the year 1994 states that the detention order issued by the Public Prosecution shall not be effective except for the period of seven days following the arrest of the defendant or delivery to it if they were arrested before. The arrest warrants or imprisonment issued by the Public Prosecution after the lapse of six months from the date of its issuance, unless approved for another period.

56 Paragraph 4 of Article 194 of the Criminal Procedures Law No. 13 of 1994, Ibid.

57 Articles (130 - 205 -218) of the Procedures Code, Ibid.

58 Article (194) of the Criminal Procedures Law No. (13) of 1994.

first case, and indemnity in the second case with the consent of the two parties. If the two parties do not agree to the reconciliation, the prosecution submits the case to the court according to the summary procedures system. Here, we find that Chapter Three of the Public Prosecutor's Instructions No. (20) for the year 1998 has organized conciliation procedures as it requires the attorneys of the prosecution, each in his area of competence with the consent of both parties in crimes where the penalty does not exceed the fine not exceeding ten thousand riyals, and in the crimes punishable by indemnity that does not exceed the indemnity of a thorough stab. The fine estimated in the first case must not exceed ten thousand riyals, and the indemnity in the second case, provided that there is commitment to the minimum taken into account as much as possible and this right is proven to them, if it is not a penalty imprisonment and its obligation according to Article (301, A.C.). Reconciliation must be based on the record of evidence collection. If the prosecution conducts the investigation, it is not permissible to reconcile; rather, it must act in the case according to the provisions of Article (252). The public prosecution attorney must begin by registering the case, giving it the legal description, and proving the consent of the parties to the dispute to make a reconciliation in the record of collecting evidence, and determining the fine on which reconciliation has been made. Then, the reconciliation order is drawn up on the prescribed form. If the person in charge of the case does not have the right to reconcile, then they must indicate at the end of the charge description for the prosecutor to consider issuing the reconciliation order.

E- Preservation of Documents:

The Public Prosecution may issue a preservation order before it begins the investigation procedures if it decided upon reviewing the file that there is no room for the case to proceed, it issues a reasoned order to temporarily preserve the documents while continuing with the investigations if the perpetrator was unknown, or if the evidence before it was insufficient. If the incident does not involve a crime or it is of no importance, it orders final preservation of the documents. The preservation decision due to insignificance is only issued by the Public Prosecutor or whoever it delegates to do so..." " The preservation of document procedure may be used as one of the means to end the progress of a criminal case, either due to insignificance or because the elements of the crime are incomplete. The public prosecution member resorts to using their discretionary power in some cases related to women in order to protect the woman.

F- Ruling the Lack of Reason to Institute the Lawsuit:

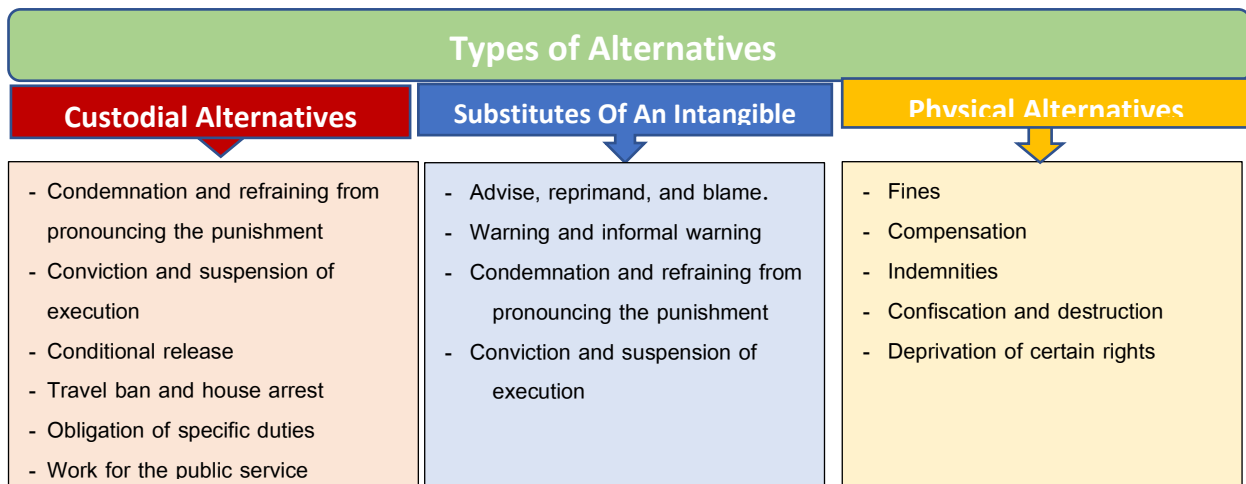
Among the options granted to the prosecution is to issue, after the investigation, a reasoned decision that there is no reason to institute a criminal case according to the text of Article (218) "If it becomes clear to the Public Prosecution after the investigation that the incident is not punishable by law or is not valid, it issues a reasoned decision that there is no reason to institute a criminal case....."

G- Penal Order:

The penal order is intended to terminate the progress of the criminal case and not to file it with the court in some cases by paying a fine. Article (522) states that "the agents of the Public Prosecutor in the court whose competence is to hear the case, excluding other assistants, may issue the penal order for violations according to the provisions of Article 11 Law No. (17) of 1994 regarding general provisions for violations and penalties that they can inflict are a fine that does not exceed half of the maximum limit set for the violation and confiscation and return the thing to its origin." This means that the law has authorized the attorney of the Public Prosecution to take penal order in some cases and terminate it with the paying of fine without sending it to court.

15. Alternatives to Detention for Women During the Trial Stage:

The discretionary power granted by the law to the judge in the right to assess the appropriate discretionary punishment between the maximum and minimum limits determined for the crime or to replacing it with an alternative punishment, as previously mentioned, depends on the judge's assessment of all the mitigating or aggravating circumstances of the degree of responsibility, the motives for the crime, the seriousness of the act, the circumstances in which it occurred, the perpetrator's criminal past, personal status, subsequent behavior after committing the crime, their relationship with the victim, and whether they have compensated the victim. According to the above, he decides to issue an order to replace the imprisonment penalty with one of the non-custodial alternatives prescribed in the law.



15.1.Mandatory Labor:

Mandatory labor is one of the alternatives to the detention penalty, and it is also one of the original penalties which can be applied in crimes committed by women as an alternative to the penalty of detention in crimes punishable for a period not exceeding three years. This measure is ruled for a period not exceeding the prescribed period of imprisonment for the crime. If the judge, after contemplating the causes of the crime, the personality of the convicted woman, her past and her social status, finds that the educational effect of the punishment can be achieved without resorting to imprisonment, the law permits the judge here to mandate the convict to reside in the area of the project which is being executed or in one of the penal facilities close to it. The services provided by the project to her, such as food, clothing and housing, are to be deducted from the convicted person's wages.

15.2. Suspension of Execution:

Among the alternatives at the judge's disposal in the crimes in which he issued a ruling of a fine or imprisonment for a period not exceeding one year, the law permits the judge who issued the ruling to order the suspension of the execution of the sentence if it becomes clear to him from examining the identity of the convicted woman and the circumstances of her crime that he believes that she will not commit another crime. The execution of the sentence may be suspended for any complementary penalty except for confiscation, and the convicted person may be obligated to pay compensation to those who have suffered damage from the crime within a period specified in the sentence. With the suspension of the execution of the sentence during this period with no reason to cancel the suspension of execution makes the verdict non-existent.

15.3. Refraining From Pronouncing the Punishment:

The judge may refrain from pronouncing the sentence while instructing the perpetrator to pledge in writing that she will not commit a crime in the future, provided that the court

assesses a certain amount of money, which should be easy to pay for the offender, or assigned to provide a capable guarantor for her, so that if two years have passed from the date of the final sentence without committing a crime, the submitted guarantee is forfeited and the judge refrains from pronouncing the sentence. However, if the offender commits a crime, the court obliges the guarantor for the amount of the guarantee and pronounces the punishment.

15.4. Indemnity or Fine:

This option is ruled as one of the alternatives to detention by imposing a financial or material punishment as an alternative to punishment as a sole option to the judge; as one of the many penalties; or as a condition of the probationary period. The amount of the fine should be adapted in proportion to the offender's ability to pay. Payment can be guaranteed through the various means permitted by the court, including direct payment, installments, collecting the offender's salary, or seizing the offender's property.

16. Alternatives to Detention During the Sentence

16.1. Conditional Release (Three Quarters of the Term):

Yemeni law permits the release of a person sentenced to imprisonment if they have served three quarters of the sentence, according to their behavior in detention, which calls for confidence in self-correction. The text of Article (506) states: "If the conduct of a person, who is sentenced to imprisonment, during the time, which such person has spent in prison, calls for having confidence in the ability thereof to keep himself in good standing, then such person may be released on parole after having spent three fourths of the sentenced term of imprisonment therefore, provided that the duration of detention in the penal facility has been at least three months. We also find that the law also authorized defendants, men and women alike, based on reports submitted by detention institutions for those who have spent three quarters of the sentence and have a certificate of good conduct to be released. This is done periodically through the Public Prosecution. However, the defendants face in this case the private rights that still burden them, as the text of Article (508) A.C stipulates that parole is not permissible unless the convict fulfills the financial obligations imposed on them unless it is proven that they are unable to fulfill them. Thus, release cannot be made even if the penalty period has ended and they are still under the obligation of private rights or the absence of those who are to receive them⁵⁹.

16.2. Employment Outside the Penal Institution:

It is one of the alternatives for detention during the sentence execution stage. According to Article (497) of the Code of Criminal Procedure, the Public Prosecution must take into account that the woman who has been sentenced to imprisonment for a period not exceeding three months should be given the choice between imprisonment or work outside the penal facility, taking into account that the work she will be assigned are suitable for the woman, her qualifications, and her physical fitness as stipulated in the Labor Law.

16.3. Postponement of the Execution of Custodial Penalties:

The law gives the investigation authority the right to postpone the execution of custodial penalties according to the text of articles (498 - 499 - 500 - 501 - 502), in the event that the convict suffers from disease; in the case of insanity or mental disability; in the case of imprisonment of the two spouses at the same time; or the case of the pregnant and nursing women⁶⁰.

59 This problem is one of the most significant problems that keep women whose sentence is finished is staying on the count of public right and private rights. One of the most notable problems the judiciary faces when women are to be released, especially when their sentences are finished, is the requirement that the guardian receive the woman. This might lead to women remaining in prison without a justification or legal basis when abandoned by their guardians. However, it is better to establish appropriate care and rehabilitation homes for these women to live a normal life after society abandons them despite having served their sentences.

60 In the event that the convicted person suffers from a life-threatening disease, the Public Prosecution may postpone the execution of the sentence until they are cured. In case of insanity or mental disability, the execution of the sentence must be postponed and the convict shall be placed in one of the treatment facilities and the time spent there is to be considered from the period of imprisonment. In the case of the imprisonment of the spouses in the same, the time for the execution of one of them is to be postponed until the other is released in accordance with conditions specified by the law, including that they are guardians to a minor under the age of 13. The law also permits the prosecution to

17. Statistics about Justice for Women Who Violate the Law

It became clear through interviews with relevant parties and from the information gathered that there are no qualitative statistics on women's justice in general, and data on alternative measures for women who violate the law in particular are not available and may not be available in certain regions of the country, especially in rural areas. Thus, it can be said that reliable statistics are not available due to the lack of equipment for systematic data collection and the lack of interest in recording and documenting cases according to the generally accepted methods in this regard. The only official body that collects acceptable data on women's cases is the Family Protection Department at the Ministry of Interior. It was also evident through the available information and the information collected that there is no qualitative statistical system, and that data does not provide the minimum information related to the criminal policy. In general, statistical data is limited to general data related to the number of incoming or completed cases, and that data does not indicate The type of committed crimes (they are classified as serious and non-serious), which indicates the lack of data and indicators that support policy-makers and those in charge of the justice system to draw up national policies, plans and strategies in the field of reform and development of the criminal system. It was also noted that the information systems related to the justice agencies (the police, the prosecution, the courts, and places of detention) are still independent and belong to a specific entity and are not linked with the rest of the system, which made the information more contradictory and inconsistent. All of this reflected in particular on the quality of the information related to women justice, the lack of accurate data on the number of women in contact with the law, women detained in pre-trial detention or awaiting trial, the number of women beneficiaries of alternatives to detention, and other quantitative or qualitative information and indicators related to women's justice. Thus, it can be said that reliable statistics are not available due to the lack of equipment for systematic data collection and the lack of interest in recording and documenting cases according to the generally accepted methods in this regard. The only official body that collects acceptable data on women's cases is the Family Protection Department at the Ministry of Interior. It can be noted from the table the type of data available at the Family Protection Department at the Ministry of Interior.

Field visit statistics for governorates (women) ⁶¹				
Governorates	Total number of women in the Central Prison	The percentage of women cases in the governorates %	The number of children accompanying their mothers	
			Males	Females
Amanat Al-Asimah	107	38.9	13	10
Ibb	37	13.7	5	5
Taiz	10	13.4	0	0
Dhamar	21	10.1	6	6
Hajjah	11	7.6	5	0
Al Hudaydah	28	6.5	4	4
Sa'dah	38	4.0	5	7
Al-Mahwit	7	3.6	0	0
Amran	18	2.5	4	0
Total	277	100	74	

decide to postpone the execution of imprisonment for a pregnant woman until she gives birth with the provision of a guarantee, and the nursing woman until two months after delivery.

61 Conditions of Prisons and Statistics Centers (Reality and Law) National Foundation for Prisoners Care, 2019

It is noted from the prison data (see the previous table) that the implementation of prison sentences for women is accompanied by direct victims and indirect victims. In the previous cases, we find children are direct victims of the punishment of imprisoning their mothers, which may fall under what is considered a violation of the rights of the child. The percentage of children accompanying their mothers in prison is up to 27%. Consequently, these children suffer from severe psychological and health damages that they cannot recover from, and they may be the nucleus of crime in the future. Instead of reforming the mother in prison, we find that the child might develop criminal behavior due to being in prison with a group of incarcerated women; hence, the law has contributed to creating harmful problems to the society in the future. We conclude from these data that there is a necessity to consider alternative punishments for women for the reasons mentioned.

18. Women prisoners ⁶²

In Yemen, women represent a small percentage of the total prison population (see Table 4). However, the care procedure for female detainees is still below the required standard level and is important due to their special needs, which differ from men, their physical and social dynamic makeup, culture, and childcare responsibilities. The adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Procedures for Women Offenders in 2010 is a major advance in recognizing the specific gender-based needs and safeguards needed for women in criminal justice procedures.

Table 3. The number of women prisoners in relation to the total number of prisoners in central prisons ⁶³

Governorate	Women	Total prison population	Rate
Sana'a	77	2,326	1:30
Taiz	48	1,577	1:33
Ibb	25	1,235	1:49
Hudaydah	30	951	1:32
Aden	17	723	1:42
Al Mukalla	7	483	1:69
Seiyun	—	87	—

It is evident from the foregoing review in this section that Yemeni legislation needs to be reviewed and updated to include alternatives to custodial measures and to limit the imprisonment of women in inappropriate prisons as well as the absence of special places for the temporary detention of women in police stations or preventive detention institutions (preventive detention) in Yemen. Most prisons are not equipped with separate sections or cells for women and there is no female staff in them. In general, it is customary to transfer the woman defendants and offenders to the women's sections in the central prisons almost immediately after their arrest. As a result, woman defendants are held pending trial with female prisoners sentenced for serious crimes (including execution) in the women's wards of central prisons. Hence the purpose of diverting women's cases from the formal judicial system to the informal judicial system is to replace custodial punishments with alternative punishments, avoid harm to guilty women, and remove the abuses associated with imprisonment, and criminal reform. This research study comes to shed light on recent trends in criminal policy at the level of the

⁶² <https://www.files.ethz.ch/isn/189431/PW106-Prisons-in-Yemen.pdf>

⁶³ Source: <https://www.files.ethz.ch/isn/189431/PW106-Prisons-in-Yemen.pdf>

Arab world and the world, and convince legislators, judges, prosecutors, and stakeholders, especially law enforcement and civil society, of the feasibility of alternative punishments. Statistics for female prisoners show the increase in the number of female prisoners during the previous years. It should be noted here that alternative punishments do not mean suspending the original punishments, but rather are punishments imposed on the convict instead of custodial punishments after the alternative punishments have become compensation for detention and imprisonment that are no longer a punitive method in the modern era, especially in developed countries that have abandoned custodial punishments, prohibit torture, hard labor, and even reduced the number of life sentences. It was necessary to have a modern means of reform instead of imprisonment and short-term punishments and to replace them with other punishments such as work for public benefit or judicial probation and other punishments that were mentioned at the beginning of this report. Alternative punishments have opened a new door for reforming women who are guilty outside prison and without being exposed to the damages resulting from entering prison while providing appropriate rehabilitation and reform for each case, and this achieves the goal of the modern criminal policy that is based on prevention, combating crime, and providing appropriate treatments compatible with the special nature of women. It is worth noting here the positive practices of the formal justice system in encouraging societal solutions to many criminal cases or violations of the law within the framework of community customs and traditions. Rather, some bodies that follow the formal justice system divert some women's cases to community and this is done after they reach police, prosecution, or the court (sometimes and only for some cases). Consequently, many of the crimes or cases that are committed by women or in which the woman is a party, are dealt with via mediation and reconciliation, either through individuals, informal agencies, or through individuals affiliated with the official justice system. Community measures are applied which make the woman avoid detention and arrest. In the event that her case reaches the courts, and she was sentenced to prison, many entities concerned with female prisoners' cases, supported by the private sector, would work to speed up the early release of the woman from prison.

Section II: Results of the Field Study

In this section, which include three chapters, the results of the field study will be reviewed and discussed.

1. Chapter I: Contains the results of the questionnaires,
 - a. The questionnaire of the public
 - b. The questionnaire of the experts
 - c. The questionnaire of practitioners
2. Chapter II: Results of discussion sessions
3. Chapter III: includes the results of the evaluation of the work of institutions working in the field of restorative justice with the results of the FGDs.
4. Chapter IV:
 - a. reviews enabling factors and barriers to using diversion and other alternative measures
 - b. Conclusions and Recommendations

Chapter I: Results of questionnaires about diversion and alternatives for women's cases

In this section we will review the results of the three questionnaires on topics related to women's cases related to laws, crimes, punishments, diversion, and formal and informal alternatives, which were collected from a random sample of community members, specialists, and experts in the field of restorative justice and from practitioners of social solutions from different governorates. The questionnaire of the public, the questionnaire of the experts, and the questionnaire for practitioners of social solutions and restorative justice will be reviewed as follows:

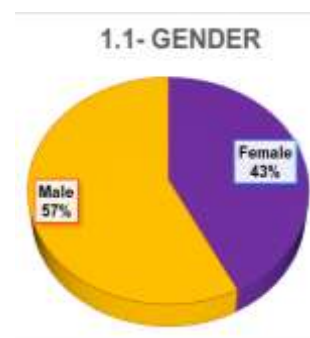
1. Results of the questionnaire of the public:

Data was collected through an electronic form (Appendix No. 1) and it was sent randomly to the public in order to find out the extent of the community's acceptance of resolving women's cases through community justice or reconciliation and what are the cases that the community encourages or intervenes to resolve them at the level of family, neighborhoods, directorates, police centers, and the prosecution all the way to the judiciary. Over 400 forms were distributed through a team, and those who received those forms were asked to distribute them to their acquaintances, especially those interested. The responses received reached 107 participants' forms. Upon examination and scrutiny, it was found that there are 6 duplicates and were excluded. Thus, the total number of accepted forms is 101 forms. We shall review the participants' answers to the questions that were used in the following part of the study:

Demographics:

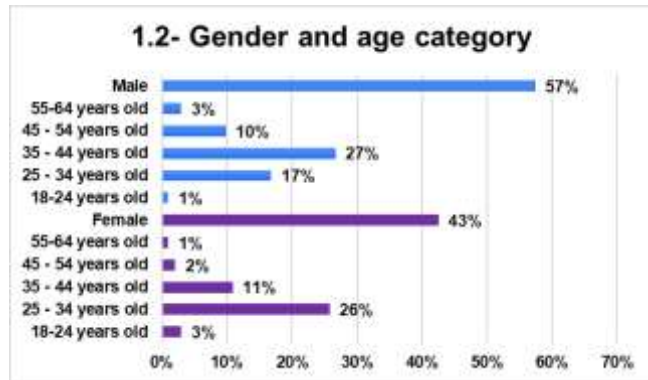
1.1 Gender

The opposite chart (1.1) shows the percentage of female and male participants in the online questionnaire, the male respondents constituted 57% and female respondents constituted 43%, which is an acceptable percentage to know the opinions of the public respondents to cases of restorative justice, diversion and alternative measures for women in conflict with the law.



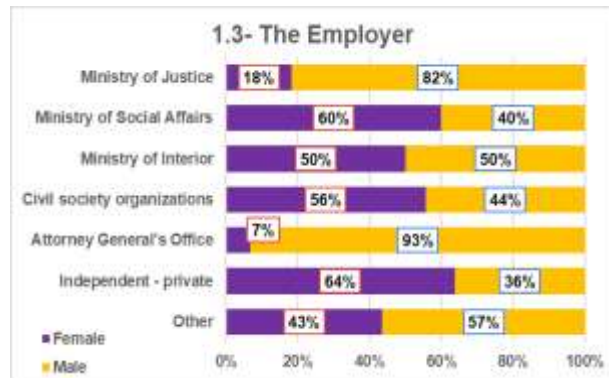
The highest percentage of respondents was males in the age group between (44 - 35), followed by the percentage of females for the age group between (34 - 25), and the lowest respondents percentage of females was in the age group between (64 - 55) while the lowest percentage of male respondents was in the age group between (24-18) in terms of participation.

This reflects the interest of the females in age group of (25-34) years, which indicates that this age group is the most concerned with women's cases and social issues and shows how much this group interacts with women's cases because of its effect among individuals. However, the level of interest decreases in old age and in the ages between (18-24) years of age, as in the opposite figure.



1.3 The Employer

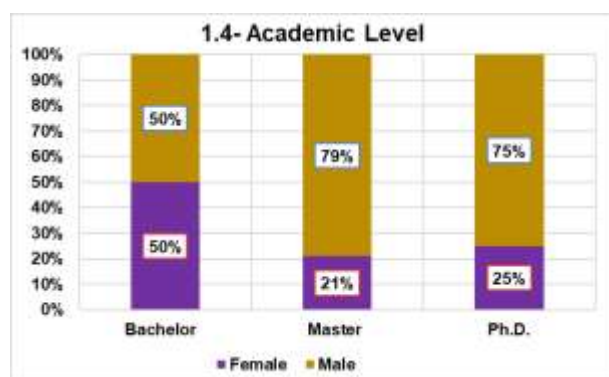
Working on the restorative justice approach and promoting alternatives to detention in dealing with women's cases is based on a participatory, multi-disciplinary approach (legal, psychological, and social). The results of the questionnaire reflect the participation of many official bodies representing the judicial institutions, the police, detention institutions and social institutions in addition to representatives of civil institutions, community organizations and the various social structures of tribal, educational and religious figures as shown in the figure (1.3).



The results received show that the participation rate of civil society was the highest in terms of the number of respondents as it reached (27%), of which 56% were females and 44% were males, followed by the societal components of independent individuals at (23%), followed by independent and personal parties at (21%), of which 64% are females and 36% are males, followed by workers in the Ministry of Justice and Social Affairs, respectively, at (21%), then the Ministry of Interior and social leaders at (8%), and the lowest number of share of participation was (1%) from the Office of the Public Prosecutor.

1.4 Academic Level:

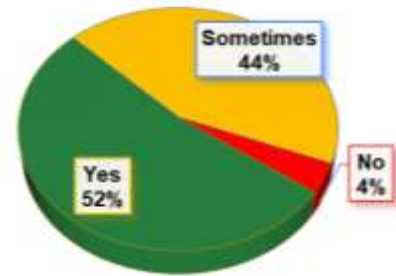
The results of the study reveal that the academic level of the samples participating in the questionnaire is evident from the graph below that the highest participation rate in the sample came from holders of a university qualification, with their participation rate reaching 73% (with equal proportions for males and females 50%), followed by the master's degree holders with a participation rate of 19% (of which 79% are males and 21% are females), followed by PhD holders at a rate of 8% (of which 75% males and 25% females). These rates indicate the quality of data and information produced by the study, for the sample's ability to employ their scientific and practical abilities in analyzing problems that are posed by the study and to develop solutions and technical treatments to these problems according to a qualitative scientific approach (Figure 1.4).



1.5 Encouraging Dealing with Women's Cases According to the Restorative Justice Approach:

The opposite graph shows the levels of encouragement that questionnaire respondents showed which indicate that 52% of the sample work and encourage dealing with women's cases and settling them within the framework of societal solutions (reconciliation, arbitration, mediation, etc.) and concluding them before they reach the official bodies. 44% encourage this sometimes; however, those who do not know, do not encourage, and do not practice societal solutions to address women's cases are only 4%, which is a very small percentage. This leaves no room for doubt about the importance of activating and encouraging the role of community in resolving these cases away from the official bodies because of the benefit it has for women, family, and society (Figure 1.5).

1.5 ENCOURAGING DEALING WITH WOMEN'S CASES ACCORDING TO THE RESTORATIVE JUSTICE APPROACH

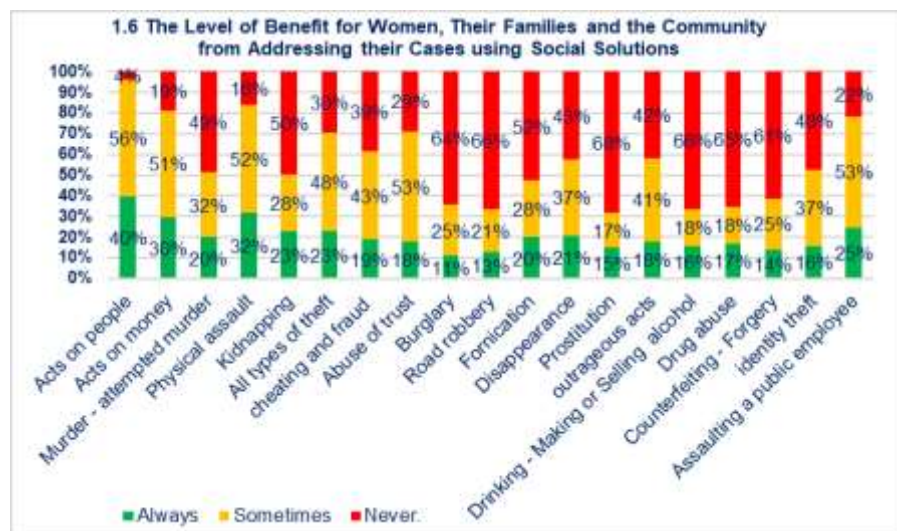


The issue of women and crime in itself is a problem that has not received the necessary attention and in-depth studies. This can be attributed mainly to the percentage of crimes committed by women, which are considered insignificant compared to men's crimes, in addition to the physiological and psychological formation of women as weak bodied being, overpowered by emotion in all their actions. It can be said that empowering women with their rights to education, health, participation in social, economic and cultural life, and political participation, etc. has given room for types of crime that used to be limited to men only. Yemeni women were affected, just as other women were, according to these changes that have occurred in Yemeni society, as is the case with other societies.

1.6 The Level of Benefit for Women, Their Families and the Community from Addressing their Cases using Social Solutions:

In this part we will review the results and levels of women in contact with the law benefitting from the nature of community interventions that seek to address their cases in the context of community, the level of interaction of community components with the types of actions punishable by law, the nature of those interventions and learning their level of impact when one of its woman members are in conflict with the law, as well as the society's perception of women and their families, and does that perception differ according to the type of crime committed and how to deal with that. This will be found out through the results contained in

this part of the questionnaire. The results of the questionnaire indicate the types of cases or crimes in which members of society intervene and provide community-based conciliatory solutions to such cases that give better results for women, the family and society in general to varying degrees and proportions (Figure 1.6).



The results indicated in the above graph show the extent of the intervention of people in cases related to women, as the level of interventions varied according to the type of case. In the case of acts committed against persons, 40% of the sample fully encourage community intervention to address women's cases in this type of actions, followed by 56% of the sample that sometimes encourage intervention in order to settle women's cases in the context of community according to restorative justice programs. This reflects the extent of awareness of the importance of alternative solutions for women away from the interference of the official authorities. Therefore, the total percentage of those who encourage or intervene to solve women's cases related to acts against people reaches 96% of the total respondents, and the lesser percentage of 4% do not encourage community intervention according to restorative justice programs in acts committed against persons.

- As for the crimes committed by women that involve money, the largest percentage, which is 51%, is for those who sometimes encourage community intervention to be addressed according to restorative justice programs. Only 30% of the respondents permanently encourage community interventions according to restorative justice programs, and the lowest rate of 19% is for respondents who do not encourage community to absolutely address these acts.
- In murder, attempted murder crimes, only 20% of the sample encourage community intervention in order to address them fully by the community, and the percentage of respondents who encourage this sometimes is 32%. The highest percentage of the sample does not encourage the community to intervene to treat this type of acts is 49%.
- With regard to physical assault crimes, the highest percentage of the sample sometimes support alternative solutions with a 52% of the respondents, and 32% of the sample fully support intervention with social solutions. The lowest percentage of respondents at 16% do not encourage the use of alternative solutions in this type of crimes.
- The results of the study indicate that 50% of the sample refuse to provide alternative solutions to address women's cases in acts related to kidnapping, and 28% of the sample sometimes encourage the provision of social solutions in this type of crimes. Only 23% of the respondents completely support intervention and provision of social solutions for cases of this type.
- As for all types of theft cases, the results indicate that 48% of the sample sometimes encourages community interventions, and 30% of the sample do not completely encourage community intervention to solve such problems. Only 23% of the sample completely encourage community interventions in these cases.
- In cases of cheating and fraud committed by women, 43% of the sample encourage the provision of community interventions, and 39% of the sample do not encourage these interventions to solve such problems. Only 19% of the sample completely encourage the provision of these interventions.
- In cases of abuse of trust, the highest percentage of respondents at 53% sometimes encourage social solutions, and 29% of the respondents absolutely do not encourage community interventions to solve such a problem. The percentage of those who fully encourage such social solutions as a solution to such cases is only 18%, which is the lowest percentage of respondents.
- As for burglary cases, the largest percentage goes to those who absolutely do not encourage such alternative solutions to solve these cases at 64%, and 25% of the respondents

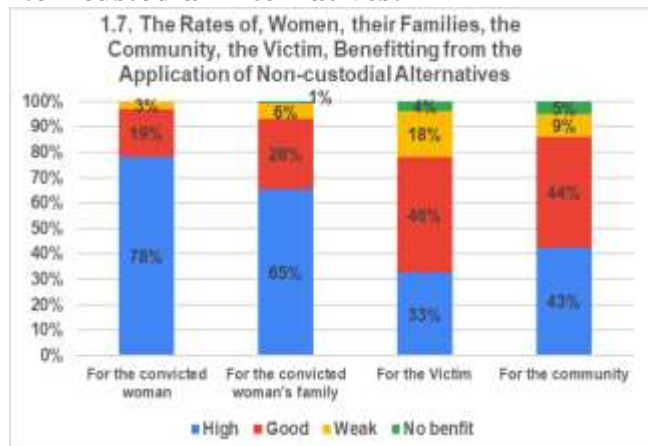
sometimes encourage alternative solutions as a solution to these cases. Only 11% fully encourage such social solutions as a solution to such cases.

- In cases of highway robbery, the highest of respondents absolutely do not encourage the intervention of social solutions as an alternative solution at 66%, and 21% of the respondents sometimes encourage community intervention to solve such problems. The lowest percentage of respondents completely encourage alternative solutions
- In the case of adultery, the highest percentage of the respondents absolutely do not encourage alternative solutions at 52%, and 28% of the respondents sometimes encourage alternative solutions. The lowest percentage of respondents encourage alternative solutions at 20%. In the case of suspected fornication, the highest percentage of respondents absolutely do not encourage alternative solutions at 43%, and 37% of the respondents sometimes encourage community intervention as an alternative solution. The lowest percentage of the respondents at 21% fully encourage community intervention.
- As for cases of prostitution, the highest percentage of respondents at all encourage alternative solutions is 68%, and 17% of the respondents sometimes encourage such interventions as an alternative solution. The lowest percentage of respondents fully encourage interventions in these cases. As for the cases of outrageous acts, 42% of the respondents absolutely do not encourage community interventions, and 41% of the respondents sometimes perceive community intervention as solution. The lowest percentage of respondents at 18% fully encourages such alternative solutions.
- As for cases of making, drinking, or selling alcohol, the highest percentage of the participants do not at all encourage alternative solutions; rather, they encourage resorting to the relevant authorities at 66%, and 18% believe that community intervention sometimes encourages solving the problem. The minority of 16% fully encourage social solutions to solve the problem. In cases of drug use, 65% do not at all encourage intervention and provision of alternative solutions to solve the problem, and 18% sometimes encourage community intervention. Only 17% fully encourage community interventions to solve these cases.
- Regarding counterfeiting and forgery crimes, 61% do not at all encourage intervention and provision of alternative solutions, and 25% sometimes encourage alternative solutions to solve this problem. The lowest percentage at 14% believe that community intervention is an acceptable solution and encourage it.
- In cases of identity theft, 48% of the respondents do not at all encourage alternative solutions, and 37% encourage them sometimes. The lowest percentage at 16% fully encourage community intervention. As for cases of assaulting a public employee, 53% sometimes encourage alternative solutions, 25% fully encourage alternative solutions, and the lowest percentage of 22% do not encourage them at all and believe that diversion to the authorities is the solution to these cases.

We extrapolate from the results of the respondents' answers, which are referred to in the previous graph, that the average percentages supporting intervention in the cases described were the highest; 56% intervene or encourage intervention, with varying levels of intervention or encourage intervention (the percentage of those who always intervene is 20% and the percentage of those who intervene sometimes is 36%). 44% of the respondents do not encourage community intervention, especially in cases related to prostitution (68%), highway robbery (66%), drinking, manufacturing, and selling alcohol (66%), and drug use (65%).

1.7. The Rates of, Women, their Families, the Community, the Victim, Benefitting from the Application of Non-custodial Alternatives:

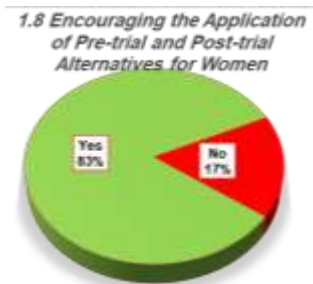
The results of the questionnaire (Figure 1.7) that was completed on the extent to which women, their families, the victim, and the community benefit from the implementation of the restorative justice program, show that most of the respondents indicated that the benefit rate is high for the convicted women, their families, the community and the victim, at 78%, 65%, 43%, and 33%, respectively. Some have indicated that the benefit is good for the convicted women (19%), for their families (28%), for the community (44%), and for the victim (46%).



While a very low percentage of the respondents think that there is low benefit of restorative justice for the convicted women, their families, the community and the victim, and the results of the questionnaire came at 3%, 6%, 9%, and 18% respectively. Only one of the respondents indicated that the family of the convicted women do not benefit, which represents 1% of the sample, and (4 respondents) indicated a lack of benefit for the victim, which represents 4%, and only 5% think that there is benefit for the community. The respondents unanimously agreed that women benefit, and none of the respondents said that the convicted women do not benefit. These results definitely confirm the necessity of activating the restorative justice program in the community because of its positive results (Figure 1.7).

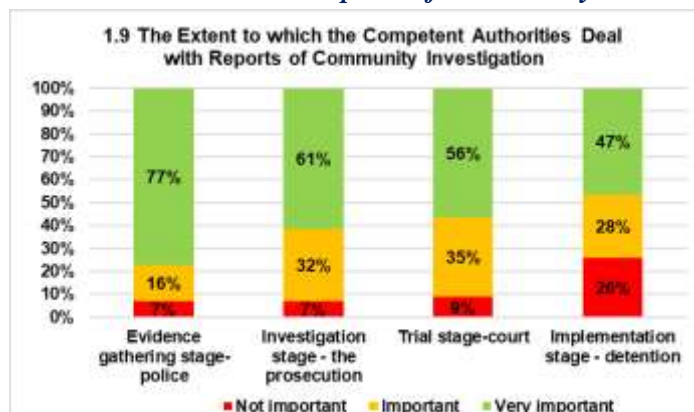
1.8 Encouraging the Application of Pre-trial and Post-trial Alternatives for Women

It is evident from the results indicated in the corresponding graph (figure 1.8) that 83% of the sample encourage the application of the restorative justice approach and the use of alternatives to detention at all stages of the criminal case, including the pre-trial phase, while only 17% of sample do not encourage this. This indicates the existence of a popular base to apply the restorative justice approach and non-custodial alternatives when dealing with women's cases, to enable the community, and to invest its energies in this effort.



1.9 The Extent to which the Competent Authorities Deal with Reports of Community Investigation

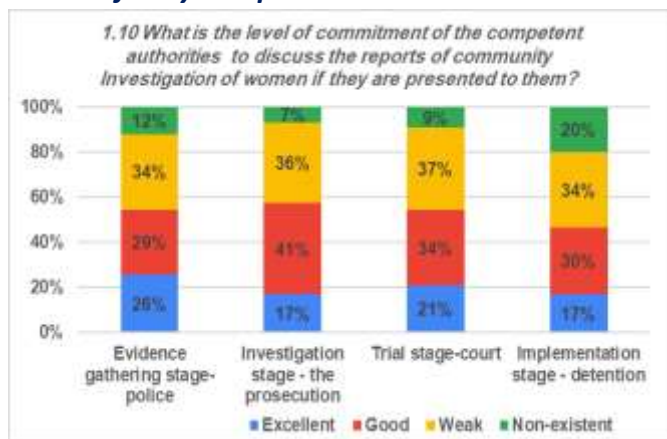
Community investigation reports are important to help the competent authorities and support in taking appropriate decisions towards defendants because of the information they contain about the perpetrators' social background related to their personal pattern in crime and the current crimes. This information



refers to the relevant interventions to address the causes that have led the perpetrator to commit their crime and give the competent authority objective recommendations for the program that guarantees reform and reintegration of the defendant into society. Moreover, they show the importance of having the competent authorities request and discuss the reports of community investigation when considering women's cases before deciding to apply the punishment or to replace it with non-custodial measures. Regarding the extent of the importance of these reports in the various stages of litigation, the results of the study, which are expressed in the figure 1.9, indicate that the largest percentage of respondents emphasized the high importance of these reports (Community investigation reports) in the various stages; in the evidence gathering stage-police, the percentage is up to 77%, followed by investigation stage-the prosecution by 61%, the trial stage-court by 56%, and finally the implementation stage-detention (execution phase by 47%. Only 16% expressed its importance in the evidence gathering stage, 32% in the investigation stage, 35% in the trial stage, and 28% in the execution stage. The lowest percentage of those who believe that it is important was 7% in the two stages of evidence gathering and investigation, and the highest percentage in terms of non-importance for the execution stage, as it was 26% for the implementation stage and 9% was in the trial stage.

1.10 What is the level of commitment of the competent authorities to discuss the reports of community Investigation of women if they are presented to them?

As for the level of the competent authorities' commitment to discuss the community investigation reports of women if they are presented to them, the results of the questionnaire (Figure 1.10) indicate that the extent of the competent authorities' commitment to discussing the reports of the community investigation of women is acceptable, but it needs more awareness and efforts for raising the level of awareness and considering it with more attention by the



competent authorities to obtain the best results by making correct and appropriate decisions in the various stages starting from the stage of evidence gathering, investigation, trial and even the stage of execution. The results of the questionnaire show that 88% believe that there is a level of commitment in the evidence gathering stage at the police level; 26% of the respondents indicated that the commitment of the competent authorities to discuss the reports of community investigation of women in the evidence gathering stage is excellent (26%), good (29%) and weak (34%). As for the percentage of those who perceive it as weak or non-existent, their percentage was only 12% of the total participants in the questionnaire. As for the investigation stage - the prosecution, 93% indicated that they believe that there is a level of commitment in the stage of collecting evidence, excellent (17%), good (41%), weak (36%), and only 7% see it as non-existent. In the trial stage, 91% of the participants indicated that there is a level of commitment in the evidence gathering stage, of whom 21% believe that it is excellent, 34% believe it is good, 37% believe that it is weak, and only 9% see it as non-existent. In the execution stage - detention, the percentage decreases slightly as 80% believe that there is a level of commitment with 17% believe it is excellent, 30% believe it is good, 34% believe it is weak, and 20% believe it is non-existent. It is clear from the above that community investigation needs to be used and there should be a commitment to raise their quality, especially at the stage of detention due to their significance and their positive results if they were adhered to by the competent authorities.

1.11 Encouraging the Authorities to Divert Woman Beneficiaries to Community Support Programs

In this regard, the results of the questionnaire indicate the level of awareness in the community of the importance of encouraging the diversion of beneficiaries to community support programs. The percentage of those who encourage these programs was 54%, the percentage of those who sometimes encourage them was 24%, and only 22% are still against encouraging the authorities to divert beneficiaries to community support and integration programs as a non-custodial alternative (Figure 1.11).

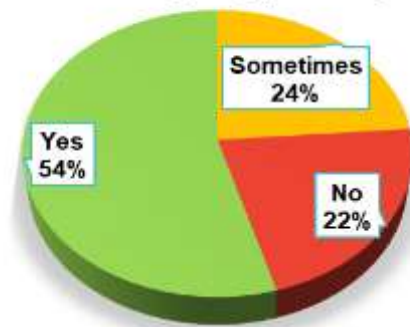
The results reflect a decrease in the level of awareness among the public about the application of non-custodial alternatives. Therefore, there is a need and necessity to raise the level of awareness among the community about this issue through media and training. In order to overcome such difficulties and to achieve the desired goals, the competent authorities must, when applying non-custodial alternatives to women, take into account the community customs and traditions that negatively look at the woman who has committed an act punishable by law and do not accept her presence within its social environment. Therefore, the concerned state agencies (The Ministry of Human Rights, the Ministry of Social Affairs, the Ministry of Justice, and NGOs concerned with women's cases) must seek to present a package of appropriate and socially acceptable alternatives to divert beneficiaries to community support / integration programs, which must be designed to help women integrate into community and lead the changes they hope to see in their private lives, including economic and social changes. It is important for support programs to focus on empowering women economically and socially, and to steer them clear from committing criminal acts and acts reprehensible by the community. These programs may include support for prison alternatives, skills training, cash-for-work and livelihood support, and other similar services and programs.

1.12- Availability of a statistical database to support the policies of practices with a restorative justice approach

Statistical science represents the most important means of assistance in formulating policies and decisions at decision-making levels, as it helps in adopting rational decisions from the viewpoint of decision-makers and decision-takers to contribute effectively to providing solutions and addressing related issues. Data and information play a fundamental and pivotal role for decision-makers from the official authorities, and the validity of decisions depends on the validity of the information on which they are based and their correct to the extent of the validity of the information and false to the extent of the error in the information on which the decision is based. If the decision maker has corrected and accurate information at the appropriate time, their decision will be closer to right and vice versa, if the information is wrong, the decision is wrong and costly as well.

Consequently, if the decision is important in the case of judicial systems to make appropriate decisions and laws to limit the spread of crime and to know its causes and the extent

1.11- Encouraging the Authorities to Divert Woman Beneficiaries to Community Support Programs



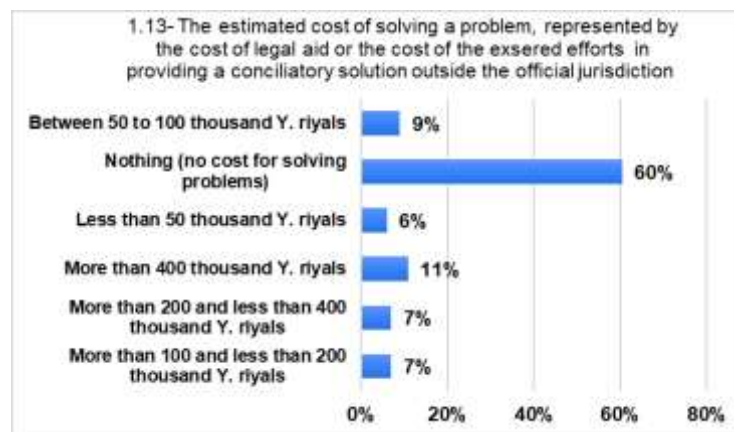
1.12- Availability of a statistical database to support the policies of practices with a restorative justice approach



of its recurrence, it is very necessary for accurate information to be available to the decision maker. Otherwise, in the absence of information, criminal phenomena cannot be properly interpreted, and the results will be costly at the individual, societal, and the state levels. The statistical evidence base supports the authorities in developing their policies towards using the restorative justice approach. It is clear from the questionnaire and the respondents' responses to the importance of data to develop using the restorative justice approach, as 31% answered yes, and those who oppose these measures constitute a minority of 26%. As for the percentage of respondents who answered that they do not know, they constitute 43%, and this group either does not know the importance of the availability of information or they have reservations about collecting information because it affects a very sensitive segment of society, which is women as shown in figure 1.12. Some participants have reservations about collecting data and believe that collecting data about women may subject them to defamation or extortion, and this may create a greater problem because there is no law criminalizing the publication of private information or exploiting them for blackmail. Conversely, they have no objection if legal controls are in place to protect the privacy of those who are in conflict with the law.

1.13 Estimated Cost:

Addressing the cases of guilty women through the official and legal authorities has great costs, especially as it goes through a number of stages and each stage has its own cost. Moreover, this cost is not limited to the official authorities only; rather, there are costs for the convicted and victim as well, and this in turn confirms the importance of using the restorative justice approach, pushing for it, and encouraging it.



Furthermore, the costs and efforts that are spent and exerted in the official judiciary can be used in other areas, and the victim is also spared of these costs and expenses if the restorative justice approach is encouraged and activated more. The questionnaire that was made on the participating samples shows the size of these costs that are spent on solving problems through the official authorities and the absence of these costs if the solution came through restorative justice, 60% of the respondents indicated that there are no costs to resolving women's issues through restorative justice, while 40% of them indicated that there are costs. The response of questionnaire shows the costs which they are over 400 thousand by 11%, between 50 thousand to 100 thousand by 9%, over 100 thousand and less than 200 thousand and over 200 and less than 400 are by 7% each, and less than 50 thousand by 6%. (Figure 1.13).

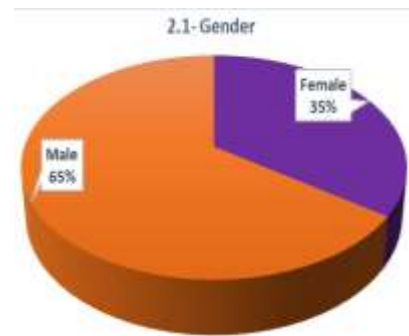
2. Results of the Questionnaire for Experts and Decision-Makers:

Data was collected through an electronic form (Appendix No. 2) and it was sent to a specific sample of the concerned parties randomly in order to assess their view on restorative justice and the requirements for using it, expanding its application, identifying the types of cases related to women, how to provide solutions for them through community justice or reconciliation, the cases in which resolving or interfering at the family level is encouraged, up to the judiciary, neighborhoods, directorates, police stations, the prosecution, until they reach the courts. The best practices and solutions for various types of cases related to women and how much they cost. More than 60 questionnaires were distributed through a team, and those who received those questionnaires were asked to distribute them to their acquaintances of experts and specialists. The responses received were 46 which were analyzed and included. In the following part of the report we will review the answers from experts and specialists to the questions that were adopted:

Demographics:

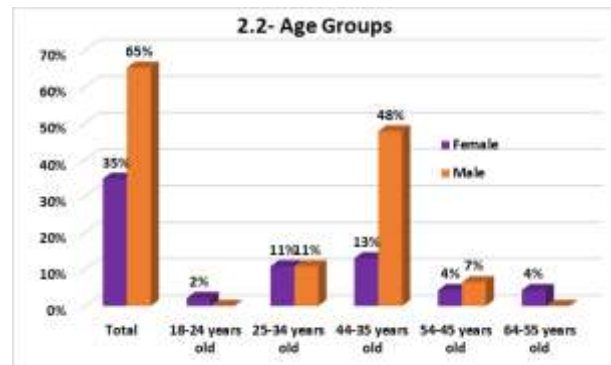
2.1 Gender

The opposite chart (2.1) shows the percentage of female and male respondents in the online questionnaire, the male respondents constitute 65% and female respondents constitute 35%, which is an acceptable percentage to know the opinions of women on cases of restorative justice, diversion and alternative measures for women in conflict with the law.



2.2 Age Groups:

The age analysis of the respondents shows that most of the male respondents are in the age group 35 - 44 years constitute 48% of the respondents, followed by the age group 25 - 34 years which constitute 11%. Hence, it is clear that the age group 35 - 44 years old who participated in this questionnaire is the most active, so the questionnaire shows that it is the group that cares about women's cases



because of its impact on community, and it is not surprising that this group is the most mature. The percentage of female respondents for the age group 35 - 44 years is 13% and for the age group 25 - 34 years 11%. The participation of the age groups 45 - 54 years, 55 - 64 years was equal and constitute 4% for each, and the lowest percentage of the respondents is for the age group 18 - 24 years only 2% as shown in the chart (No. 2.2).

2.3 Employer:

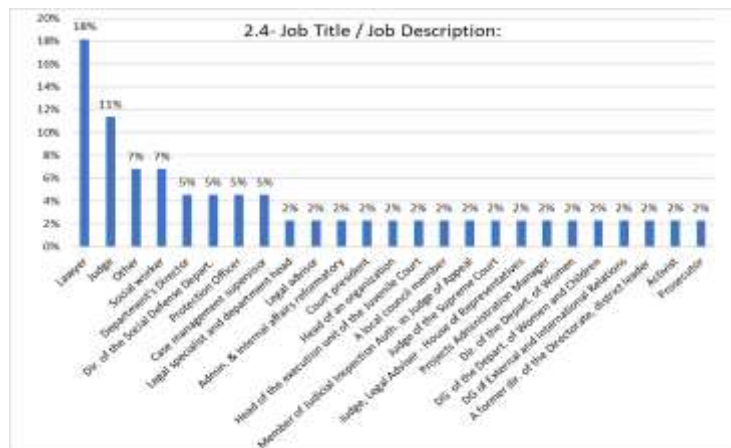
By asking the respondents about their jobs, their places of work and their job description, 26% of the male participants in this questionnaire answered that they work in the Ministry of Justice which is the highest percentage compared to only 11% for females. The highest percentage of female respondents was 13% of those who work in the Ministry of Social Affairs compared to only 7% of males.

Freelancers represent an equal percentage of (7%) for both females and males, and the lowest percentage of female and male respondents is from social and educational leaders at 2% for each. In addition, the participants from civil society organizations, the Office of the Public Prosecutor and the Ministry of Interior were only males and constitute 9%, 7%, and 2% respectively. Moreover, 2% of the female respondents answered "other" compared to 7% of the males, as shown in Figure (2.3).



2.4- Job Title / Job Description:

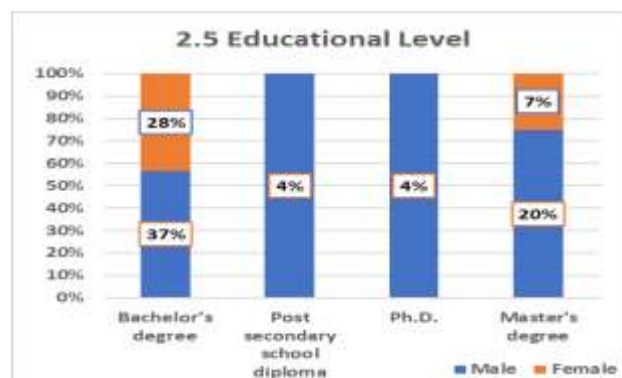
The analysis of the results clearly shows that the surveyed groups represent all activities related to women's cases, including judges, lawyers, legal specialists, social workers, female social workers, legal consultants, heads of courts, heads of organizations, etc., at the percentage of 2% for each activity. (As shown in the opposite figure 2.4)



The highest percentage of career representation came from some important groups such as lawyers whose percentage reached 14%, followed by judges at 11%, as shown in the opposite figure (2.5). This is followed by the groups representing some jobs as a department manager, directors of the Social Defense Department, protection officers, and case management supervisors, at equal rates (5%) for each of the previous categories.

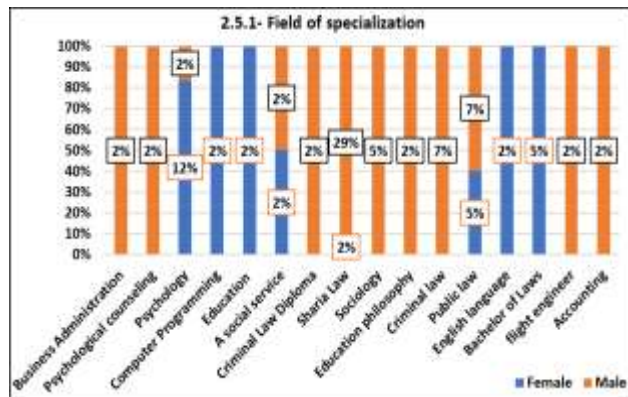
2.5 Educational Level

The results of the questionnaire show that all of the participating women are academically qualified, as 7% of them hold a master's degree, while 28% of the participants have a university degree. The results indicate that the percentage of male respondents who hold a PhD degree is 4%, 20% of the male respondents hold a master's degree, 37% hold a bachelor's degree, and only 4% hold a post-secondary school diploma.



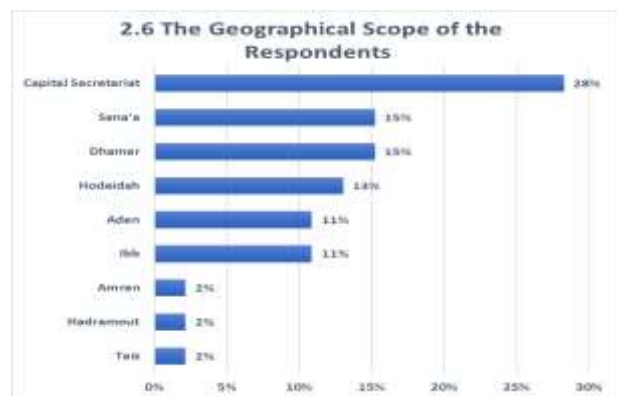
The results shown in figure 2.5.1 indicate the type of academic specialization that the sample respondents hold, and it indicates that the highest percentage of respondents came from majors of Sharia and law at 29% of them are males and 2% are females. This is followed by psychology with 12% for females and 2% for males, then general law with 7% for males and 5% for females, and the criminal law appears to be limited to males (7%).

Law came at 5% and all of them are women. Sociology came at 5% and all of them are males. Social Service came at 2% and all of them are women. As for the rest of the disciplines, they came at varying percentages between 7% and 2% between Law, Educational Psychology, Psychological Counseling, Law Diploma, and Accounting Diploma etc.



2.6 The Geographical Scope of the Respondents:

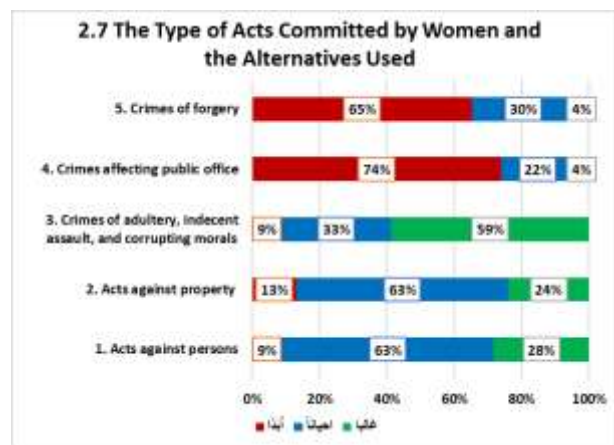
The results show the sample participation percentages according to the geographical area in which they reside or work in seven governorates, the capital municipality had the highest participation percentage at 26%, followed by the governorates of Sana'a and Dhamar with an equal percentage of 20%. The governorates of Aden and Ibb constitute 14% for each, and 3% for each of Amran and Hadramout, as shown in the corresponding figure (2.6).



2.7 The Type of Acts Committed by Women and the Alternatives Used

Types of Crimes

When the participants were asked about the types of crimes committed by women, 59% of the respondents indicated that the crimes of adultery, indecent assault and moral corruption are the most common crimes committed by women, followed by acts committed against persons by 28%, then acts committed on Property by 24%, which are also among of the crimes that are committed by women. The crimes of counterfeit and crimes afflicting the public office make up 4% for each, which is a low percentage that indicates that women avoid committing such violations as Figure (2.7) shows.



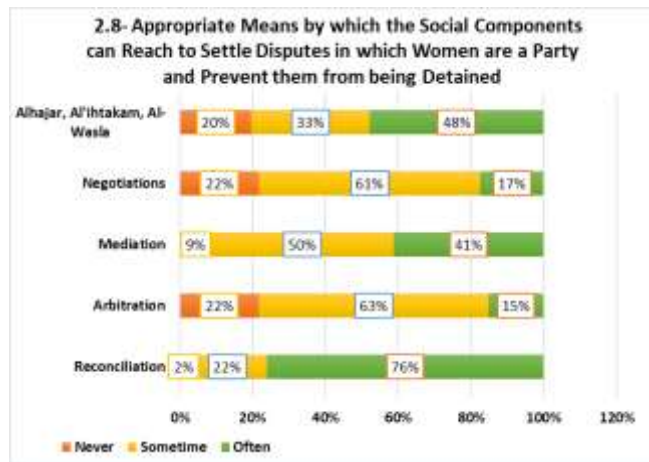
Most of the criminal acts committed by women, according to the opinion of the experts, include family problems that amount to crimes such as torture of children, running away from home, disavowing a girl's lineage in the event of an honor killing, and moral crimes.

2.8 What are the Appropriate Means by which the Social Components can Reach to Settle Disputes in which Women are a Party and Prevent them from being Detained?

Means of Resolving Conflicts and Reparation:

To answer our question about the means to resolve conflicts in which women are involved; the means that keep women from detention, the majority of participants, as shown in the opposite figure (2.8), indicated that society can use different means to resolve conflicts. About 76% of

the participants said that reconciliation is the means to resolve conflicts, 48% stated that *Alhajar, Al'ihlakam or Al-Wasla* is the means since it is considered by the Yemeni community as an admission of guilt, 63% indicated that "sometimes" the custom of arbitration is used, 61% mentioned negotiations, and 41% mentioned mediation. On the other hand, some people believed that it was not possible to use those means of resolving conflicts to keep women from detention. The highest percentage was for negotiations and arbitration at 22% for each, and the lowest percentage was for reconciliation, at no more than 2% of the participants who believed that restorative solutions were not possible. This shows that all means are possible for providing appropriate solutions to cases related to women, but there was a consensus on reconciliation as a means of resolving conflicts at 98% of the participants.



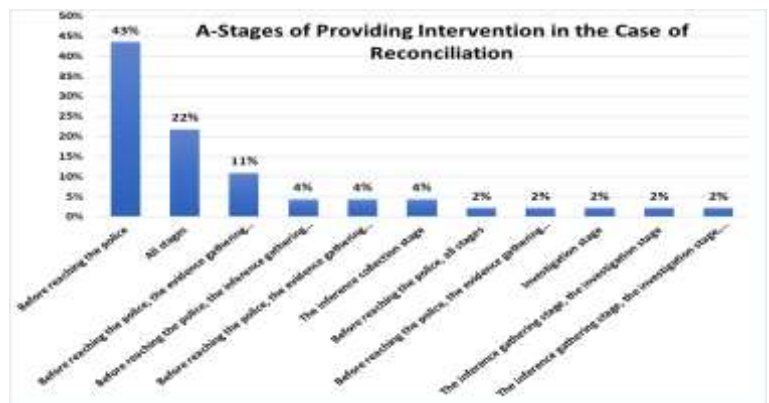
Other means to limit the commission of acts punishable by law, according to experts' proposals, include the intervention of clerics and tribal authorities in favor of women, the provision of psychological support, community awareness, and the punishment of paying Property for damage.

2.9 Stages of Intervention Delivery: From your Experience, what is the Stage at which Community Components can Provide Interventions in Women's Cases?

This part will review the type of reconciliatory solutions and the stages at which community components provide interventions in women's cases, which were referred to by the 46 participating experts and specialists in formal and informal justice.

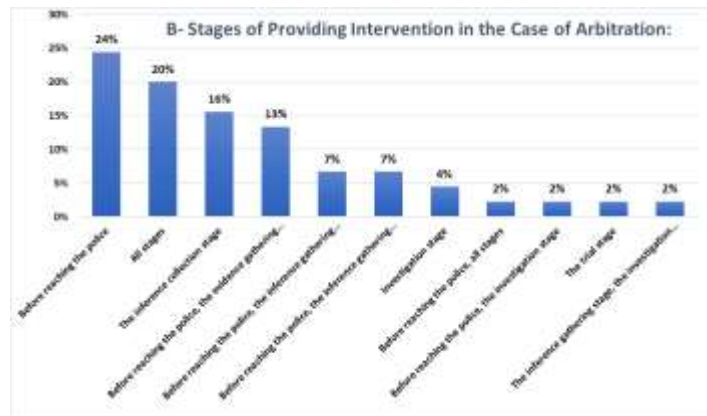
A. Stages of Providing Intervention in the Case of Reconciliation:

The majority of participants indicated that conflicts become resolved through customs and societal reconciliation at all stages (the opposite diagram). However, the highest percentage was before reaching the police at 43% (20 participants); all stages 22% (10 participants); and before reaching the police, the stage of collecting evidence, the stage of investigation, and the stage of trial at 11% (5 participants). As for the rest of the answers, they ranged between 4% and 2% only. This shows the level of providing reconciliation as a means to resolve women's cases and keep them from detention at different stages.



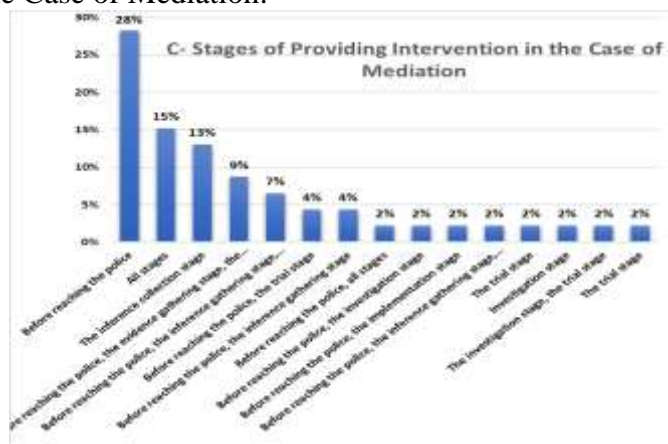
B. Stages of Providing Intervention in the Case of Arbitration:

While the results indicated that 24% (11 participants) confirmed the success of the arbitration program in resolving women's cases in relation to law before reaching the police, 20% (9 participants) indicated the possibility of intervention at all stages, 16% (7 participants) referred to the stage of collecting evidence, and 13% (6 participants) referred to the stage before reaching the police, the stage of collecting evidence, the stage of investigation, and the stage of trial. As for the rest of the participants, whose answers represented less than 10% (12 participants), they gave varied answers concerning the appropriate stage of intervention in the case of arbitration, as shown in the following figure. Accordingly, we conclude that the highest success rate for this intervention (arbitration) is at the stage before reaching the police; an intervention used as a means to resolve women's cases and keep them from detention at different stages.



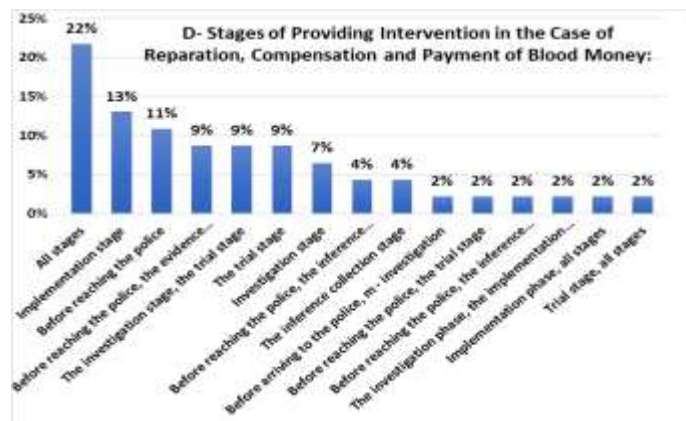
C. Stages of Providing Intervention in the Case of Mediation:

As for mediation, the highest percentage was for providing mediation before reaching the police at 28% (13 participants), and the next was 15% (7 participants) for the possibility of mediation at all stages, while 13% (6 participants) indicated that mediation can be provided at the stage of collecting evidence. As for the rest of the participants, whose answers represented less than 10% (20 participants), they gave varied answers concerning the appropriate stage of intervention in the case of mediation, and the opposite figure shows the level of providing mediation as a means of to resolve women's cases and keep them from detention at different stages.



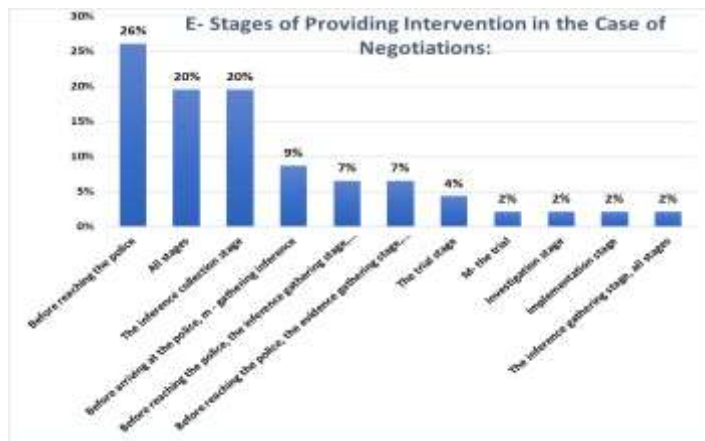
D. Stages of Providing Intervention in the Case of Reparation, Compensation and Payment of Blood Money:

Regarding the stage of providing intervention in the case of reparation (compensation) and payment of blood money, whether there was manslaughter or premeditated murder, 23% of the participants indicated that it is possible to negotiate at all stages, while 20% indicated that the intervention can take place before reaching the police.



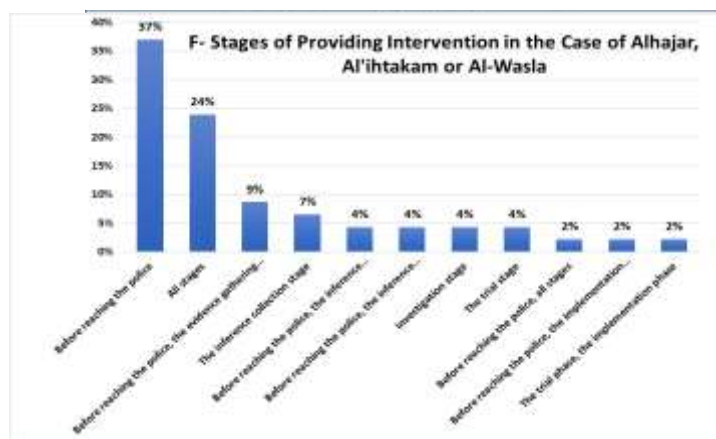
E. Stages of Providing Intervention in the Case of Negotiations:

As for negotiations, 26% (12 participants) indicated the possibility of providing negotiation solutions before the stage of reaching the police, and 20% indicated that solutions can be provided at all the stages of litigation and at the stage of collecting evidence, respectively. It is clear that there are different answers concerning the stage of intervention, at a rate of 35%, as shown in the figure.



F. Stages of Providing Intervention in the Case of Alhajar, Al'ihlakam or Al-Wasla:

With regard to *Alhajar, Al'ihlakam or Al-Wasla*⁶⁴, they can be resorted to at all stages, as 37% of the participants indicated, and next is the intervention at the stage before reaching the police. 24% indicated the possibility of providing solutions at all stages. The stage of collecting evidence, the stage of investigation at a rate of 13%, then the stage of collecting evidence, (the stage before reaching the police, the stage of collecting evidence, the stage of investigation), and the stage of investigation at a rate of 9% for each. Then the stage before reaching the police and the stage of evidence 8%, and finally the stage of trial, the stage of execution, the stage before reaching the police, and the stage of execution at 4% for each.



2.10 Estimated Cost: From your Experience, How Much is the Estimated Financial Cost of Implementing those Interventions which are Aimed at Resolving Women's Cases (not including Private Rights and Compensations)?

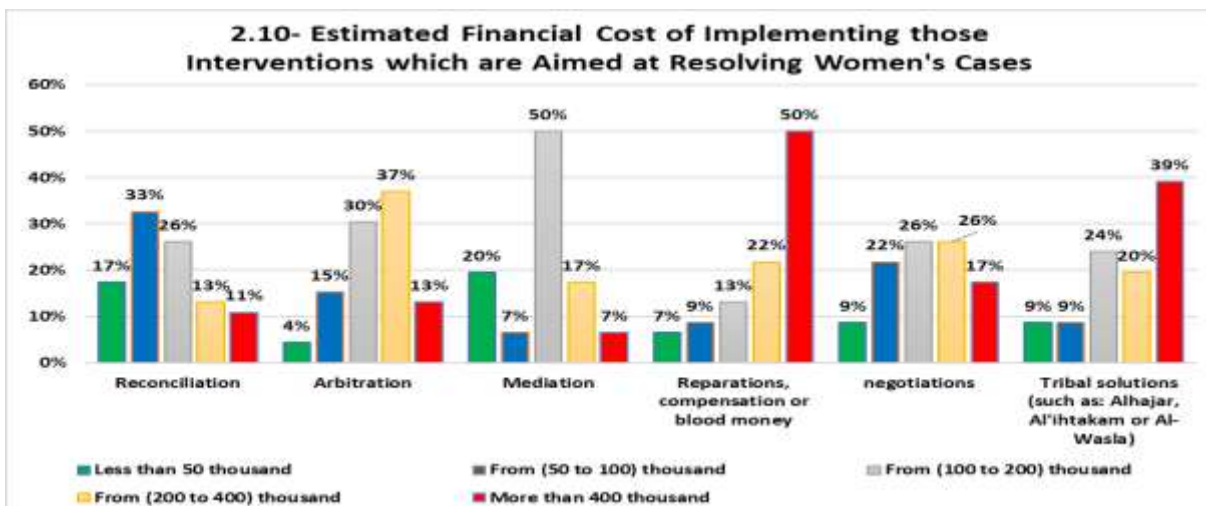
By asking the respondents about the estimated financial cost of implementing those interventions aimed at resolving women's cases so that private rights and compensations are not counted, and by reading the results, it was clear that each case had a financial cost commensurate with the nature of the act, the community component where the crime had occurred, and the amount of compensation consequential to the nature of the act. In the following lines, there will be a review of the estimated financial cost of providing social solutions during the implementation of those interventions which are related to resolving

⁶⁴ *Alhajar, Al'ihlakam, Al-Wasla*: When a disagreement between any member of two tribes is raised, it can be solved by what known as "*Alhajar, Al'ihlakam, Al-Wasla*". tribe whose members committed a mistake gathers and goes to the other tribe with many cows that are slaughtered in front of the house of a sheikh or the family of the other tribe.

women's cases. This cost represents various fees and miscellaneous charges (transportation, communication, etc.), but it does not include private rights and compensations.

The results presented in figure (2.10) shows that each case has a financial cost that varies according to the type and complexity of the case, as well as the type of the intervention. It is clear that reparation and payment of blood money were the highest cost, exceeding the amount of 400 thousand Yemeni riyals, based on the Yemeni custom, where the blood money in some cases reaches 11 million Yemeni riyals and is known as the heavy blood money. As for mediation, 57% of the participants indicated that the costs are usually between 100 and 200 thousand Yemeni riyals, and in the case of arbitration, 43% of the participants indicated that the cost of compensation is between 200 and 400 thousand Yemeni riyals.

The estimated cost of negotiations and reconciliation usually varies depending on the type of crime committed by women. It does not exceed 400 thousand except in the case of murder and in other cases such as swindling and fraud, where there is often more than one party (victim), which requires a longer time and perhaps more than one mediator according to tribal customs,



Some relevant experiences provided by experts related to type of cases in which women are involved, and which community components can resolve according to a restorative justice approach and end before reaching official authorities. In general, the social environment helps and supports working according restorative justice. For instance:

- In cases related to persons, such as physical assault, whose punishment in Yemeni law ranges from one year to three years in its severest form, an intervention between the parties to the conflict takes place. This is done through meeting the parties, being with them, discussing the circumstances and causes of the incident, knowing the damages associated with the act and their extent, and trying to propose solutions and converge views to bring about a reconciliation that guarantees the rights of parties and reparation before reaching official authorities. It may also include admitting guilt, apology, rehabilitation, indemnity, compensation, reparation, fines, and remedial measures. In case the case reaches the judiciary, there can be a suspended sentence, parole, or placement under judicial surveillance. For example, a case of murder requires payment of blood money, apology, and reconciliation (a compensation of five hundred thousand riyals is paid for manslaughter and two million riyals for premeditated murder according to the law, and it may reach 11 million in specific cases involved in the so-called black disgrace according to tribal customs, which is the worst degree of disgrace in tribal customs. The cost of reconciliation in the case of physical assault is between 50 and two hundred thousand riyals. In the case

of slight premediated harm, the costs of treatment, compensation, and expenses are between fifty and one hundred thousand.

- **Acts afflicting property:** Acts afflicting property include returning the property to which the crime has occurred or its price, compensation, reparation, admitting guilt, apology, and rehabilitation. The cost is between fifty and one hundred thousand riyals.
- Adultery crimes, indecent assault, and corruption of morals Apology and rehabilitation - banishment outside society - denial of certain rights - confiscation and destruction
- Adultery crimes, indecent assault, and moral crimes: Reconciliation takes place for the purpose of reparation and reaching what satisfies the two parties and makes them come to an agreement. In this case, mediation is about how to persuade the family to accept that the girl marries the perpetrator and leaves the place where the crime has occurred. As for crimes of indecent assault and moral crimes, the reconciliation team attempts at persuading the family and society to accept and forgive women and to work for integrating them. The average cost of solving moral cases ranges from one hundred to two hundred thousand riyals.
- **Crimes afflicting public service:** Crimes afflicting public service: Mediation in the case takes place before reaching the Public Prosecution, and the average cost is one hundred thousand.
- Forgery crimes: These cases are rarely committed by women. In case this happens, if the issue is simple, there will be reparation. However, if it is related to private funds, then there will be reconciliation and return of the funds or part of them according to the consent and acceptance of the victim. Reparation varies according to the offense and what has been forged. If the rights of others are not based on it and it does not cause serious damage, mediation and reparation are permissible. However, if the forgery causes a serious damage such as forgery at work, mediation is not permissible because these harms the public security of the country. In the case of public funds, reconciliation is often not achieved, as it is a public right of the community and a harm to the nation. In general, this involves confiscation and destruction, warning and cautioning, reprimand and blame, reparation, and admitting guilt and rehabilitation. Noting that the law does not allow for restorative justice when the case is related to the public right.
- Theft, breach of trust, or swindling: between spouses, ancestors, descendants, and brothers, as well as destroying property and violating the sanctity of the home (returning the property to which the crime has occurred, apologizing, and commitment not to repeat). The average cost is one hundred thousand riyals.
- **Crimes afflicting public service:** Crimes afflicting public service: deprivation of certain rights, confiscation and destruction, and admitting guilt and apology. These cases are simple and often resolved by dismissal and bypassing the problem, especially with women.

In all of the previous cases, reparation shall be by admitting guilt, apology, expression of remorse, reconciliation, rehabilitation, refraining from violations, and pledging not to commit violations again.

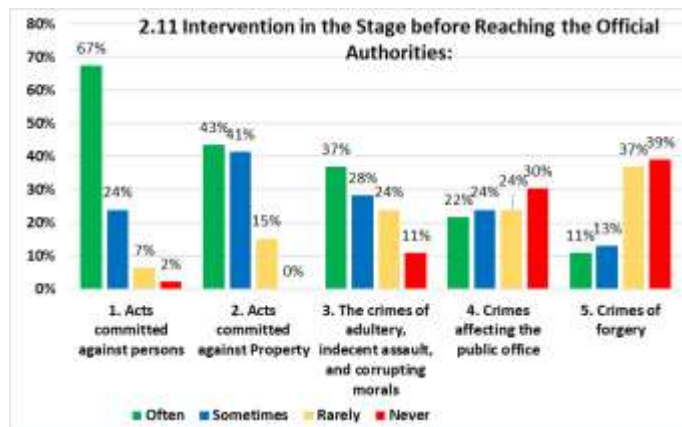
- There are some practices whose punishment can be severe, such as the customary punishment known as *Alhajar*, in which the penalty amounts to one million riyals or more.
- The reconciliation team works for limiting the aggravation of the problem, not raising it to the Prosecution, transferring the employee, deducting from her salary or suspending her temporarily, and reparation by making a commitment not to repeat any criminal act.
- Providing reconciliation and proving it in court to drop the personal right, submitting a social survey report that helps the judiciary in implementing the alternatives stated in the law, and proposing social programs that guarantee the rehabilitation and reintegration of women

The cost of reparation and reconciliation in crimes against people reaches more than four hundred thousand. As for crimes related property (reprimand, compensation, and admitting guilt), the cost ranges from 100 to 200 thousand riyals. Concerning adultery crimes and indecent assault (advice, reprimand, denial, obligation due to certain duties, and parole), the cost is more than 400 thousand riyals. As for crimes afflicting public service (reprimand, cautioning, informal warning, deprivation, and working for public service), the cost ranges from 50 to 100 thousand, and for forgery crimes (conviction, suspension of execution, confiscation, destruction, and financial fines) by the district leader and the woman's lawyer.

2.11 Intervention in the Stage before Reaching the Official Authorities:

Q. From your experience, kindly tell us, what kind of cases in which women are involved that community components can resolve in accordance with the restorative justice approach and end before reaching the official authorities?

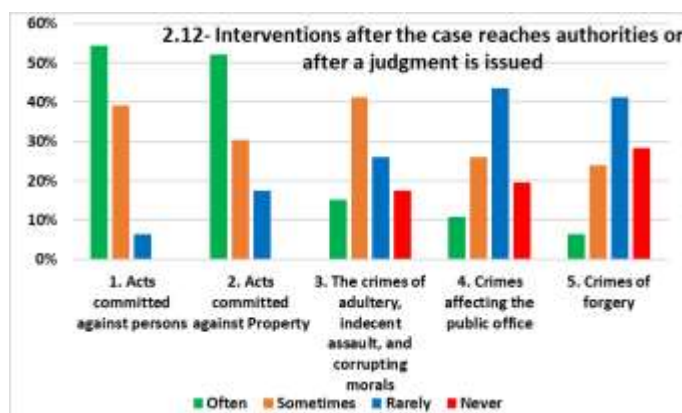
The results of the cases committed by women and that the community components can address and end according to the restorative justice approach before reaching the official



authorities showed that 67% of the acts committed by women against people are often resolved with and ended in accordance with the restorative justice approach before reaching the official authority. Next are acts committed against property, at a rate of 43%, followed by crimes of adultery, indecent assault and corruption of morals, at a rate of 37%, then crimes afflicting the public office, at a rate of 22%, and finally, crimes of forgery, at a rate of 11% only. It can be concluded from these results that most women's cases are related to acts committed against individuals, the least of which are the crimes of forgery.

In the previous clause concerning the intervention stage, there are cases that a person cannot interfere with, as the law stipulates that arbitration is not permissible because they are related to public order or with regard to cases that have been resolved through the application of Sharia texts, such as drinking alcohol, adultery, and banditry, etc.

2.12 Interventions after the Case Reaches the authorities: from your Experience, kindly tell us, what kind of cases of accused or convicted women within the community are resolved using social solutions and "restorative justice" practices after they reach the judiciary or after a judgement is issued, where diversion and alternative punishments are applied?

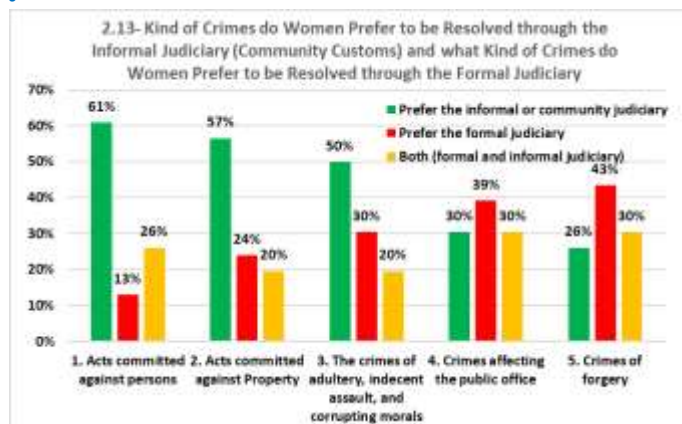


Interventions after the case reaches authorities or after a judgment is issued:

The corresponding graph (2.12) shows the issues in which cases of women who are accused or convicted within the community are resolved through social solutions and practices "restorative justice" after they reach the judiciary or after a judgement is issued in them, where diversion and alternative penalties are applied. The results of the questionnaire indicate that the percentage of interventions after the cases reach authorities varies according to the type of issue. Intervention often occurs in the case of crimes committed against people at a rate of 54%, and crimes related to property at a rate of 52%. A lower rate of intervention is in the case of crimes afflicting public service at a rate of 11%, and an even lower one is in the case of forgery crimes at a rate of 7% only. The percentages of levels of intervention and non-intervention vary according to the type of case (see figure). In the crimes of adultery, crimes afflicting the public office and crimes of forgery, the percentages were 17%, 20% and 28% for the respondents whose answer was "never" to intervene in these cases. On the contrary, the results showed that the rate of intervention in cases related to actions against people or money was 100% and with different levels of intervention (often, rarely, and sometimes).

2.13 What Kind of Crimes do Women Prefer to be Resolved through the Informal Judiciary (Community Customs) and what Kind of Crimes do Women Prefer to be Resolved through the Formal Judiciary?

Participating experts indicated that crimes in which women prefer to be dealt with through the official judiciary (as Figure 2.13 shows) that 43%, 39%, 30%, 24% and 13% of women prefer the formal judiciary. On the other hand, 26%, 30%, 50%, 57%, and 61% prefer the informal or community judiciary in resolving cases related to forgery; cases afflicting public service; adultery crimes, indecent assault, and moral corruption; acts committed against property; acts committed against people, which women prefer to be resolved within the community judiciary and to which restorative justice is applied or are resolved outside the formal judiciary.



2.14 What are the Crimes Related to Women where no Restorative Justice is Applied and which are not Resolved Outside the Formal Judiciary at the Present Time and can be Worked on in the Future, and what are the Requirements for Working on them? What Kind of Crimes would Women Prefer to be Resolved through the Formal Judiciary?

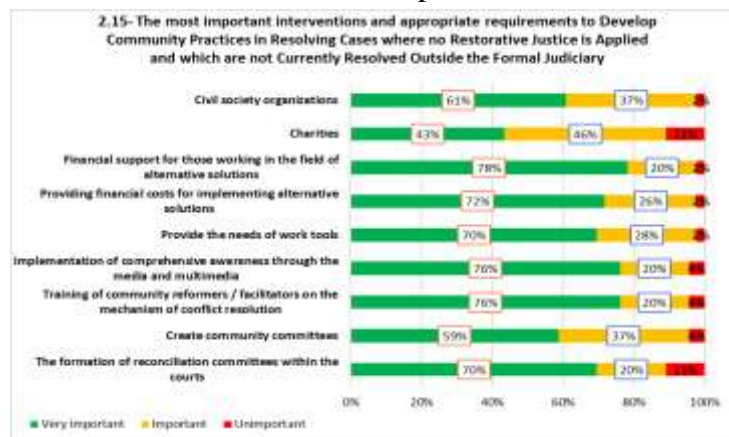
The experts participating in answering this question indicate that there are some cases or crimes related to women where no restorative justice is applied and which are not resolved outside the formal judiciary absolutely and completely at the present time, as there are still parties to the conflict



who resort to the formal judiciary to resolve such cases (as shown in the opposite figure 2.14). Such cases include forgery crimes (41%); crimes afflicting public service (37%); adultery crimes, indecent assault, and moral corruption (30%); and, at a smaller percentage, acts committed against property 13%. In contrast, we find that only 2% of cases related to acts against people do not have restorative justice applied to them and are not resolved outside the formal judiciary only. As for acts to which the application of restorative justice could be expanded in the future, the highest percentage was for acts committed against people (65%), next were acts against property at 50%, and the lowest percentage was in the case of forgery crimes 24%. Crimes afflicting public service, adultery crimes, and indecent assault were at 26% for each.

2.15 Please Specify the Importance of Providing Appropriate Interventions and Requirements (from this list) to Develop Community Practices in Resolving Cases where no Restorative Justice is Applied and which are not Currently Resolved Outside the Formal Judiciary.

The results of the questionnaires shown in figure (2.15) show the divergent opinions of the participants about the importance of appropriate interventions and requirements to develop community practices in resolving women's cases. 98% of the respondents said that civil community organizations had a "very important/important" role, and 2% said its role was "unimportant". 89% said that charitable associations had a "very important/important" role, and 11% said that their role was "unimportant". 98% said that providing financial support for those who used alternative solutions was "very important", and 2% said "unimportant". 96% of the respondents said that providing needed work tools was "important", and 6% said "unimportant". 96% said that comprehensive awareness raising via media and multimedia was "important", and 4% said "unimportant". 96% considered training community mediators and facilitators on mechanisms for conflict resolution was "important", and 4% said "unimportant". 96% said that forming community committees was important, and 4% said "unimportant". 90% said that forming reconciliation committees in the courts was "important", and 10% said "unimportant". All in all, the importance of appropriate interventions and requirements to develop community practices in resolving women's cases represents 95% of the aspects covered previously.



Experts Specialized in Restorative Justice Recommend Some Requirements to Develop Community Practices in Resolving Cases that are not being Resolved Currently through Restorative Justice, Namely:

- The establishment of a litigating woman unit in all courts, consisting of social and psychological experts.
- Raising the awareness of district leaders to take the role of social reformers
- Providing rehabilitation and reintegration programs, economic empowerment, and legal aid services

- It is very important to activate all the components and the driving forces of programs to support and enable women to access justice, especially in light of the suspension of most services, which were previously simple, let alone these harsh conditions of security and economy.

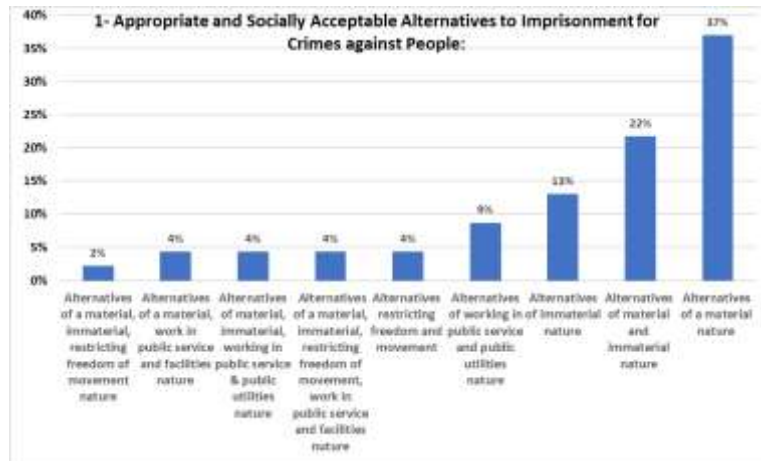
2.16 What alternatives to prison you consider appropriate for women and are socially acceptable?

Types of crimes:

1. Acts committed against people
2. Acts committed against property
3. Adultery crimes, indecent assault, and corrupting morals
4. Crimes affecting the public office
- 5- Forgery crimes

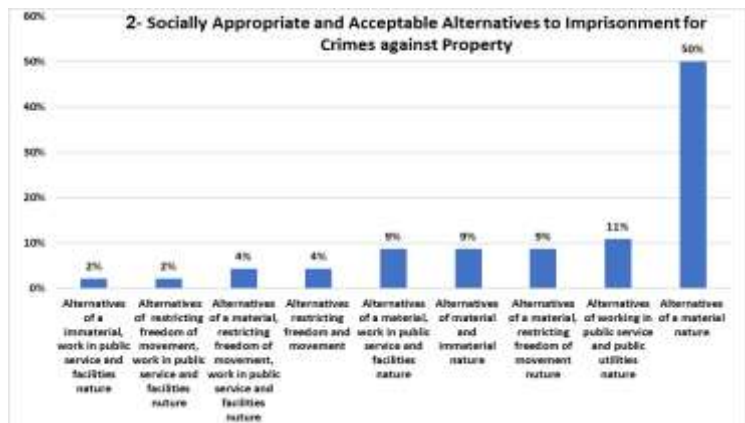
- Appropriate and Socially Acceptable Alternatives to Imprisonment for Crimes against People:

The results of questionnaire analysis presented a group of appropriate and socially acceptable alternatives to prison for crimes committed against people. The highest percentage was for alternatives of a material nature and represented (37%) of other alternatives. Next in importance came alternatives of material and immaterial nature as appropriate alternatives at a rate of 22%. In the third position came immaterial alternatives at a rate of 13%. Alternatives of working in public service and public utilities came in the fourth position at a rate of 9%. The percentages of other appropriate alternatives, which contain custodial alternatives, ranged between 4 and 2% only, as shown in the figure. We conclude from these results that alternatives of a material nature and alternatives of a material and immaterial nature are among the best alternatives and are more appropriate than prison for women.



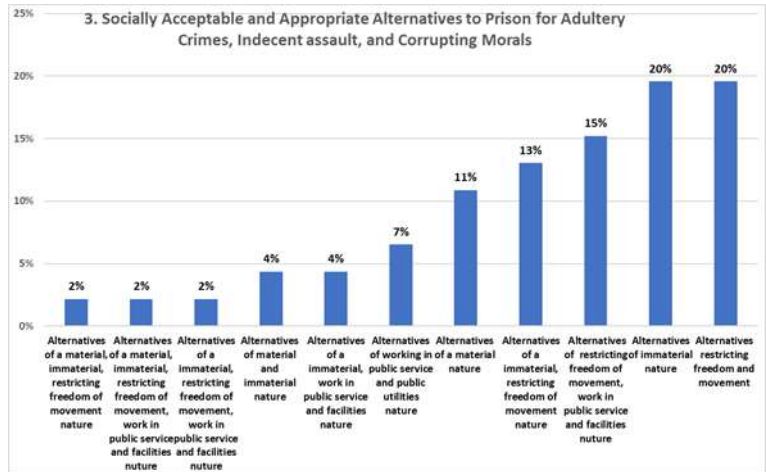
2. Socially Appropriate and Acceptable Alternatives to Imprisonment for Crimes against Property

The results of the questionnaires on appropriate punishments for crimes related to property indicated that the highest percentage of participants believed that alternatives of a material nature were the most appropriate, at rate of 50%. The percentages of other alternatives varied between (11% to 2%), as mentioned in detail in the opposite diagram). We conclude from these results that alternatives of a material nature are considered the most appropriate and suitable alternatives to prison for women.



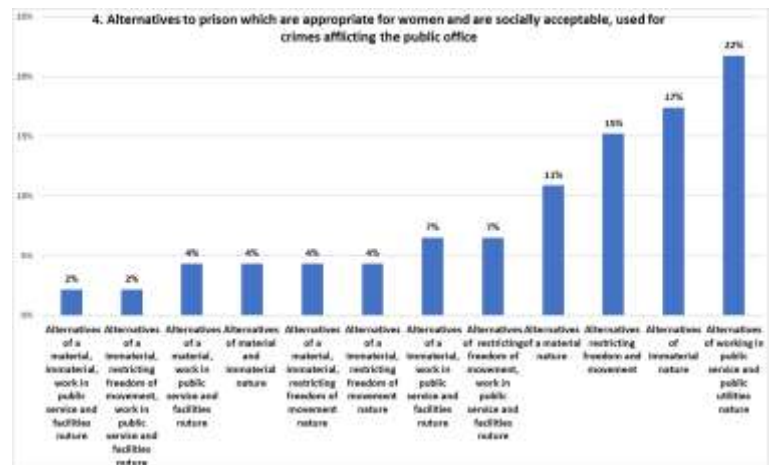
3. Socially Acceptable and Appropriate Alternatives to Prison for Adultery Crimes, Indecent assault, and Corrupting Morals:

The results of questionnaires on adultery crimes indicate that the most appropriate alternative punishments are alternatives restricting freedom of movement and alternatives of a moral nature, at a rate of 20% for each. The rest of alternatives range from 15% to 2% and are mentioned in detail in the opposite diagram. We conclude from these results that alternatives restricting freedom of movement and alternatives of an immaterial nature are among the best and most appropriate alternatives to be applied to cases of adultery, indecent assault, and corrupting morals.



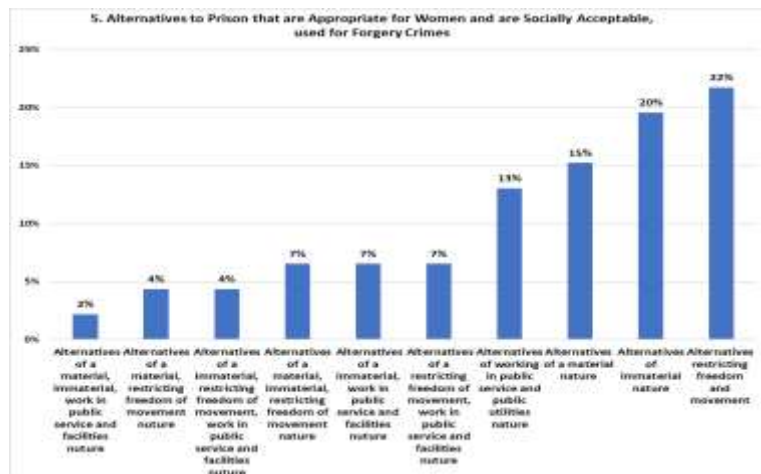
4. Alternatives to prison which are appropriate for women and are socially acceptable, used for crimes afflicting the public office:

The results of questionnaires regarding appropriate punishment for crimes afflicting public service indicated that the highest percentages of participants believed that alternatives of working in public service and facilities were the most appropriate, at a rate of 22%. Next came alternatives of a moral nature at 17%, and alternatives restricting freedom and movement at 15%. The rest of alternatives ranged from 11% to 2%, as mentioned in detail in the opposite diagram. We conclude from these results that alternatives of working in public service and public facilities, alternatives of an immaterial nature, and alternatives that restrict freedom and movement are among the best and most appropriate alternative punishments.



5. Alternatives to Prison that are Appropriate for Women and are Socially Acceptable, used for Forgery Crimes:

The results of questionnaires on forgery crimes showed that the highest percentages were for alternatives restricting movement at 22%, alternatives of an immaterial nature at 20%, and alternatives of a material nature at 15%. The rest of alternatives ranged from 13% to 2%, as mentioned in detail in the



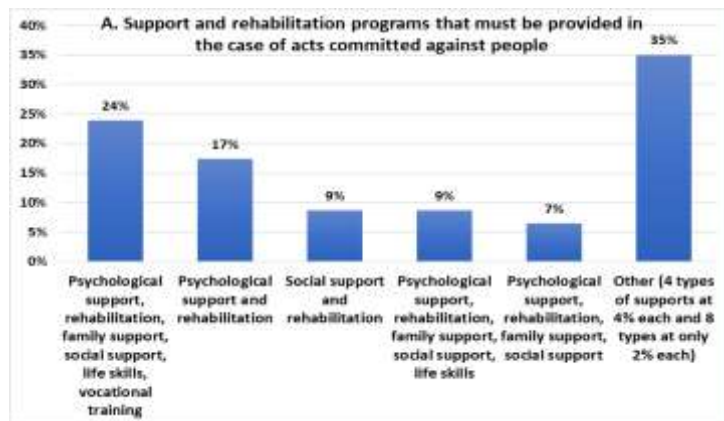
opposite diagram. We conclude from these results that alternatives restricting freedom and movement, alternatives of an immaterial nature, and alternatives of a material nature are among the best and most appropriate alternative punishments.

Forgery crimes can be reduced among women through raising awareness of the consequences of violating the law and moral education. It is important to develop programs that address the causes of crimes, are compatible with the needs of the community, and ensure the rehabilitation and reintegration of women and their return as citizens who contribute to the service and development of the community.

2.17 What are the support programs that must be provided (by institutions or community components) when deciding to implement one of the alternatives to detention in order to rehabilitate and care for women and to ensure their reintegration into the community and not returning to crime?

A. Support and rehabilitation programs that must be provided in the case of acts committed against people:

The results obtained from the analysis of the questionnaires on the support programs that must be provided (by institutions or community components) when deciding to implement one of the alternatives to detention in order to rehabilitate and care for women and to ensure their reintegration into the community and not returning to crime in cases of acts committed

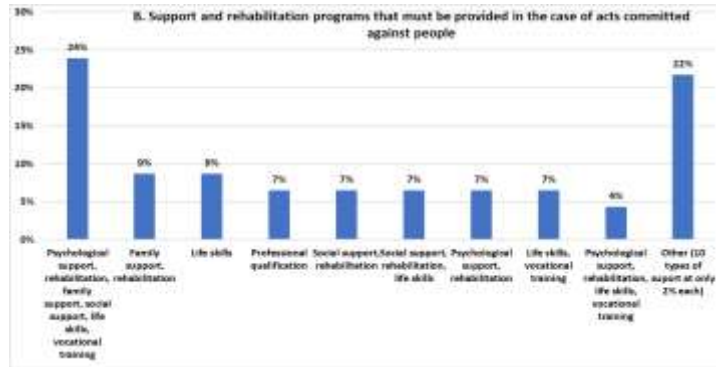


against people showed varying percentages for types of support. There are 8 types of support that got 2% for each, and 4 types of interventions got an equal percentage, which is only 4%. The highest percentage of answers was for programs of psychological support and rehabilitation, family support and rehabilitation, social support and rehabilitation, life skills, and vocational rehabilitation, at 24%. Percentages for other alternatives ranged between 17% for psychological support and rehabilitation, and 7 to 9% for the other types of support, as shown in detail in the opposite diagram. We conclude from these results that the support and rehabilitation programs that must be provided in the fields identified above are among the best and most appropriate programs for dealing with these crimes. In summary, the results obtained from the analysis of questionnaires on crimes committed against people indicate that there is a need for programs of psychological, familial, and social support and rehabilitation as the best and most appropriate programs for women, and at a rate of 24% of the participants.

B. Support and rehabilitation programs that must be provided in the case of acts committed against people:

The results of questionnaire on support programs that must be provided (by institutions or community components) when deciding to implement one of the alternatives to detention in order to rehabilitate and care for women and to ensure their reintegration into the community and not returning to crime in cases of acts committed against property showed that the highest percentage was for programs of psychological, familial, and social support, at 24%.

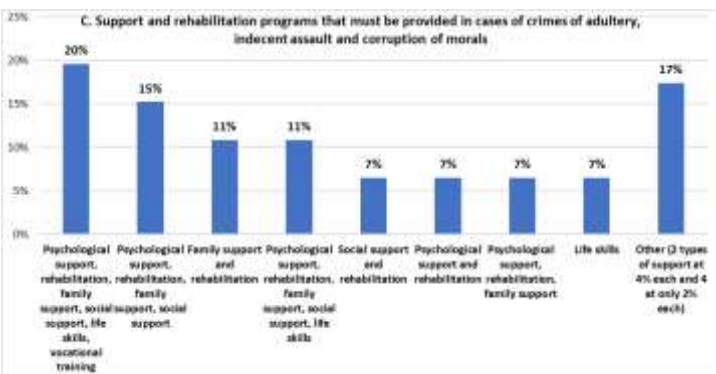
Other alternatives ranged from 9% to 2%, as specified in detail in the diagram. We conclude from these results that the interventions of support and rehabilitation programs in the fields identified above are among the best and most appropriate programs for dealing with these crimes.



C. Support and rehabilitation programs that must be provided in cases of crimes of adultery, indecent assault and corruption of morals:

The results of questionnaires on the support programs that must be provided (by institutions or community components) when making a decision to implement one of the alternatives to detention in order to rehabilitate and care for women and to ensure their

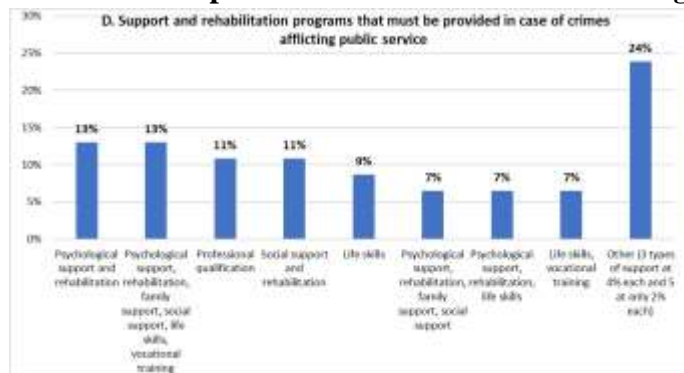
programs that must be provided in cases of



reintegration into the community and not returning to crime in cases of adultery crimes, indecent assault, and corruption of morals showed divergent responses. The participants' responses indicated that programs of psychological, familial, and social support and rehabilitation are the most important, at a rate of 20%. The percentages of other alternatives ranged from 2% and 15%, as specified in detail in the opposite diagram. Consequently, we conclude from these results that programs of psychosocial, social, and familial support and rehabilitation in the areas identified above are among the best and most appropriate interventions for women.

D. Support and rehabilitation programs that must be provided in case of crimes afflicting public service:

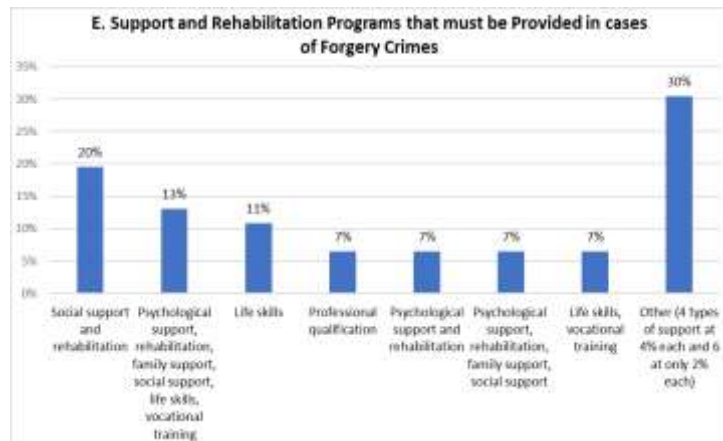
The results of questionnaires clearly reflected the importance of the support and rehabilitation programs that must be provided (by institutions or community components) when deciding to implement one of the alternatives to detention in order to rehabilitate and care for women and to ensure their reintegration into the



community and not returning to crime in cases of crimes afflicting public service. The highest percentages were for programs of psychological, familial, and social support and rehabilitation at 13%, and psychological support at 13%. Next in importance came vocational rehabilitation and social support at 11%. The rest of alternatives ranged from 9% to 2%, as specified in the opposite figure. We conclude from these results that the interventions of support and rehabilitation programs in the areas identified above are among the best and most appropriate programs for dealing with these crimes.

E. Support and Rehabilitation Programs that must be Provided in cases of Forgery Crimes:

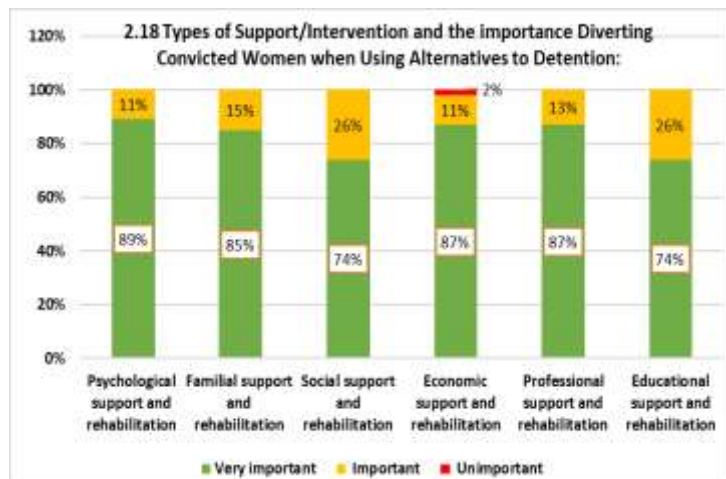
The results of questionnaires on support and rehabilitation programs that must be provided (by institutions or community components) when making a decision to implement one of the alternatives to detention in order to rehabilitate and care for women and to ensure their reintegration into the



community and not returning to crime for dealing with forgery crimes showed the importance of social support programs at 20%, and programs of psychological, familial, and social support and rehabilitation, and life skills programs at 13%. The other alternatives ranged from 11% to 2%, as specified in detail in the corresponding diagram. We conclude from these results that the support and rehabilitation programs in the areas identified above are among the best and most appropriate programs for dealing with forgery crimes.

2.18 Types of Support/Intervention and the importance Diverting Convicted Women when Using Alternatives to Detention:

The types of support and the level of their importance, which are suggested by the experts participating in this questionnaire that is related to studying diversion and reconciliatory solutions for women in conflict with the law or for those who have punishments issued against them are shown in the opposite figure. Psychological support and rehabilitation were said to be "very important" at a rate of 89%, and "important" at 11%. Next came familial support and rehabilitation as "very important" at a rate of 85%, and 15% said it was "important". As for social support, the percentage was 74% for "very important", and 26% for "important". Economic support and rehabilitation got 87% for "very important", 11% for "important", and only 2% of the participants did not see the importance of economic support "unimportant". Vocational support and qualification got 87% for "very important", and 13% for "important". Finally, educational support and rehabilitation got 74% for "very important", and 26% for "important".



Excerpts from Expert Proposals for the Cost of Social Solutions.

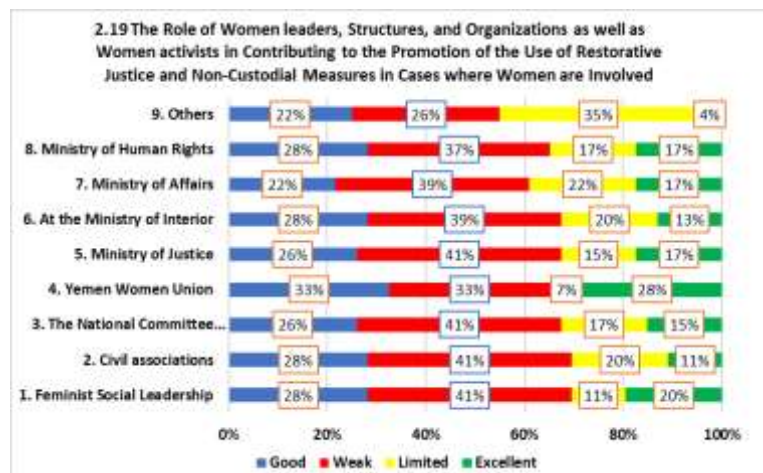
- **Crimes committed against people** (assault case) Reconciliation between the two parties with reparation after mediation between them
- Psychosocial rehabilitation program. 20 thousand riyals for educational support and rehabilitation, obligation to do specific duties, issuing a regulation to apply the penalty of compulsory work in order to determine social work of public benefit
- **Crimes committed against property** (Psychological support, behavior modification, familial and social rehabilitation, appropriate productive vocational and professional

training and qualification, and a soft loan for economic empowerment (150000_200000), and it may increase due to the small number and the costs of establishing a project which have become prohibitive)

- **Adultery crimes, indecent assault, and corruption of morals** Psychological support, behavior modification, social and familial rehabilitation, vocational and professional training, rehabilitation of girls from an early age, developing a mechanism and popularizing work with social studies and work to help judges reach appropriate decisions, and popularizing services and programs of judiciary to which women can be diverted. (Marrying a girl to a young man) the district leader intervenes by taking the girl and the young man, asking the family to attend, and obliging the family to conclude a marriage contract between the girl and the young man with a dowry. This is because most of these problems are caused by poverty (the cost is 150,000_200,000 riyals or more).
- **Crimes afflicting public service:** Psychological support, professional rehabilitation, prisoner and social rehabilitation
- **Forgery crimes:** Psychological support, vocational rehabilitation, familial and social rehabilitation, behavior modification, and social service rehabilitation. They may be due to poverty, so professional support and training will be needed.

2.19 The Role of Women leaders, Structures, and Organizations as well as Women activists in Contributing to the Promotion of the Use of Restorative Justice and Non-Custodial Measures in Cases where Women are Involved.

Structural leaders, women's organizations, and women activists are represented by women social leaders, non-governmental organizations, and the National Committee for Women. The results of the questionnaire presented to participants and shown in the opposite figure (2.19) showed variation in the results. They showed that the evaluation of their role was as follows:



- Women social leaders were excellent at a rate of 20%, good at 28%, limited at 11%, and 41% believed their role was weak.

- Non-governmental organizations were excellent at a rate of 11%, good at 28%, limited at 20%, and 41% believed that their role was weak

- The National Committee for Women was excellent at a rate of 15%, good at 26%, limited at 17%, and 41% believed its role was weak

- The Yemen Women's Union was excellent at a rate of 28%, good at 33%, limited at 7%, and 33% believed its role was weak

- The Ministry of Justice was excellent at a rate of 17%, good at 26%, limited at 15%, and 41% believed its role was weak

- The Ministry of the Interior was excellent at a rate of 13%, good at 28%, limited at 20%, and 39% believed its role was weak

- The Ministry of Legal Affairs was excellent at a rate of 17%, good at 22%, limited at 22%, and 39% believed that its role was weak

- The Ministry of Human Rights was excellent at a rate of 17%, good at 28%, limited at 17%, and 37% believed its role was weak

We conclude from the previous results that there is dissatisfaction on the part of experts about the performance and role of women leaders, structures, and organizations and women activists

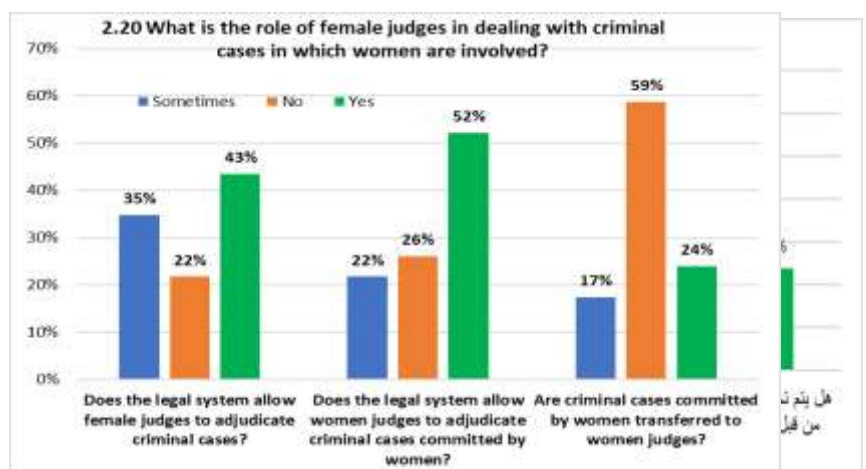
in contributing to the promotion of work in accordance with the restorative justice approach and Non-custodial measures in cases where women are involved as they are not effective and not at the required level.

Other:

- Vocational training and organizations specialized in vocational work
- Networks to support women's access to justice
- International and UN organizations and adopting projects to support women in conflict with the law
- Chambers of Commerce and Industry
- Community leaders of local leaders, sheikhs, dignitaries, and legal experts

2.20 What is the role of female judges in dealing with criminal cases in which women are involved?

The results obtained from questionnaires (illustrated in the opposite figure 2.20) indicate the role of female judges in dealing with criminal cases in which women are involved, as follows. The percentage of participants who said that criminal cases in which women are involved "are transferred" to female judges was (24%), (17%) said that criminal cases in which women



are involved "are sometimes transferred" to female judges (only 41% in total). On the other hand, the percentage of those who said that criminal cases in which women are involved "are not referred" to female judges was 59%. Regarding whether the legal system allows female judges to adjudicate criminal cases in which women are involved, the total percentage of participants who said the legal system "allows" for adjudication of cases was 74%, and 26% said it "does not allow" that. We conclude from the results here that the legal system allows female judges to adjudicate criminal cases in which women are involved. Concerning the permission of the legal system for female judges to adjudicate criminal cases, the results indicated that 78% of the participants said the legal system "allows" that (43% said "yes", and 35% said "sometimes"), and 22% of the participants said it "does not allow" that. The results here indicate that in general, the process of transferring women to female judges is done, but at a low rate, although the legal system allows female judges to adjudicate criminal cases. This may be due to the weak influence of females in the judiciary.

Proposals to Promote Restorative Justice, According to Responses from Experts

- Promoting and supporting the presence of women specialized in public prosecution
- Developing coordination mechanisms between the various official and civil events and institutions and making an inventory of resources to define the required interventions according to the mechanism, developing qualitative data, and creating a database
- Developing shelter services; health and nutrition programs; and training, rehabilitation, and reintegration programs. In addition, activating the role of departments of police and social affairs in following up women's cases after release. It is very important to have programs that receive released women whose parents refuse to receive them



- Supporting the empowerment of female judges in adjudicating all cases just like male judges, developing a system for referring women's cases to female judges or supporting the presence of social workers, preferably females, if the cases are adjudicated by male judges
- It is imperative to raise awareness about the importance of protecting women and to implement this in practice, especially in police and prosecution departments
- Transferring cases, except Hodoud crimes, is possible.
- Establishing family courts in all governorates, and they should exist in some primary courts as needed, instead of traditional judiciary.
- Urgent adjudicating of criminal cases in which women are accused. Female judges must be appointed to adjudicate criminal cases. Their appointment is not limited to personal judiciary or adjudicate juvenile cases only.
- Women are not excluded from criminal judiciary by law, but in reality, they are, due to the rejection of the male judicial authority.

3. Results of the Questionnaire for Restorative Justice and Social Solutions Practitioners

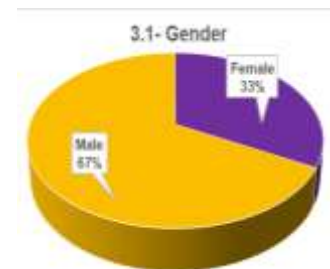
Data was collected through an electronic questionnaire form (appendix 3), which was randomly sent to a sample of stakeholders in order to collect data on practices related to restorative justice and social solutions; to assess their views about the requirements for practicing restorative justice and expanding its application; to identify the types of cases related to women, the way to provide solutions to them through community judiciary or reconciliation, and the cases that are encouraged to be resolved or intervened in by the family, the judiciary, local leaders, directors of directorates, police stations and the prosecution, until they reach the judiciary. The best practices and solutions regarding different types of cases related to women and how much they cost. (120) questionnaires were distributed to the study sample, including the governorates of (Ibb, Abyan, Al Bayda, Al Hudaydah, Al Mahwit, Amanat Al-Asimah, Taiz, Hadramout, Saada, Sana'a, Aden, and Lahj), and (68) questionnaires were retrieved. After examining the questionnaires of restorative justice and social solutions practitioners, it became clear that there were (4) questionnaires that were not valid for analysis, as they were duplicates. (64) questionnaires were approved for analysis, and we will review the results of the analysis as follows:

I- Demographic Characteristics

They include the demographic characteristics of the random sample according to (gender, age groups, social attribute/description, educational level, and place of residence), and the demographic characteristics will be reviewed as follows:

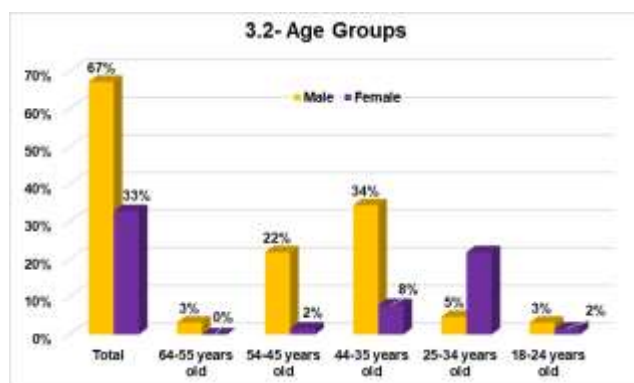
3.1- Relative Gender Distribution of Sample

Figure (3.1) shows that the percentage of male respondents is (67%), while the percentage of female respondents is (33%). It is an acceptable percentage that can be used to know the views of females about cases of restorative justice and alternative social solutions and measures for women in cases of conflict and social disagreements.



3.2- Relative Distribution of Sample According to Age Groups

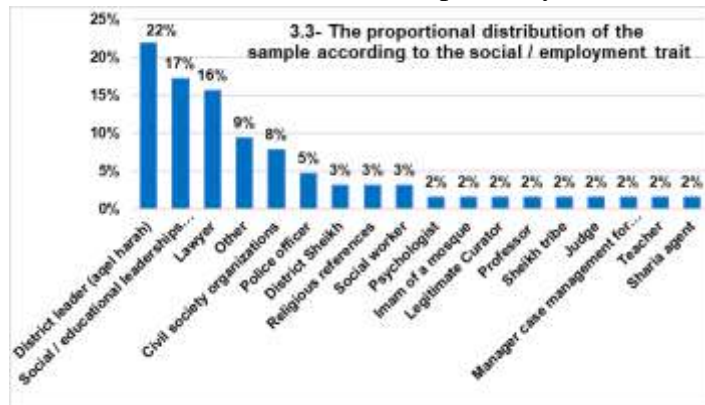
Figure (3.2) shows that the percentage of male participants is (67%), and the highest percentage is for the age group of (35-44 years) at a rate of (34%), while the lowest percentage is for the age group of (18-24 years) and (55-64 years) at a rate of (3%) for each. On the other hand, the percentage of female participants is 33%, and the highest percentage is for the age group of (25-34 years) at a rate of (22%), while the lowest percentage is for the age group of (45-54 years) at a rate of (1%).



3.3- The proportional distribution of the sample according to the social / employment trait

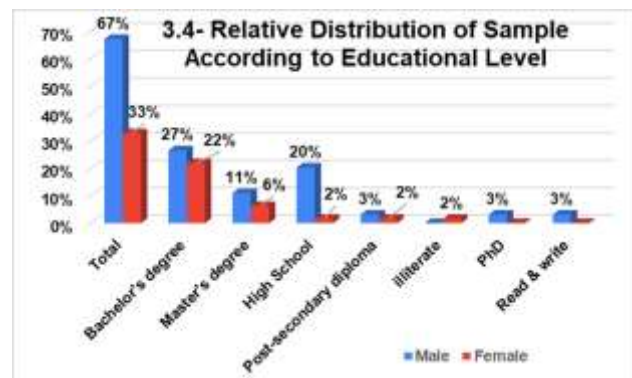
Figure (3.3) shows the relative distribution of the sample according to social attribute/description represented by (a tribal sheikh, a region sheikh, a police officer, a local leader, a judge, social and educational leaders, a social worker, a psychologist, religious references, a lawyer, a teacher, civil community organizations, a Sharia agent, a case management director

of an organization, a doctor of administration, a Sharia secretary, an imam of a mosque, a social worker in the central prison, and others). The analysis of the relative distribution of the sample according to social attribute/description shows that the highest percentage of community intervention and social solutions is for the local leader at a rate of (22%), and next are social and educational leaders, and lawyers at (17%) and (16%) for each, respectively. Moreover, there are other social solutions interventions, represented by (relatives and friends) at a rate of (9%), and next is the role of civil society organizations in social solutions at a rate of (8%). Social solutions interventions by a police officer are at a rate of (5%), by a district sheikh at (3%), and by religious references at (2%).



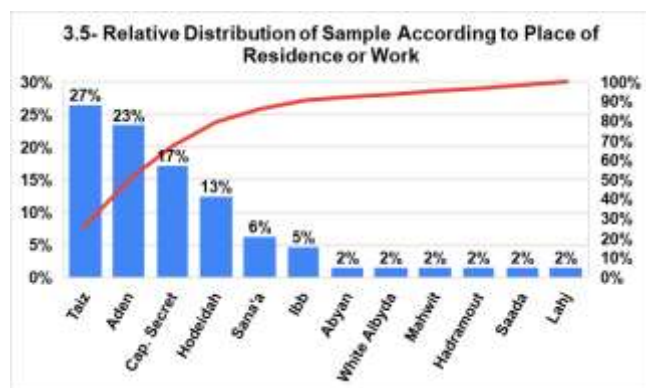
3.3- Relative Distribution of Sample According to Educational Level

Figure (3.4) below shows that the highest educational level for males is the university stage (Bachelor's) and high school at a rate of (27%) and (20%) respectively, and that there is a tendency towards higher education for both sexes (males/females) at the master's degree level. While the percentage of males holding a doctorate, degree is (3%), no percentage with the same variable exists in the female sample. The percentage of females holding a university degree is (22%), the percentage of females holding a high school certificate and a post-high-school diploma is (2%), and the percentage of females who do not read or write is (2%), while this variable does not record any percentage in the targeted male sample.



3.4- Relative Distribution of Sample According to Place of Residence or Work

Figure (3.5) shows the relative distribution of the sample according to place of residence or work. The results of the analysis indicate that the highest percentage of the sample according to residence or work is concentrated in several governorates such as Taiz at a rate of (27%), next is Aden at (23%), then comes Amanat Al-Asimah at (17%), and finally comes Al Hudaydah at (13%). Other governorates formed medium percentages, such as Sana'a at a rate of (6%), and then Ibb at (5%). There are also governorates (Abyan, Al Bayda, Al Mahwit, Hadramout, Saada, and Lahj) that formed a close percentage of (2%) for each.



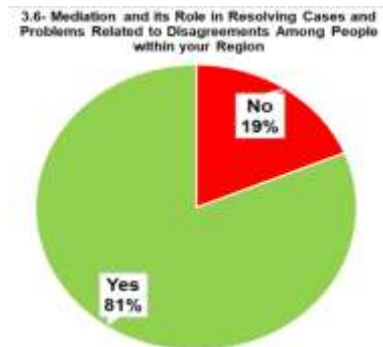
II. Restorative Justice and Social Solutions

This is represented by the act of mediation to resolve cases and problems related to disagreements among people within your region, the act of mediation and other social solutions to resolve women's cases which are related to disagreements with others and committing an act punishable by law, and the type of cases based on the experience of the restorative justice and social solutions practitioner in which women are involved and with which the restorative justice practitioner deals according to the restorative justice approach.

Therefore, this topic tackles the stages of providing community intervention of social solutions based on the restorative justice practitioner's experience, which enables the community components to provide social solutions in order to intervene in the cases that women face in the community. Among the stages of providing intervention are the following:

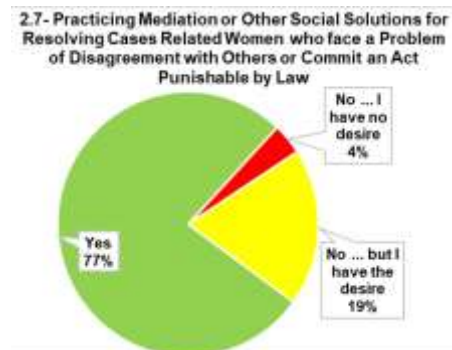
3.5- Mediation and its Role in Resolving Cases and Problems Related to Disagreements Among People within your Region

The number of mediation practitioners for resolving cases and problems related to disagreements among people within their respective regions has reached (52) people, at (81%), which is a very high percentage compared to (12) people whose answers are (no), which means (19%) do not practice mediation for resolving cases and problems related to disagreements among people within their regions, which is a very low percentage. Figure (3.6) illustrates this.



3.6- Practicing Mediation or Other Social Solutions for Resolving Cases Related Women who face a Problem of Disagreement with Others or Commit an Act Punishable by Law.

Figure (3.7) shows the results of analyzing the respondents' answers about practicing mediation or other social solutions for resolving cases related to women who face a problem of disagreement with others or commit an act punishable by law at varying rates. The percentage of those whose answers were yes reached (77%). (19%) of the respondents said that they (did not practice mediation or other social solutions for resolving case related to women who face a problem of disagreement with others or commit an act punishable by law, but they had the desire to practice it in case it was necessary). (4%) of the respondents said that they did not practice this solution and did not have the desire to practice it to intervene in resolving such cases.

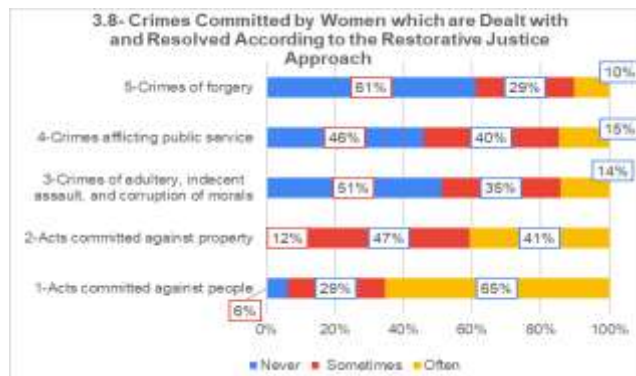


3.7- Crimes Committed by Women which are Dealt with and Resolved According to the Restorative Justice Approach

The opposite diagram shows that there are five types of crimes committed by women that are dealt with according to the restorative justice approach, which respondents have reported in the questionnaire at varying rates for each type. Their answers also varied concerning the level of intervention for each type, whether (never, sometimes, or often) intervened in. However, data analysis showed that the rate of intervention was high for acts committed against people, as well as property, that is, with regard to the first and second types of crimes shown in the figure, in which the rate of intervention of (often) reached (65%) and

(41%) for each, respectively. On the other hand, the percentage of those who answered that (sometimes) there was intervention in crimes of the first and second types was (29%) for acts committed against people, and (47%) for acts committed against property. The answers of (never) intervening in resolving these problems according to the restorative justice approach had the lowest percentage of respondents, which was (6%) for the acts committed against people, and (12%) for acts committed against property.

As for the other three types of crimes committed by women, namely (crimes of adultery, indecent assault, and corruption of morals; crimes afflicting public service; and crimes of forgery), the answers of (never intervening in them) represented the highest percentages, at a rate of (51%, 46%, and 61%) for each, respectively. The percentages of those whose answers were (often) intervening in such crimes were low, at a rate of (14%, 15%, 10%) for each, respectively, as shown in the opposite figure.

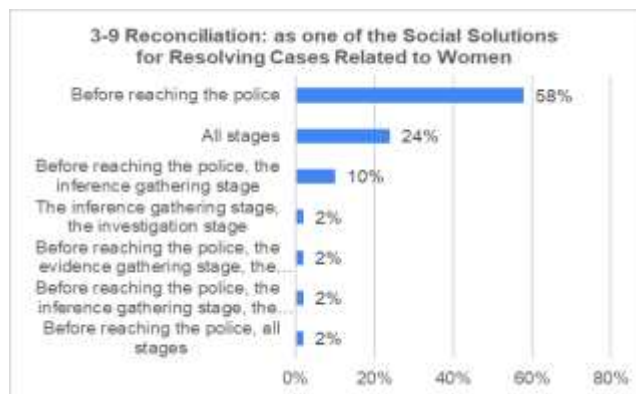


III. Methods for Community Engagement in Resolving Community Cases Related to Women:

Community engagement has developed a number of methods for resolving cases and conflicts among members of the community, including cases related to women. These methods are (reconciliation, arbitration, mediation, reparation "compensation or blood money", negotiations, and *Alhajar*, *Al'ihlakam*, *Al-Wasla* . Each one of them will be analyzed as follows:

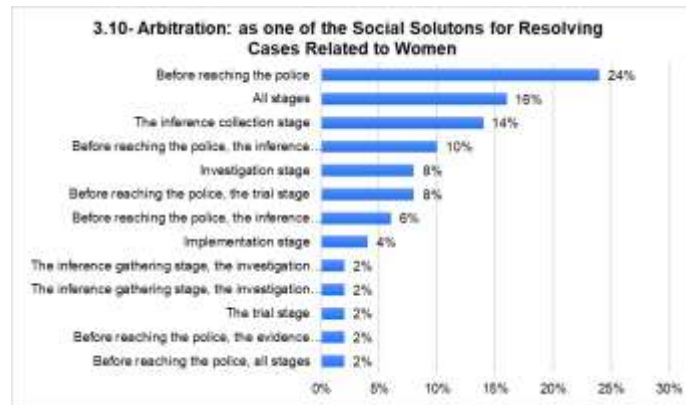
3.8- Reconciliation: as one of the Social Solutions for Resolving Cases Related to Women

The results of the analysis showed that the highest rate of intervention through reconciliation for resolving community cases related to women was at the first stage before reaching the police, with a very high rate of (58%). Next was the stage of all stages at a rate of (24%). These two stages of intervention by the respondents for resolving cases were at a very high rate of (82%). In contrast, low rates of intervention by the respondents were for the other stages following the stage of collecting inference, investigation, and trial, at (2 %). This is shown in the opposite figure.



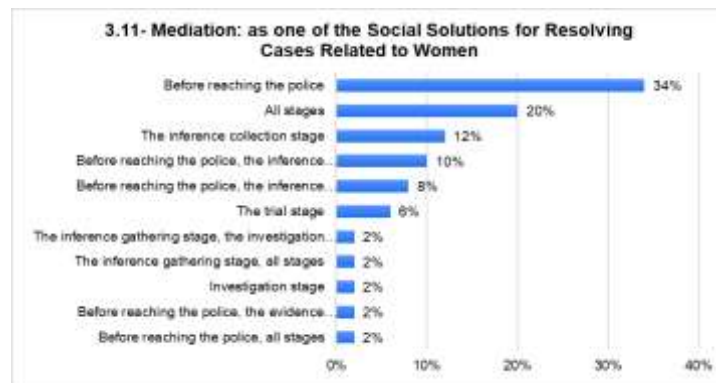
3.9- Arbitration: as one of the Social Solutions for Resolving Cases Related to Women

Figure (3.10) shows the analysis of the respondents' answers regarding arbitration. Most of those who participated in the questionnaire reported that intervention before reaching the police had the highest percentage of (24%) compared to the other stages after reaching the police. The percentage of those who resorted to arbitration before reaching the stage of investigation was (64%) of the respondents. These percentages start to decrease for interventions in stages following the investigation stage, at (36%) for the intervention.



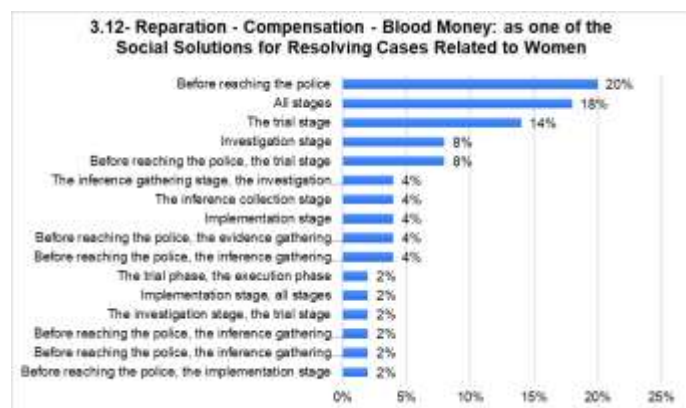
3.10- Mediation: as one of the Social Solutions for Resolving Cases Related to Women

Figure (3.11) shows that most of those who practice mediation for resolving problems and cases related to women prefer it to be before reaching the police, and this is the first stage of mediation at a rate of (34%) of the total number of respondents. It is also noted that the rate of practicing meditation for resolving community cases related to women decreases after the stage of trial to reach (2%).



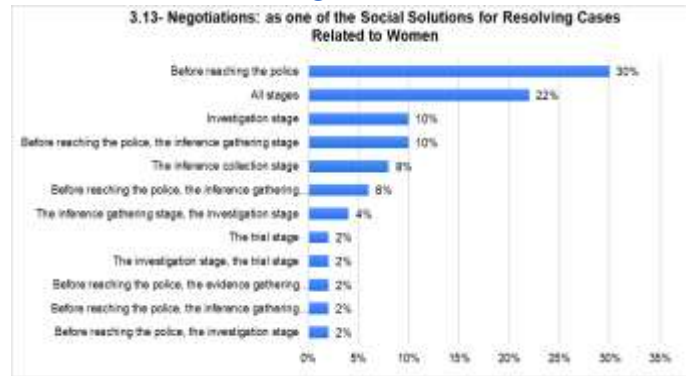
3.11- Reparation - Compensation - Blood Money: as one of the Social Solutions for Resolving Cases Related to Women

Figure (3.12) shows that those who prefer to practice this intervention for providing solutions before reaching the police represent a percentage of (20%), which is the highest percentage of intervention as compared to the other stages of this type of intervention. Next comes the possibility of intervention at all stages at a rate of (18%), and slightly less than that is the stage of trial at (14%). The percentages of practicing this intervention gradually decrease after the stage of investigation and trial to reach (2%) for those who practice interventions at these stages.



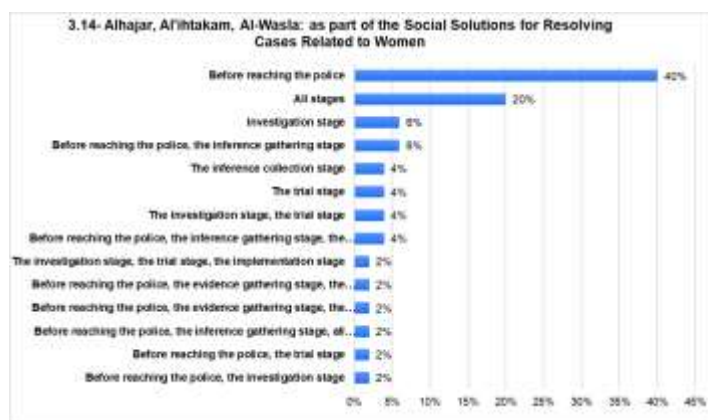
3.12- Negotiations: as one of the Social Solutions for Resolving Cases Related to Women

The analysis shows that the highest percentage of respondents practice intervention before the stage of reaching the police (30%), and at all stages (22%), which is a rate of (52%) for the two phases. As for the other ten stages of negotiations, they have a lower percentage of (48%). Figure (3.13) illustrates this.



3.13- *Alhajar, Al'ihatakam, Al-Wasla* as part of the Social Solutions for Resolving Cases Related to Women

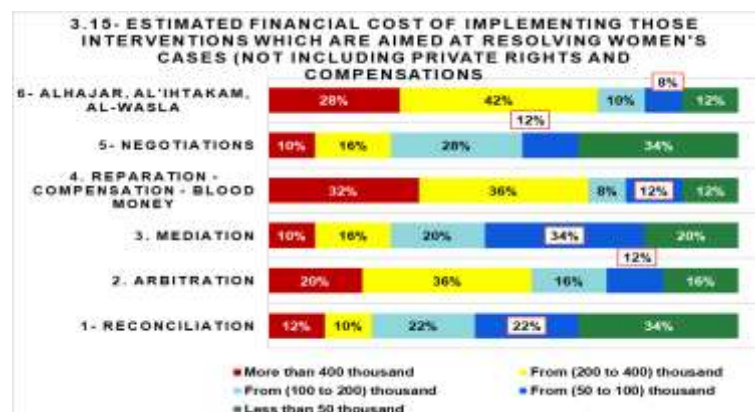
The percentage of those who practice *Alhajar, Al'ihatakam, Al-Wasla* for resolving community cases related to women from the randomly-selected study sample during the stage before reaching the police is the highest percentage of (40%). Next is the stage of all stages at a rate of (20%). These two stages represent a high percentage of (60%), while the rest of the stages for this type of solutions represent (40%) of the total number of samples with low rates ranging from (2%) to (6%). Figure (3.14) clarifies *Alhajar, Al'ihatakam, Al-Wasla*.



3.14- Estimated cost: From your experience, how much is the estimated financial cost of implementing those interventions which are aimed at resolving women's cases (not including private rights and compensations)?

Financial cost of resolving cases of conflict:

Figure (3.15) shows the estimated financial cost of implementing interventions aimed at resolving women's cases (not including private rights and compensations). The results show that there is no specific cost for each issue, but it differs from one mediator to another and from one region and another. It also differs according to the type of cases, the parties to the conflict, and their financial condition. In general, averages of the costs were made from the data provided and for the classified cases (see the diagram). These financial costs for each case do not include compensation, reparation, or blood money, but only include the fees of mediators and small miscellaneous charges of collecting the litigants and bringing them or going to the location of the parties to the conflict. They can be more than 400 thousand Yemeni riyals, less than 50



thousand Yemeni riyals, or in between, depending on the established custom. In the case of negotiations and mediation, 90% of the participants indicate that the cost does not exceed 400 thousand, and only 10% of them indicate that it is higher than 400 thousand riyals, while 34% and 20% of them indicate that the cost does not exceed 50 thousand riyals in the case of negotiations and in the case of mediation, respectively. In the case of reconciliation, 34% of the participants indicate that the cost is less than 50 thousand riyals. The highest cost indicated is in the case of what is known as “*Alhajar, Al'ihlakam, Al-Wasla*”, where 28% of the participants indicate that the cost exceeds 400 thousand riyals, while 42% of them indicate that the cost is between 200 thousand and 400 thousand riyals, and only 12% of practitioners indicate a cost of less than 50 thousand riyals. On the other hand, 34% and 22% state that the cost of mediation and reconciliation usually ranges from 50 to 100 thousand Yemeni riyals compared to 12% in the case of arbitration, negotiations, reparation, and compensation. Thus, we conclude from the foregoing that the estimated cost of reconciliatory solutions usually varies according to the type of crime committed by women, but it does not exceed 400 thousand except in the case of murder and another case according to tribal customs, as reported by the participants in the survey.

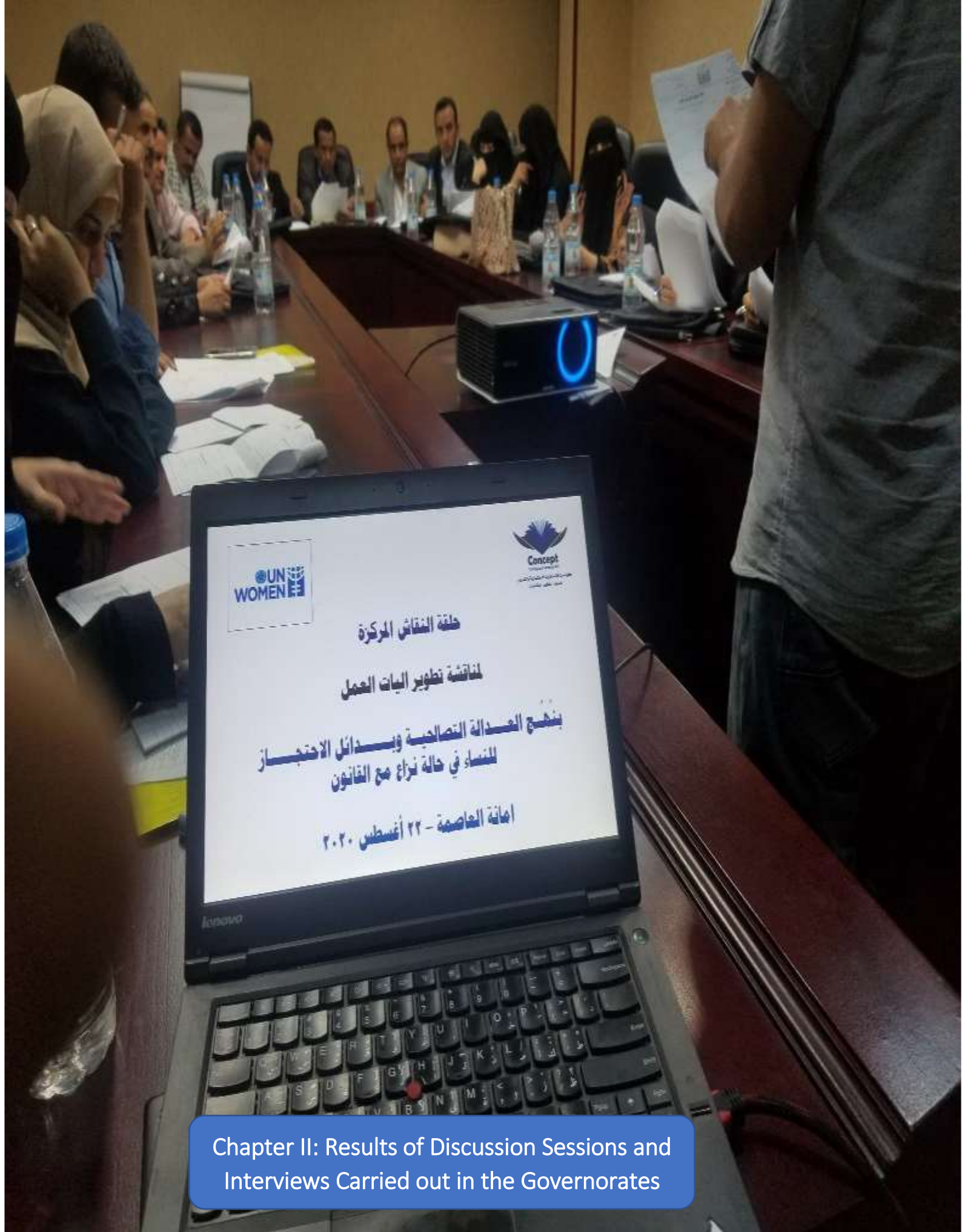
From the above, we conclude the following:

The possibility of implementing alternative solutions depends on several factors, some of which are related to customs and traditions, some are related to the skill of the mediator, and some are related to the type of cases. For example, in the case of murder, there are some difficulties in resolving the issue, especially when the victim's family members are power brokers, as the mediator needs a longer time to convince them. The cost is often high, but it is acceptable if it results in preserving the perpetrator's life. The success level of these alternative solutions for resolving such cases is considered good. In the case of manslaughter in all its forms, it is possible to have the families of victims exempt the perpetrator or accept compensation, and the success level of alternative solutions for resolving such cases is high. Conversely, fraud cases are considered the most difficult, as there are more than one affected party and multiple claims to recover what has been taken by the fraud, which may be large sums.

The participants have unanimously agreed that many women's cases can be resolved through appropriate intervention, and most cases require small expenses to cover the expenses of communicating with the parties to the conflict and sometimes with the relatives of the prisoner to persuade them to receive her from prison. It may require the availability of a lawyer and a social worker to assist mediators to accomplish reconciliation.

The results of the questionnaire have revealed the following facts:

- Most of those who intervene through social solutions to resolve the cases that women face in the Yemeni community (such as reconciliation, arbitration, mediation, reparation, compensation, blood money, negotiations, *Alhajar, Al'ihlakam, Al-Wasla*) prefer community intervention at the first stages before reaching the police.
- Those who prefer community intervention through reconciliation constitute a high percentage (58%) during the stage before reaching the police compared to other methods. Then come the methods of community intervention using (*Alhajar, Al'ihlakam, Al-Wasla*) at a rate of (40%), and (34%) for mediation, at the stage before reaching the police.
- The percentage of those practicing community intervention and social solutions at the stage before reaching the police decreases to reach (30%) for negotiations, (24%) for arbitration, and (20%) for reparation.
- We notice that the above-mentioned percentages, which represent methods of social solutions to women's cases, have been the highest, especially at the stage before reaching the police, compared to the other stages of social solutions to women's cases.



Chapter II: Results of Discussion Sessions and Interviews Carried out in the Governorates

Chapter II: Results of Discussion Sessions and Interviews Carried out in the Governorates

I. GENERAL BACKGROUND

The implementation of discussion sessions and meetings with specialists from authorities related to the formal and informal systems who are experts on the cases of women came as one of the tools used to realize the study of responding to humanitarian needs, supporting resilience in places of detention, promoting restorative justice approaches, and alternatives to detention for women in conflict with the law. These sessions were implemented by Concept for Investment Consulting and Training, with the support and funding of UN Women Office in Yemen. Participants were specialists in the field of legal, social and human rights work, representatives of the judiciary and the Office of Social and Home Affairs, and a large number of lawyers and social workers (the list of participants is shown in Appendix 5). This part of the report covers the results of the focus sessions that were held in the targeted governorates. These sessions were held as a continuation of the work plan for realizing the study, which aims to collect information on existing promising / good practices in the field of restorative justice for cases in which women commit an act punishable by law within the context of local communities. The study also aims to collect detailed information on new promising / good practices, to evaluate the ongoing costs of these practices, and to identify the enabling factors and expected obstacles. This is to be done by interviewing key informants who have information (prominent people familiar with the reality of restorative justice related to women). A participatory approach was adopted in the management of these sessions as a method of work and learning that provides room for individual dedication and contribution on the part of participants while also allowing the exchange of experiences using scientific methods. The sessions also focused on monitoring and evaluating the reality, analyzing the needs, proposing alternatives, discussing specialized professional practical mechanisms, and performing applied experiments.

The focus of these meetings and discussions was on the rules and standards contained in the local laws and the set of international standards related to the promotion of work on diversion programs, restorative justice and alternatives to detention related to women's cases, based on the following facts:

- Providing adequate information on the resources available within the local community to encourage the use of diversion programs or Non-custodial measures in the targeted governorates.
- Having actual efforts made by various governmental, non-governmental agencies and social components to work with diversion programs or Non-custodial measures in the targeted governorates.
- The need to monitor a number of promising / good practices in the field of diversion programs or Non-custodial measures in the target governorates based on their local experiences.

1.3. THE GENERAL OBJECTIVE OF THE STUDY:

Developing the practice of diversion programs and Non-custodial measures for women in Yemen.

1.4. SUB-OBJECTIVES:

- Collecting more information about restorative justice principles, diversion programs, and Non-custodial measures for women in the targeted governorates.
- Monitoring and evaluating promising / good practices at the local level of targeted governorates as well as the extent of their success.

- Determining and analyzing the difficulties encountered in implementing those practices in order to develop and increase the efficiency of the level of implementation, and adopting practical means and methods that enhance resorting to the application of diversion programs and Non-custodial measures when dealing with women's cases.
- Establishing joint enforcement mechanisms for the application of Non-custodial measures to ensure that custodial measures are applied only as a last resort and for the shortest possible period.
- Strengthening the enforcement of laws that regulate procedures for dealing with cases of women in conflict with the law, as well as in terms of the effectiveness of procedures, urgency in cases, and other principles for dealing with women's cases.

1.5. DETAILS RELATED TO THE IMPLEMENTATION OF THE MEETINGS:

The focused meeting was carried out in order to raise awareness in the targeted governorates about the extent of using diversion practices and Non-custodial measures and the type of cases in which these practices are applied. Participants included multiple groups of different specializations who represent different groups of government bodies concerned with women's justice. An interactive and participatory approach was adopted to facilitate exchanging experiences, opinions and research on how to develop the topics presented through the use of a number of scientific methods, the most important of which are working groups, brainstorming, discussion and dialogue, and case studies, and a part of the sessions was devoted to evaluating and analyzing experiences.

1.6. THE THEMES DISCUSSED DURING THE SESSIONS

The first theme: It includes the following discussion points:

- The nature of punishable acts frequently committed by women.
- The characteristics of guilty women and their families in the local context.
- Promising / good practices in the local context, type of associated crimes and estimated costs.
- The type of cases that women prefer to have resolved in official courts
- Socially acceptable alternatives to detention

The second theme: It includes the following discussion points:

- Mechanisms for enhancing diversion programs at the official and community levels
- Support and humanitarian aid programs that can be provided to women
- Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.

1.7. EXECUTIVE PROGRAM:

The discussion sessions were opened with participating specialists by the meeting facilitator and then the sessions began.

1- Procedural Session: The facilitator took the following actions:

- Facilitating introduction activities between participants and performing an icebreaker activity.
- Introducing the study along its general objective and sub-objectives, emphasizing that its purpose is to achieve the best interests of women who are in conflict with the law by accessing legal and social services that enable them to have diversion programs to imprisonment alternatives by presenting proposals and options for suitable alternatives to imprisonment.
- Introducing participants to the meeting's objectives which are conducting qualitative Key Informant Interviews (KIIs). This included those who have direct knowledge of

women's cases in society and cumulative experience in handling and resolving cases of women in contact with the law in accordance with restorative justice approaches and Non-custodial measures; monitoring promising practices in this field; and working to develop those practices related to dealing with cases of women in conflict with the law, in a manner that is proportional to the nature of the acts committed by women.

- Discussing the basic terminology and concepts related to promoting restorative justice approaches and Non-custodial measures, in particular the concepts of "the criminal justice system - the procedural system for dealing with women's cases- alternatives to imprisonment - restorative justice - diversion programs - justifications for adopting alternatives to imprisonment and the desired benefits."

2- Session 1:

- Participants were divided into three groups, and the facilitator distributed the assignments of each group, so that each group studied and analyzed the points included in the first theme as follows:
 - ✓ Group 1: Actions that fall under the crimes against persons
 - ✓ Group 2: Actions considered Property crimes
 - ✓ Group 3: Actions considered crimes of honor
- The facilitator facilitated the work of the groups to carry out their assignments, and gave each group the following assignments:
 - ✓ The nature of punishable acts frequently committed by women.
 - ✓ The characteristics of guilty women and their families in the local context.
 - ✓ Promising / good practices in the local context, type of associated crimes and estimated costs.
 - ✓ The type of cases that women prefer to have resolved in official courts
 - ✓ Socially acceptable alternatives to detention
- Following this, each group reviewed the results of its work and shared it with the whole group. The facilitator conducted a discussion session on the results of the groups' work to arrive at results that represent a collective viewpoint on which the majority of the participants agree.
- The facilitator reviewed the final results and announced the conclusion of the session and the start of the coffee break.

3- Session 2:

- The facilitator divided the participants into three groups and facilitated the work of each group to do its task. For each group, the following tasks were defined:
 - ✓ Group 1: Mechanisms for enhancing diversion programs at the official and community levels
 - ✓ Group 2: Support and humanitarian aid programs that can be provided to women
 - ✓ Group 3: Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.

Following this, the results of each group's work were reviewed with the rest of the participants, and the facilitator conducted a discussion session on the results of the groups' work to come up with results that represent a collective viewpoint agreed upon by the majority of the participants. In the end, the final results were reviewed for approval by the participants.

II. RESULTS OF DISCUSSION SESSIONS FOR THE TARGETED GOVERNORATES

1. Amanat Al-Asimah and Sana'a Governorate

Session Participants:

In these multi-disciplinary sessions, there were (17) participants with active participation from all participants. Representatives from the Ministry of Justice and Social Affairs, the prosecution, and social and legal researchers working in this field also participated. The participation of judges was relatively low due to being busy with reviews and sessions for cases that had to be halted for a long time due to the COVID-19 pandemic. The following table shows the numbers and types of participants in the sessions at the level of each governorate:

1.1. The results of the focus meeting in Amanat Al-Asimah and Sana'a Governorate, as expressed by the participants:

The results of the work of discussing the topics of the first theme:

- The criminal classification of acts frequently committed by women (moral crimes - crimes against persons, especially murder - crimes related to Property, especially theft).
- Characteristics: The lower the educational level of the woman or her family, the greater the violations. If the woman and her family were poor, the greater the chances of committing a crime. Married women were more likely to commit crimes than single women or those who were previously married.
- Crimes in which interventions are made to have them addressed with social solutions (Property crimes not amounting to Hodoud, crimes of assault against persons, and non-serious crimes)
- Numerous social solutions, including (reparation - reconciliation - arbitration)
- Actions through mediation and negotiation starting at the individual level with the victim, then the family, then the tribe through sheikhs.
- Costs: They vary between (20 thousand - a million or more) depending on the level and nature of the intervention, and the type of act committed. They may include the mediators' costs only, or the cost or the price of the arbitration instruments (rebel weapons, camps, white flags, connections, etc.)
- Possible measures: At the official level, decisions can often be issued including all measures stipulated by law. However, families often reject and disavow their daughters if detained.
- Crimes that women prefer to have reviewed before authorities: Crimes related to honor

The Results of the Discussions of the Topics of the Second Theme:

- Regarding Mechanisms for enhancing diversion programs at the official and community levels through the following:
 - The formation of reconciliation justice committees at the level of security zones to undertake the tasks of offering reconciliation
 - Issuing regulations for the duties of these committees
 - Developing a system for managing and diverting accused or convicted women to legal and community support programs
 - Support and empower the Family Protection Department by assigning family protection officers in police stations to deal with women's cases
 - Issuing a decision to authorize family protection representatives to address women's cases using a restorative justice approach in non-serious crimes
 - Supporting and equipping legal support and aid rooms in courts dedicated to supporting women's cases
 - Training and preparing workers in justice institutions
 - Supporting social initiatives in this field, as well as documenting and sharing individual initiatives
 - Promoting community awareness
 - Training Community leaderships

- Support and humanitarian aid programs that can be provided to women

- Legal support programs
- Initial and specialized psychological support programs in all stages of the case
- Social and family integration programs
- Professional qualification programs and conditional economic empowerment
- Soft loans to pay compensation

- Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.



- Supporting and empowering women's departments in (justice - the prosecution - the interior - rehabilitation department - social affairs) in the field of institutional building, human capacities and accessibility.
- Documenting and sharing individual initiatives
- Training and preparation
- Implementing a national program to raise awareness of gender cases
- Developing coordination mechanisms between agencies working in the field of women's justice at the local and central levels

Conclusions and Recommendations:

- There has been a clear general trend towards encouraging diversion and Non-custodial measures in various stages with women's cases, but there is still a need for social interventions and a change in the social awareness of families. Furthermore, there is also a need to create special departments that provide targeted intervention programs through the police, prosecution services, and courts that specialize in looking at women's cases that are technically empowered to deal with excessive societal sensitivity towards women's cases.
- Individual accomplishments must be encouraged and documented, as they are numerous and fundamentally based on individual initiatives, hence the need to organize them in an institutional manner for their generalization and continuity. The main achievements that can be mentioned:
 - The importance of benefiting from the results of the high rate of resorting to mediation (or reconciliation) with the police as a diversion program with the support of the Family Protection Department and the case management system, especially in girls' cases.
 - Benefiting from the results of the experiences with a number of cases, even if they are limited to girls' cases who were reintegrated with their families after being ostracized < and disavowed. This is done through the social monitoring office as a guiding entity and protection committees in the case management system.
 - Investing in acceptance and openness to the concept of restorative justice by resorting to the mediation process with the cooperation of community members and the victim's participation and consent. This is done mainly by resorting to arbitration law. Therefore, it is necessary to conduct an in-depth study of this law to take into account what can be developed and to ensure proper precautions against risks related to the use of this law to encourage mediation for women.

- The experience of case management in Sana'a governorate in monitoring girls 'cases and providing possible interventions in accordance with the standard procedures manual and providing tracking programs, family conferences, and empowerment, which is aimed at reintegrating girls with their families
 - The experience is still new for the Yemen Women's Union in providing legal aid to women and supporting the initiative of the Ministry of Justice in providing legal aid to women and the Women's Support Office in the Court of Appeal.
- The general trend towards adopting diversion programs or Non-custodial measures with women. It is clear that this matter has been affected by the results of the repeated training and awareness of various specialists working with children, which must be used and developed to suit women's cases.

2. The Results of the Discussion Group, Aden Governorate Group

The discussion session was carried out to develop diversion programs and Non-custodial measures with the participation of a specialized group of participants holding different specialties and representing institutions (Women's Police - Rehabilitation Department - offender Research - Family Protection - Ministry of Interior) who work directly on women's cases. The discussion themes were determined based on an analysis of the needs of the beneficiaries after consulting the team of experts and specialists, and the questions and drivers dialogue were determined on the basis of a logical and systematic sequence between the themes and the topics of the study that were designed from general to the specific, and relying on the balance between the theoretical and practical aspects related to reality and potentials. Each theme was presented through a theoretical clarification accompanied by a discussion that deals with the detailed parts of the topic through applications, measurements, and discussions conducted as a whole or through working groups, during which the participants do the required assignments. The discussion session focused on the following themes:

- Essential features of a justice system that is responsive to gender cases
- The nature of punishable acts frequently committed by women at the local level.
- The characteristics of guilty women and their families in the local context.
- Diversion programs and Non-custodial measures
- Promising / good practices in the local context, type of associated crimes and estimated costs.
- The type of cases that women prefer to have resolved in official courts
- Alternatives to detention that can be leveraged in women's cases that are socially acceptable at the local level
- Restorative justice programs are pilot experiences
- The level of implementation of Non-custodial measures in the Yemeni context
- The social investigation report and its role in implementing Non-custodial measures
- Mechanisms for enhancing diversion programs at the official and community levels
- Support and humanitarian aid programs that can be provided to women



- Identifying and analyzing priorities for developing diversion programs and Non-custodial measures

Discussion outcomes:

- Most of the issues related to women's cases are moral ones, such as girls running away from their families as a result of being subjected to violence.
- Sometimes it is a revolt against the families. This is where we mediate and reconcile between both parties to return the escapees to their families.
- Among the cases most amenable to implementing restorative justice programs with women are cases of fraud and scams, physical assault, murder, immoral crimes such as adultery and prostitution.
 - The socially acceptable alternatives to detention, including a commitment not to harm the others; waivers and avoiding the harm of others in family cases; waivers and not harming others in cases between neighbors; taking a pledge and commitment to pay monthly child expenses in personal status cases; a written commitment not to insult and slander; marriage contracts in elopement cases; reparation; appropriate compensation and treatment; and reconciliation

Among the most important challenges before those measures:

- There is a lack of ability on the side of official authorities when dealing with women using a restorative justice approach in dealing with the effects associated with crime at the level of women, the family, and society. This is one of the most important problems facing the authorities in the governorate, especially the psychological effects resulting from the stigma of life and the resulting fear and anxiety, as well as the loss of home and family when left by the husband, and thus being deprived of the children.
- The lack of ability on the side of authorities and social entities to deal with the problems, which would therefore result in the woman being ostracized by the family and not being accepted even after release or Non-custodial measures, which results in family disintegration that contributes to the rise of crime
- Lack of coordination and networking between official institutions, social components and civil society organizations
- The absence of regulations indicating the procedures for restorative approach and the types of cases, means, and solutions available.
- The lack of clear powers that show the powers of authorities and institutions.

II. Recommendations:

- Issuing a regulation to organize restorative justice approach and Non-custodial measures when dealing with women's cases, provided that it includes regulation standards that govern the following:
 - Any reconciliation that takes place should be under the supervision and approval of a judge, even if it is at the evidence gathering stage.
 - Ensuring the presence of lawyers in the centers to facilitate the restorative justice process immediately before diversion to the prosecution,
- Any reconciliation program must include basic steps to solve the case. Sometimes it requires the rehabilitation of women accused after their case is resolved and providing a source of income so that they do not commit the crime again.
- Establishing branches or legal offices specializing in restorative justice to bring parties together, in coordination with official and informal entities working in the field of justice.
- Activating alternative programs during the evidence gathering stage, the most important of which are:

- Reprimanding and apologizing while also vowing not to repeat the action, reparation for the accused by paying the financial fee, reconciliation and making commitments, issuing a suspended judgment, imposing a fine, performing services for the society.
- Strengthening the role of women's police in order to protect women, with its mission being to correctly apply the restorative approach in dealing with women's cases. Women's police are an integral part of the security system that has responsibilities in terms of crime detection and prevention, as it is a tool that connects the accused and the victims. Execution, investigation, seizure or searches are only carried out by a female police officer, in order to preserve the dignity of both the victims and the accused.
- Providing preventive detention for women is one of the biggest problems facing women in contact with the law.
- Providing legal aid, psychological support and reintegration programs
- Implementing an awareness program through various social entities
- Require security authorities and investigation authorities to activate social investigation reports, due to their importance in activating Non-custodial measures
- Activating the role of the prosecution in enforcing Non-custodial measures in the fields of handover, reprimands, taking pledge, temporary release, saving cases, ...
- Activating the court's role in enforcing Non-custodial measures, such as compulsory work, measures of a financial nature, abstaining from pronouncing a sentence, suspending execution, conditional release, and activating the role of the judge in adapting measures.

2. Results of Al-Bayda Governorate Group Discussions

- The most common type of women's cases are moral cases and cases of theft and murder.
- The offender classification of the acts frequently committed by women is moral crimes and crimes against persons, especially murder.
- The total number of detained women in the Rada'a Correctional Facility was 9, of whom 3 had Non-custodial alternatives and were released after three quarters of the period have been spent. However, the authorities were unable to hand them over to the families due to the family's refusal as well as the women fearing being killed by the families.
- Crimes in which interventions are made to have them addressed with social solutions, this includes Property crimes not violating a Hadd, crimes of assault against persons, and non-serious crimes.
- Numerous social solutions, including reparation, reconciliation, and arbitration.
- Social means: The local community in Al-Bayda governorate addresses most of the cases using social means for reconciliation, which includes mediation, arbitration, tribal negotiation, reparation and so on. According to societal norms, the start is with mediation and individual arbitration, until reaching the intervention of social authorities. However, these social treatments remain limited to intervention in women's cases, especially cases that bring shame to society, which occurs once a woman comes into conflict with law.
- **Costs:** They vary according to the type of intervention and the type of crime. Furthermore, the higher the position of the social interventionists, the higher the costs
- **Possible measures:** At the official level, decisions can often be made with all the measures stipulated in the law. However, the family and society reject women in conflict with the law, especially in moral cases, and are forever stigmatized based on the prevalent social culture. Even



when some families embrace their daughters, this sometimes causes the family to leave the village altogether.

Regarding Mechanisms for enhancing diversion programs at the official and community levels through the following:

- Supporting social gatherings that bring together sheikhs, elders and religious leaders to review and discuss society measures that protect women from falling into crime, and to discuss the possibility of forming restorative justice committees at the district and Uzlah levels to address cases related to women.
- Enhancing the role of justice institutions, correctional facilities and community programs to protect, care and prevent women from falling into crime and to ensure they are rehabilitated and socially empowered through specialized programs.
- Providing judicial support and post-trial programs to rehabilitate, reintegrate, and transfer accused or convicted women to legal and community support programs
- Developing community awareness programs, especially through religious authorities
- Supporting and equipping legal support and aid rooms in courts dedicated to supporting women's cases
- Training and preparation of workers in various justice institutions at all levels
- Supporting social initiatives in this field, as well as documenting and sharing individual initiatives, through training community leaders
- Supporting legal support programs, primary and specialized psychological support programs at all stages of the case, in addition to developing programs for social and family integration and soft loans.
- Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.
- Supporting the establishment of a women legal support unit in the Court of Appeal, Courts and Prosecutions of First Instance, the Women Department in the Rehabilitation Facility, and Social Affairs.
- In the fields of institutional development, human capacity building and women's access.
- Documenting and sharing individual initiatives, training social references, law enforcement officials and religious authorities, and implementing a national awareness-raising program on gender issues
- Preparing women leaders to play the roles of community mediators to deal with women's cases.
- Developing mechanisms for coordination between bodies working in the field of women's justice and social structures, be it religious authorities or entities
- Supporting rehabilitative institutions with rehabilitation and vocational training programs that enable women to become self-reliant.
- Activating restorative justice programs in crimes of Property and crimes against persons
- It is important that women are not diverted to restorative justice programs until after carrying out a study of the woman's prior offender history, as well as the atmosphere and circumstances surrounding the woman when the crime was committed.
- Lack of interest by the authorities and social entities in addressing women's cases at the present time
- Lack of coordination between governmental institutions, social entities and civil society organizations.

3. The Results of the Discussion Group, Dhamar Governorate Group

The most important results that were drawn from the participants in the discussion session group in Dhamar Governorate are:



- Most of the cases related to women are moral cases and because of the perception of community members, especially relatives and family members, it is difficult to perform Non-custodial measures because the families would abandon and disown them. This may result in revenge and murder, with the possibility of the above measures being implemented for some groups such as the poorest
- Among the cases were restorative justice programs for women are most likely to applied are cases of wrongful killing, Property-related crimes, crimes against to persons, such as physical assault. Women's and men's cases related to such acts are usually resolved in the same governorate using a restorative justice approach.
- The socially acceptable alternatives to detention are: Family conferences, family education, reparation of harm, appropriate compensation and treatment, reconciliation, marriage.
- Targeting women with rehabilitation, training and skills development programs for some productive trades and professions so they can support themselves after release and reception. Psychological support sessions can also be implemented.
- Among the most important challenges before those measures:
- The failure to address women's cases prior to their involvement with formal justice institutions and the lack of police authority to deal with women's cases to avoid social stigmatization.
- The absence of social workers and female staff to deal with women's cases, whether in the police or other institutions.
- The lack of administrative detention centers for women, which forces the authorities to detain them in the central prison, which means that the family and society will abandon them for fear of social stigma.
- There is a lack of ability on the side of official authorities when dealing with women using a restorative justice approach in dealing with the effects associated with crime at the level of women, the family, and society. This is one of the most important problems facing the authorities in the governorate, especially the psychological effects resulting from the stigma of life and the resulting fear and anxiety,
- The lack of ability on the side of authorities and social entities to deal with the problems of the woman being ostracized by the family and not being accepted even after release or Non-custodial measures, which results in family disintegration that contributes to the rise of crime
- Lack of coordination and networking between official institutions
- Lack of coordination between governmental institutions, social entities and civil society organizations

- The absence of regulations indicating the procedures for restorative approach and the types of cases, means, and solutions available.

Recommendations:

- Providing and maintaining a trained and specialized female staff for dealing with women's cases
- Training and preparing workers in justice institutions to understand the specificity of women's cases.
- Supporting the self-initiatives of some social figures and their interaction with women's cases
- Benefiting from social values that protect women
- Supporting local community organizations working on providing social support services, psychological support, rehabilitation programs, and reintegration programs, as well as follow-up and evaluation programs for cases of women in conflict with the law.
- Developing a list of alternative punishments for providing services to the community.

4. Results of a Discussion Session for the Ibb Governorate Group: -

In this discussion, a review was made of the rules and standards contained in the local laws and the set of international standards related to the promotion of work on diversion programs, restorative justice and alternatives to detention related to women's cases, based on the following facts:



- Providing adequate information on the resources available within the local community to encourage the use of diversion programs or Non-custodial measures in the targeted governorates.
- Having actual efforts made by various governmental, non-governmental agencies and social components to work with diversion programs or Non-custodial measures in the targeted governorates.
- The need to monitor a number of promising / good practices in the field of diversion programs or Non-custodial measures in the target governorates based on their local experiences.

In this session, a review was made for the general objective of the study and the sub-objectives as shown in the general background on the discussion sessions page).

The results of the discussion session in Ibb Governorate as expressed by the participants:

The results of the discussion about the topics of the first theme:

- The offender classification of the acts frequently committed by women: moral crimes, escape, fraud, and theft.
- Characteristics of detained women: Women displaced from four governorates, poverty, family disintegration, instability due to the armed conflict.

- The social solutions are many, including marriage in crimes of being alone with women or elopement; returning the stolen items or compensation in cases of theft; compensation for injuries and apology in cases of assault. etc.)
- Measures and decisions taken by the authorities: (Compulsory work, work for the public service, prohibition of residence in a specific area, temporary release, being placed under judicial supervision, imposing fines, reparation for damage / compensation for injuries, suspension of execution, remedial measures).
- Actions such as providing legal and social support, implementing family relations interventions, marriage, family reunification, family conferences, not family integration, economic empowerment programs, livelihood programs, first aid psychological support programs and specialized psychological support programs for human development) and it is important to follow up on that within the community.
- Costs: They vary between (100 thousand) approximately, depending on the level and nature of the intervention and the type of act committed. They may include the mediator's wages only.
- Possible measures: At the official level, authorities can issue release decisions if the family agrees to accept them.
- Crimes that women prefer to have reviewed before authorities: Crimes related to honor and dignity, and escaping for fear of reprisal from families

The Results of Discussing the Topics of the Second Theme:

- Regarding Mechanisms for enhancing diversion programs at the official and community levels through the following:
 - Subjecting all women in conflict with the law to a social survey before going through any measures taken by institutions and forming restorative justice committees in the courts.
 - Activating the Minister of Interior's decision to create a Family Protection Department in all police stations
 - Supporting police stations and women's prisons with social workers and resources to implement social interventions before the offender file is opened
 - Adopting detention and imprisonment centers for women, as most families ostracize their daughters after being detained in prison.
 - Rehabilitation of women in detention centers should be mandatory, as this facilitates their reintegration process.
 - Supporting and equipping legal support and assistance rooms for women in the governorate and circulating their names to all police stations, prosecution offices, courts and detention centers
 - Forming committees for community facilitators to address women's cases within the context of society
 - Training mosque imams, community leaders and institutions
 - Support and humanitarian aid programs that can be provided to women
- Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.
 - Supporting and empowering security departments, detention centers and courts with social and psychological workers.
 - Implementing a national program to raise awareness of gender issues
 - Developing coordination mechanisms between agencies working in the field of women's justice at the local and central levels

- Developing laws commensurate with women's cases
- Opening dialogue platforms to discuss women's cases with official bodies to advocate for their cases
- Developing transfer programs that receive women to implement alternatives
- Changing societal awareness

Recommendations:

- Creating offices for social monitoring and aftercare, and enabling relations with community institutions, by issuing a ministerial decision from social and internal affairs to assign social researchers and specialists in care institutions to carry out a number of tasks entrusted to the role of the social monitor to activate the possibilities of resorting to Non-custodial alternatives
- Finding space in the legal text for alternatives - preparing dedicated facilities for rehabilitation - training staff on all types of rehabilitation
- Spreading training and awareness among the various concerned authorities on a number of the fundamental articles in the Yemeni law, especially articles related to Non-custodial alternatives.
- Encouraging the public prosecution offices and prosecutors to use Non-custodial alternatives in cases involving women in simple cases or those that can be viewed as simple based on an assessment of the family, professional or social status of women while eliminating social risks
- Concluding agreements with civil societies and providing moral and material support to enable a number of measures available in the local law (especially the issue of compulsory work), while encouraging such programs and adopting the proposed mechanisms that set a number of main lines to determine the method of coordination with these associations
- Establishing an accurate scientific inventory of the available capabilities and the entities that can receive women in targeted rehabilitation, operational, educational, or guidance programs. These be limited in a clear and scientific way in terms of the type of programs that can be provided by these bodies
- Training a number of these entities on transfer mechanisms, coordination, implementation and evaluation of measures to ensure working with them in a thoughtful and reliable manner
- Establish awareness programs through newspapers, posters, and mosque imams about any of the proposed programs, if they are diversion programs.

5. Results of the Taiz Governorate Discussion Session

Themes of Discussion:

The discussion themes were determined based on an analysis of the needs of the beneficiaries after consulting the team of experts and specialists, and the questions and drivers dialogue were determined on the basis of a logical and systematic sequence between the themes and the topics of the study that were designed from general to the specific, and



relying on the balance between the theoretical and practical aspects related to reality and

potentials. Each theme was presented through a theoretical clarification accompanied by a discussion that deals with the detailed parts of the topic through applications, measurements, and discussions conducted as a whole or through working groups, during which the participants do the required assignments. The discussion themes included the following:

- Essential features of a justice system that is responsive to gender issues
- The nature of punishable acts frequently committed by women at the local level.
- The characteristics of guilty women and their families in the local context.
- Diversion programs and Non-custodial measures
- Promising / good practices in the local context, type of associated crimes and estimated costs.
- The type of cases that women prefer to have resolved in official courts
- Alternatives to detention that can be leveraged in women's cases that are socially acceptable at the local level
- Restorative justice programs are pilot experiences
 - The level of implementation of Non-custodial measures in the Yemeni context
 - The social investigation report and its role in implementing Non-custodial measures
 - Mechanisms for enhancing diversion programs at the official and community levels
 - Support and humanitarian aid programs that can be provided to women
 - Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.

IV. Methodology Used in the Activities:

The meeting focused on the development of diversion programs and Non-custodial measures. The participants were specialists from various fields and representatives of various institutions, such as the Rehabilitation Department, the Case Management System, the Social Affairs, the Lawyers Syndicate, and the Yemen Women's Union who work directly on women's cases.

An interactive method based on participation was adopted to stimulate the exchange of experiences, opinions and research on how to develop the topics presented through the use of a number of scientific methods, the most important of which are working groups, brainstorming, discussions and dialogue, and case studies. Furthermore, a part of the meeting was devoted to evaluating and analyzing experiences.

Discussion Sessions: The discussion session, which was moderated by Mr. Berhane Jaber Al-Ashbury, focused on discussing the following themes

- Characterizing the punishable and nature of acts frequently committed by women.
- The characteristics of guilty women and their families in the local context.
- Promising / good practices in the local context, type of associated crimes and estimated costs.
- The type of cases that women prefer to have resolved in official courts
- Socially acceptable alternatives to detention
- Mechanisms for enhancing diversion programs at the official and community levels
- Support and humanitarian aid programs that can be provided to women

- Identifying and analyzing priorities for developing diversion programs and Non-custodial measures.

Conclusions:

1. The most common type of women's cases are moral cases and cases of theft and murder.
2. Social solutions to address women's cases
3. The local community in Taiz Governorate is encouraged to work with community-based solutions to address women's cases in the following crimes:
 - Crimes against persons such as crimes against persons
 - Non-serious crimes in general
 - Financial crimes
4. The acts / crimes committed by women, which the participants in the discussion session believe not to be dealt with restorative justice, and which must be decided by the official judicial institutions, are the cases of (prostitution - intentional murder - drug and alcohol drinking, assaults, gang formation - cases of adultery- banditry -theft - terrorism - crimes related to honor).
5. The following lists the alternatives and social solutions for dealing with women's cases using the restorative justice approach and diversion decisions to social alternatives to detainment:
 - Activating restorative justice programs in crimes of Property and crimes against persons
 - Placement under judicial monitoring
 - Fines, compensation, reparation / compensation for injuries
 - Compulsory social work and public service
 - Sentence suspension with the implementation of monitoring and evaluation programs
 - Refraining from pronouncing the verdict while enabling social control
 - Prohibition of residing in a specific area (conditional release)
 - Targeting women with rehabilitation, training and skills development programs for some productive trades and professions so they can support themselves after release and reception.
6. It is important that women are not diverted to restorative justice programs until after carrying out a study of the woman's prior offender history, as well as the atmosphere and circumstances surrounding the woman when the crime was committed.

Among the most important challenges before those measures:

1. Legislative challenges: The suspension of official and civil institutions is a reason for the lack of order and enforcement of procedural guarantees stated in the legislative texts in force.
2. The challenges related to the exceptional conditions that the governorate is experiencing as a result of the ongoing conflict in the absence of the role of security and justice institutions, in addition to the lack of a judicial environment, the absence of rehabilitation, reform and integration programs in detention institutions, has made prisons a hot spot for the spread of crime in light of prison overcrowding.
3. The transfer and detention of women in distant governorates such as Ibb, continuing their trials in Taiz, and the difficulty of transporting women to attend hearings is causing a failure in any efforts aimed at ensuring that women receive a fair trial.
4. There is an Increase in the crime rate due to insecurity, high displacement rates, poverty rates, and the suspension of educational and social services

5. Many local institutions and organizations have stopped paying attention to humanitarian issues and aspects of human rights, and now focus on providing humanitarian aid
6. Among the challenges associated with the administrative aspect is that the judicial, security and social institutions no longer provide their services as a result of the suspension of salaries and operational expenses. This means that employees and service providers have stopped carrying out their roles. Furthermore, there is a split between administrative bodies between Al-Hawban and Medina, which exacerbated this.
7. The war has increased social challenges and its repercussions on women, especially women in contact with the law, due to the increase in social problems that place their burden on the family and social entities, and this mainly affects women. The war has also caused a lack of social leaders for handling of cases according to social norms and culture, as they have become preoccupied with political accounts and party loyalties. This caused them to stop dealing with women's cases before their involvement in formal justice institutions, and a lack of police authority to deal with women's cases to avoid social stigmatization.
8. Displacement of social workers who no longer work despite the fact that the governorate had the largest number of social workers before the war.
9. The absence female staff to deal with women's cases, whether in the police or other institutions.
10. The absence of administrative detention centers or imprisonment centers qualified to receive women, which forces the authorities to detain them in prison outside the governorate, which in turn means that families are unable to reach them or are afraid of social stigma.
11. Lack of interest by the authorities and social entities in addressing women's cases at the present time
12. Lack of coordination between governmental institutions, social entities and civil society organizations

II. Recommendations:

1. Establishing and supporting women's police departments and providing justice institutions with female staff at all stages, while ensuring the stability of trained and specialized female staff to deal with women's cases
2. Activating judicial institutions and enhancing the role of law enforcement officials in handling women's cases by enforcing legal rules for fair trial principles and guarantees for women
3. Establishing and supporting psychological rehabilitation centers and case management programs for women
4. Reorganizing the social support services provided by the Affairs Office and the Yemen Women's Union, in addition to the legal aid programs
5. Enforcing legal rules on alternatives and restorative justice, and then conducting training programs for workers on the application of those rules and creating psychological support programs in preparation for reintegration.
6. Intensifying courses and raising awareness of women's cases and their alternative solutions in the districts where they are the most prevalent
7. Developing mechanisms for coordination and networking between security forces, judicial agencies, and civil society organizations
8. Documenting cultural and social heritage in the field of restorative justice
9. Adopting programs of support and social integration provided through civil society organizations
10. Supporting the technical and administrative bodies of government institutions
11. Supporting the establishment of specialized centers for women's police and support units for women litigants at the level of courts, prosecutors and detention centers

12. Conducting awareness-raising sessions for law enforcement officials to support the practical side of alternatives to detention for women, especially in our society, which is suffering from the effects of the ongoing war.
13. Ensuring that security and investigation authorities carry out social investigation reports due to their importance in enabling Non-custodial measures. Strengthening the role of the Ministry of Interior, Courts of Justice and Human Rights advocates in developing systematic and deliberate plans among all competent authorities which ensures the preservation of women's privacy in society by providing protection, rehabilitation and work opportunities that guarantee them a decent life that prevents any risks they may face after being released from detention
14. Holding a conference and consultative meetings with VIPs, social leaders, religious leaders and the local authorities to organize the restorative justice approach.
15. Supporting the establishment of a community center to take care of women in conflict with the law.
16. Supporting the implementation of the policies adopted by the Supreme Judicial Council regarding the promotion of the restorative justice approach.
17. Establishing diversion programs for women to undertake the implementation of alternative punishments and follow up on rehabilitation and reintegration

6. Hudaydah Governorate Group Discussion Session

The targets of the workshop:

Officers, lawyers, specialists, and case managers.

Themes of Discussion:

The first theme:

- Women cases for crimes against people.
- Women cases for crimes against Property.
- Women cases related to honor.

The second theme:

1. Promising practices in restorative justice

- In addressing crimes against people
- In addressing crimes against Property.
- In addressing cases related to honor.

2. Alternatives to imprisonment that you deem appropriate for (socially acceptable) women: depending on the nature of the acts committed by women (Crimes against persons, and Property)

2.1 Results of the Discussion:

1. The available and appropriate social alternatives at the local level in Al-Hudaydah governorate are as follows:

- Psychosocial support sessions through the case management team of the Social Affairs Office in all directorates in addition to protection committees that can be harnessed as social alternatives.
- Productive families centers in six districts and civil society organizations in all districts will work to implement alternatives to training, qualification and commitment to certain duties
- Guidance offices, Awkaf offices, advisers, and centers for memorizing the Holy Quran.
- Literacy and adult education centers.
- Women's workshops for vocational training.

The nature of the interventions by society:



They are made by way of preventing the case from reaching official authorities, as it is contained in accordance with a restorative justice approach for women convicted of violating the law to ensure basic procedures that maintain satisfaction and justice for the perpetrator, the victim, and society in non-serious cases.

The nature of the intervention and type of acts in the evidence collection stage:

It is done when women convicted of breaking the law arrive at the offender investigation stage or police stations for actions (crimes against Property and property, crimes against persons and families, crimes against honor). The intervention is made in simple cases that require resolution by the department an informal way or by diversion to social solutions after obtaining the consent of the perpetrator, the victim and the community to resolve it with their approval. If there is no approval, official records are opened and the case will be referred to the prosecution. The perpetrator is either detained or released under parole. In serious crimes, evidence collection records are made and then referral is made to the prosecution to detain the perpetrator or release them under bail.

Nature of intervention and type of actions in the investigation stage:

Women convicted of breaking the law are received by the relevant prosecution department according to the nature of the acts and their level of seriousness (acts that occur against Property and property, acts committed against persons and families, and acts against honor). The nature of intervention in cases is according to the following:

I. Serious crimes: Reports and records investigations are prepared by the prosecution department and then referral is made to the court, where the perpetrator is detained or released under bail.

II. Simple Acts: They are the ones that require a solution by the prosecution department by diversion to the society after obtaining the consent of the perpetrator and the victim to resolve it based on everyone's request. If reconciliation attempts fail after due chance is provided, the proper procedures shall be immediately taken to investigate the actions and refer the case to the court. The perpetrator shall be either detained or conditionally released.

Nature of intervention and types of actions at the trial stage:

The files of women convicted of violating the law are received, the competent prosecution is notified that the parties are summoned and in the court session the indictment is read to the accused in the presence of the prosecution. The indictment decision includes crimes against money and property, crimes committed against persons and families, and crimes against honor. The nature of intervention in cases is according to the following:

I. Serious crimes: The trial sessions will continue. If the accused is in custody, he shall be notified of the guarantee being made for release, according to the nature of the case, and the court shall take measures before, during or after a judgment is issued for serious crimes.

II. Simple Acts: They are the simple acts that require a solution across the community, where the judge proposes the restorative process between the parties and leaves them a specific opportunity, or diverts to the society after obtaining the consent of the perpetrator and the victim to work on resolving them based on everyone's request. If the restoration efforts fail after giving sufficient opportunity for reconciliation, the proper procedures are followed to conduct the trial procedures regarding the crimes with and the perpetrator is released.

The nature of the intervention and the types of actions after release. These alternative post-sentencing measures are made in order to avoid placing women in detention institutions, and to assist with early integration. Post-sentencing measures include:

Releasing for work and education, releasing under parole of all kinds, waiving punishment, pardon, permitting absence and the role of education

2. Opportunities to Use Restorative Justice within the Context of Society:

There are society committees with previous experience on restorative justice by the community with regard to cases of juveniles in conflict with the law. These committees are considered a part of the community structures, including: the administration of the Social Affairs and Labor Office, the Women and Child Administration, the Social Defense Department, the Management System and Centers for Productive Families, in addition to the Yemen Women's Union and other women's associations, such as Al-Izdihar Association, and other associations and unions such as the lawyers, teachers and workers unions ...Etc.) and a number of social and human rights activists. All of the above are considered opportunities to work using a restorative justice approach for convicted women.

In the evidence gathering stage:

The presence of police stations and security administrations with female staff, offender investigation officers, and family protection police in many regions and districts, who have a working relationship with local resources and social structures, creates an opportunity to work using a restorative justice approach.

The investigatory phase:

There are many prosecutors in Al Hudaydah districts who are prepared to divert the cases of women who are convicted of simple crimes. This is considered among the opportunities available to work using restorative justice approach for convicted women.

The trial phase:

There are many courts in Al Hudaydah districts that are willing to divert cases of women convicted of simple crimes. This is considered an opportunity to use the restorative justice approach for convicted women.

In the stage of rehabilitation and reintegration

There are five centers for productive families, in addition to the women's associations and workshops spread all over the governorate of Al Hudaydah. They represent opportunities to use the restorative justice approach for convicted women.

A General Summary of the Most Important Outcomes of the Discussion Sessions:

Challenges for using Restorative Justice

At the legislative level (laws - regulations - circulars - ...etc.): There are no laws, regulations, or instructions. This is a challenge for using the restorative justice approach.

At the technical and administrative level, institutions, human staff, training, rehabilitation, etc.): With regard to institutions, staff, and capacity building, all of this is considered a major challenge in terms of the low awareness of restorative justice with regard to the restorative justice for women and the lack of a process for considering and reviewing domestic and international legislation in this regard.

At the level of services for support and rehabilitation programs: Psychological, social, economic empowerment, trades and skills, etc.): Despite the existence of centers and psychologists and social workers, challenges remain in the absence of coordination and networking. Each works differently compared to the other, in addition to the existing financial needs that hinder program support and capacity building, which can be solved through coordination, networking and the exploitation of available local resources.

At the level of coordination and networking: The lack of a coordination process between all different sectors, which is one of the challenges facing the restorative justice. As a result of the lack of knowledge of the restorative justice approach, which is carried out in an unorganized, untidy and random manner.

The requirements for using the restorative justice approach

At the legislative level (laws - regulations - circulars - ...etc.)

The need to introduce restorative justice through the following:

- Reviewing existing laws and exploiting legal loopholes.
- Adequate knowledge about restorative justice
- Advocacy at the local and national levels in order to create legislations, regulations, and instructions that reinforce restorative justice
- Working and coordinating with the competent judicial authorities at the national level in order to obtain instructions related to the actions of women convicted of violating the law, making this a priority for using a restorative justice approach

At the technical and administrative level, institutions, human staff, training, rehabilitation, etc.) through the following:

- The need to build the capacities of justice institutions technically and administratively
- Reviewing institutional structures to ensure the preservation of women's dignity
- Activating community structures in other sectors and unifying response efforts through coordination and networking between sectors
- Providing the needs to develop institutional building
- The need for additional staff, capacity building, and preparation on restorative justice

At the level of services for support and rehabilitation programs: Psychological, social, economic empowerment, trades and skills,

- The need for training, rehabilitation and empowerment services. This requires a coordination of efforts between centers for productive families, women's workshops, civil society organizations, the private sector in Al Hudaydah, and the work of programs at the levels of coordination and networking
- The need in the field of psychosocial support through case management to contribute to the follow-up and facilitation of the task of the restorative justice approach
- Forming an intersectoral coordination committee to discuss women's cases

General recommendations and proposals:

- Networking and coordination through the formation of a committee of legal persons of women, men, and highly competent and effective people at the national and local levels among law enforcement agencies, bar associations, executive offices, members of the local society and its various components, local civil society organizations. The committee is specialized in networking and coordination with regard to women accused of violating the law, especially for Non-custodial measures and restorative justice aimed at helping women according to priorities and non-custodial measures. The committee holds responsibility for coordination, providing staff for the coordination mechanism, identifying available solutions through the study, and taking the appropriate, available and responsible decisions, while involving other effective parties outside the committee in coordination, performance monitoring, diversion to rehabilitation services for performance and life skills, psychological, social and religious rehabilitation, reintegration, and rehabilitation at all stages.

- Enabling restorative justice through the following:

- Forming advocacy committees to demand the issuance of a legislation (laws - regulations - circulars, etc.) that incorporates Non-custodial measures and restorative justice because of their great impact in enabling competent judicial authorities to do away with the numerous and disturbing, which hinder the dedication of their efforts in pursuing cases of social risk. This improves the quality of the work of the courts and improves the situation of prisons and detainment centers.
- Training, qualification and capacity building at the technical and administrative level of institutions, human staff and committees formed on for restorative justice and Non-custodial measures.

Section three: An Evaluation of the Work of Institutions Working in the Field of Restorative Justice

In this part, the role of official (government) bodies in providing diversion services and alternatives to detention will be evaluated. This helps reach consensual solutions to cases related to women as a party to the conflict. It will include the authorities directly related to enforcement, investigating and issuing judgments of the official system. Specifically, it will include the Ministry of Interior, representing the enforcement and prosecution authorities, the Ministry of Justice and the Ministry of Social Affairs. To achieve this, focused interviews were conducted with officials from departments concerned with women's cases, which included bodies within the official system of the state (governmental) and non-governmental bodies (civil society organizations) related to women's cases, as shown below:

Chapter I: Official bodies working in the field of restorative justice, including:

1. The General Administration for Family Protection in the Ministry of the Interior
2. The Woman and Child Department in the Attorney General's Office:
3. The General Administration for Women, Children and Minors' Funds Affairs - Ministry of Justice
4. The General Administration of Social Defense - Ministry of Social Affairs and Labor

Chapter II: Non-official entities:

5. The community center in Sana'a Governorate
6. Yemen Women's Union
7. National Prisoner Foundation

Chapter I: Official Bodies Working in the Field of Restorative Justice, including:

1. The General Administration for Family Protection - Ministry of the Interior

The General Administration for Family Protection is one of the departments of the Ministry of Interior that was established within the organizational structure of the Ministry of Interior by Republican Decree No. (50) of 2013. It is concerned with dealing with women's and children's cases within the competencies and powers of the Ministry of Interior, which were entrusted by law to police forces and authorities with the provisions of the articles of the Police Authority Law and national offender justice legislations within the offender justice system of the Republic of Yemen.

1.1 Interventions at the Police Level through the General Administration of Family Protection:

Women's police, represented by the General Administration for Family Protection, was established in order to protect children and women. Its mission is the correct use of reform in dealing with women's cases. Women's police are an integral part of the security system with duties in related to crime detection and prevention and has specialized staff for investigation distributed between police departments and investigation departments. Pre-trial detention is also available and intended to hold women in conflict with the law. The General Administration for Family Protection is considered a link between the accused and the victims. Enforcement, investigation, seizure, or searches are carried out only by female police officers in order to preserve the dignity of both the victims and the accused. Among the most prevalent problems is that the administration tries to have a role for restorative justice in cases of fraud, scams, physical assault, murder, and immoral crimes such as adultery and prostitution. They have a great role in the family and society and because they are the first building block for that makes the family and

society good or bad. This is why women who violate the law suffer psychological, family and social implications.

The General Administration for Family Protection undertakes the following tasks and specializations:

- Preparing and implementing policies, plans and timetables aimed at protecting the family.
- Working to protect the family from all forms of violence and exploitation in coordination with the relevant authorities.
- Training and qualifying female police officers socially, psychologically and in a humanitarian way, while covering the needs of female professional staff in performing police functions related to cases of women, children, juveniles and domestic violence.
- Monitoring and following up all changes and developments related to women and children cases as a result of the policies carried out, as well as conducting studies and scientific research related to cases of family and juveniles in coordination with the relevant authorities.
- Monitoring the phenomenon of domestic violence on women and children, identifying the causes and factors leading to them and proposing ways to address and reduce it.
- Protecting victims of domestic violence, providing them with care, appropriate places for shelter, and transferring those who need it to psychological, social and medical counseling institutions in coordination with the relevant authorities.
- Receiving reports and complaints in cases of violence and exploitation against women and children and juveniles, conducting inquiries, collecting evidence and acting in accordance with the spirit of the law.
- Provide the necessary protection for women and juveniles during arrest in police stations, investigation and trial.
- Establishing awareness-raising and counseling programs on domestic violence and juvenile delinquency, spreading a culture of non-violence in the society and raising awareness of rights, duties, values, and humanitarian and ethical principles.
- Contributing with the relevant authorities to reviewing and developing the system of social legislation that would provide more protection for women and children.
- Working to develop and improve police methods in dealing with cases of women, juveniles, and domestic violence in a way that would preserve their dignity, family cohesion and unity.

1.2 The Legal Framework for Arrest Options During the Evidence Gathering Stage:

The legal framework for enforcing the application of alternatives to detention and restorative justice programs at the evidence collection stage is determined in accordance with Yemeni law, which states that judicial officers are tasked with investigating crimes, tracking the perpetrators, examining reports and complaints, collecting relevant evidence and information, registering it in the records, and sending them to the Public Prosecution. According to Yemeni law, it is not permissible for a search to be made on a woman during arrest except by a woman. The law also requires that every woman arrested temporarily on suspicion of having committing a crime, must be brought to the court within twenty-four hours from the time of arrest at the latest. The judge or the Public Prosecution attorney must inform her of the reasons for the arrest and immediately issue a justification for conditional detention or release. In all cases, it is not permissible to continue pretrial detention for more than seven days without a court order.

When any woman is arrested for any reason, she must be allowed to immediately notify a person she chooses about the incident of arrest. If the arrested cannot choose, then her

relatives or whomever is concerned must be informed. The traditions followed in the treatment of women must be taken into consideration, as the Yemeni law forbids, except in cases of high-profile crimes, enforcement officers from taking any discretionary measures before submitting a request to the Public Prosecution. The prosecution in turn issues an arrest warrant for the person for whom there is sufficient evidence to be accused of committing any of the crimes. The court officer must immediately hear the accused's statements and her with the court report to the prosecution. The public prosecutor shall within a twenty-four-hour period. The Public Prosecution must act on this matter within the twenty-four hours following presentation, otherwise the accused must be released immediately (meaning that the woman must be released).

According to the law, options for diversion to alternatives to detention that can be applied for women undergoing evidence collection by arresting officers can be limited as follows:

- Supporting an amicable resolution to the case after being authorized by the competent prosecution department so that the extent of the possibility of presenting reconciliation in the case can be estimated, provided that prior authorization is obtained from the competent prosecution department in accordance with the established rules. These are determined by Yemeni law as being in the events in which reconciliation may be offered in accordance with the authority granted to the prosecution, while evaluating the circumstances of the incident, the degree of responsibility, the motives for committing the crime, the circumstances in which it occurred, and the woman's past. Furthermore, there is the possibility to seek the help of a specialist in the psychological and social fields, writing an internal report on her condition, assessing the extent of the possibility of reconciliation based on the previous data, and following up with the competent prosecution department to obtain authorization to take supportive measures in accordance with the rules of delegation prescribed in the offender Procedure Law.

However, the reality is different. The results of the study and interviews conducted with specialists in the General Administration for Family Protection have shown that the Administration provides social solutions to alternatives to detention through private or public directives or decisions or measures taken by a competent authority in accordance with the law to subject the accused or convicted to procedures and programs that are alternatives to detention. This is especially important in some women's cases that are not of a serious nature or of a family nature. The General Administration for Family Protection, according to the circumstances of those cases and the social background, adopts a restorative justice approach based on reparation and convincing the victims to reconcile and end the conflict by mutual consent to avoid the consequences, social, psychological, and familial implications of detaining women accused of committing crimes that are not of a serious nature. Measures are also taken to prevent women from being detained by being released under parole until the evidence collection is completed and the records are submitted to the Public Prosecution. There is also a special type of women's cases where reconciliation is done using restorative justice, but reintegration into the family is not possible, so the Administration houses these women in one of the women's shelters and centers within the geographical area in order to achieve their best interests and to ensure their rehabilitation psychologically, socially and professionally.

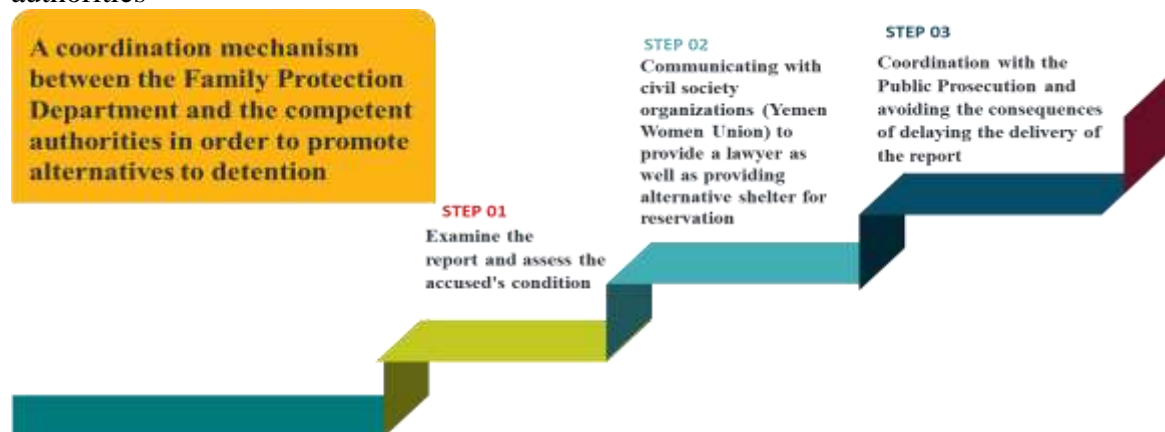
Examples of alternatives provided by the administration:

- Reprimanding and apologizing while also vowing not to repeat the action, reparation for the accused by paying the financial fee, reconciliation and making commitments, issuing a suspended judgment, imposing a fine, performing services for the society.

1.3 The level of coordination between the General Administration for Family Protection and the relevant authorities:

Addressing women's cases through alternatives requires diverting these women to programs and services that ensure they are rehabilitated. If the use of alternatives requires support and aid for implementation, the Administration shall work to develop coordination and networking mechanisms with a number of formal and informal institutions related to women's cases, which includes: Member of the Technical Committee for Child Justice, Member of the National Committee for Women, Member of the Gender Team, Core Member of the National Case Management System for Vulnerable Children at the Ministry of Social Affairs and Labor.

The following figure summarizes the mechanisms of coordination with the competent authorities

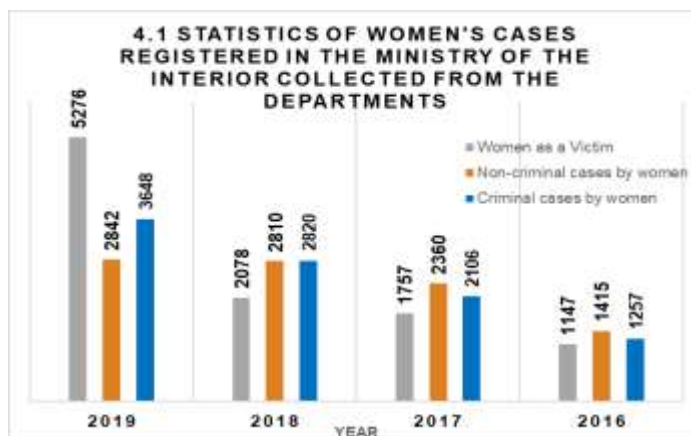


Where the General Administration for Family Protection works in partnership and coordination with all bodies concerned with the protection of women in general, and the official and informal bodies related to women's cases in particular, through the following:

- Continuous coordination with the Public Prosecution in the geographical areas of the jurisdiction of the Family Protection Department and its branches in the governorates, with the aim being to resolve women's cases using a restorative approach that depends on the nature of those cases, the social and family background; and to give a professional opinion in cases where the best interest of women and their families requires that these cases be decided using restorative justice.
- Coordination with the authorities concerned with legal aid for women from the very beginning to receive their cases in the Family Protection Department and its branches, and the involvement of legal aid agencies in restorative justice procedures in women's cases.
- The General Administration for Family Protection works to organize workshops and consultative meetings with the bodies working for the protection of women, and devotes a great deal to the agendas of those workshops and meetings for women's cases and the mechanisms aiming to enable and develop restorative justice in them.
- The General Administration for Family Protection includes in its annual and semi-annual work plan programs and activities aimed at raising the level of coordination and joint work with the authorities concerned with the protection of women. These aim to raise awareness and partnerships in addressing women's cases in accordance with restorative justice and is keen on holding meetings continuously with the authorities related to cases of women and women prisoners.

1.4 Women cases registered in police stations.

Statistics⁶⁵ obtained by the study team from the Ministry of Interior - Sana'a indicate, based on the data received from the police departments, that there is a significant increase in the rate of violence against women during the previous years, as the rate of violence increased from 1147 to 5276 cases from 2016 until 2019, in which women were Victims by more than 41%. On the other hand, there is an increase in the number of crimes committed by women, as the percentage of offender cases increased by 24% and non-offender cases by 14% during the period between 2016 and 2019. The following figure. The results indicate an increase in the rate of violence in society, and therefore there is a need to study its causes before it becomes a phenomenon that inflicts severe damage on society as a whole and to women in particular.



1.5 Ratio of Women Benefiting from Alternative Programs at the Evidence Gathering Stage:

The ratio of women benefitting from the services of the General Administration for Family Protection and its branches in the governorates in terms of using the alternatives to detention mentioned above, according to data from records of cases of girls and women accused of violating the law which were decided using restorative justice approach and that percentage of girls' and women's cases received at the Central level to Family Protection. This percentage does not include girls 'and women's cases at the level of administrative branches in the governorates of the Republic. In this regard, we will address the percentage of girls' and women's cases that have been decided using the restorative justice approach for the following years:

Year	2018	2019
The type of girls' and women's cases that have been handled using restorative justice and alternatives to detention	<ol style="list-style-type: none"> 1. Intentional harm. 2. Delinquency (delinquent girls) 3. Theft. 4. Physical abuse 	<ol style="list-style-type: none"> 5. Delinquency (delinquent girls) 6. Theft. 7. Intentional harm. 8. Physical abuse. 9. Refusing to hand over a child to a caretaker.
Number and percentages of beneficiaries	During this year, the percentage of girls 'and women's cases that were handled using restorative justice and Non-custodial alternatives was (35%) of the total number of cases of girls' and women's in violation of the law that were received at the central level of the administration during the year. This amounted to (86) cases, where 30 cases were settled using restorative justice, while 56 cases were diverted to the criminal justice system.	During this year, the percentage of girls' and women's cases that were handled using restorative justice and Non-custodial alternatives was (40%) of the total number of girls' and women's cases in violation of the law that were received at the central level of the administration during the year. This amounted to (150) cases, where 60 cases were decided using restorative justice approach, and 90 cases were referred to the offender justice system.

65Source of information: a. Burkan Jaber Al-Aghbry

The nature of the acts and women benefiting from the services provided by the Administration

A. Cases of women and girls who are accused of committing in violation of law according to the age variable. The cases of juvenile girls who have not reached the age of fifteen years are considered by the Model Child Police Center in accordance with the provisions of the Juvenile Care Law and its amendments, and the violations of the law in general.

B. Women and family cases of a familial nature in which offender elements are not present and are not considered acts violating the law. These cases are characterized by the nature of family problems. The Family Protection Department works to resolve them in a way that preserves women's rights and maintains family cohesion and unity.

C. Cases of girls and women who are victims of crime of all kinds, from cases of violence and exploitation in which the victims are girls and women, to all forms of crimes under by the provisions of the law whose victims are girls and women.

D. Women protection cases and gender-based violence in early marriage and all forms and forms of gender-based violence.

- Most of the cases that arrive or are diverted from police stations to the General Administration of Family Protection are moral cases, such as girls running away from their families as a result of exposure to violence, OR sometimes being a rebellion against the families. Here we mediate and reconcile between them to return the run-aways to their

1.6 Interventions and procedures used by the Family Protection Department to address women's cases according to restorative justice:

The role of the Family Protection Department is limited to the stage of collecting evidence, i.e. upon receiving the complaint and examining the report and the statements. This is followed by diversion procedures and alternatives under restorative justice done by having a conversation with the victim, intervening and mediating to solve the case between the victim and the perpetrator with the involvement of the perpetrator's family and the victim's family as well as local leaders. Finding a place to accommodate the perpetrator other than the place of custody until the end of the reconciliation procedures. Urging to speed up the procedures, with reprimanding the perpetrator in order not take the matter lightly and not to do it again. If the mediation does not succeed, the file shall be handed over to the prosecution and the Family Protection Department's mediation shall stop mediating.

1.7 The most prominent challenges hindering the administration's work in implementing alternatives to detention for women

The Administration, under its leadership and the help of its staff, works to facilitate the course of restorative justice according to available capacities and the public interest. It is currently a sort of personal effort facilitated by established norms and customs. Therefore, in order for us to promote restorative justice for women's cases, it is necessary to address the following challenges:⁶⁶

- There is no regulation that gives this kind of power to the Administration and the rights to all parties. This means there are no regulatory standards that assure any conciliation is under the supervision and approval of a judge even if it is in the evidence gathering stage.
- Lack of lawyers and social workers in the centers to facilitate the restorative justice process immediately before referring it to the prosecution.

⁶⁶ Colonel / Minister Mohamed Abdel Latif Developing mechanisms to enable restorative justice and Non-custodial alternatives in women's cases at the evidence gathering stage, Director of the Family Protection Department - Women's Police, Aden.

- Lack of services and programs for the rehabilitation of accused women after their case is resolved and providing a source of income so that they do not commit the crime again.
- Lack of adequate branches or legal offices devoted to restorative justice within the police stations.
- The absence of dedicated offices for women's police in most police stations
- Failure of male police officers to accept women's police, and the failure to refer women's cases to women's police.

1.8 Enabling factors required for the Family Protection Department to promote the practice of diversion and restorative justice:

- Issuing a regulation that gives broader powers to the Administration through clear organizational standards to provide reconciliatory solutions to litigants under the supervision and approval of a judge, even if it is in the evidence gathering stage.
- Getting aid from lawyers and social workers in the centers to facilitate the restorative justice process immediately before referring it to the prosecution.
- Providing services and programs for the rehabilitation of accused women after their case is resolved and providing a source of income so that they do not commit the crime again.
- Providing branches and legal offices specialized in restorative justice, in coordination with the Family Protection Department.
- Providing dedicated offices for women's police in most police stations
- The importance for male police officers to accept women's police, and the not refer women's cases to women's police if available.

1.9 Examples success stories on diversion and restorative justice at the official level⁶⁷

Success Story (1): Offenses and incidents against people - at the level of police stations.

Incident details: Physical abuse / first accused: F / A age: 25 years old - second accused: Z / s age: 62 years old. The first accused, and her mother, the second accused, following a dispute that broke out between them and the owner of the house that the two were renting during the incident, assaulted the victim using wooden sticks to assault the victim, which resulted in severe injuries to the victim's body.

Actions taken: The statement of the victim was taken regarding the incident with the medical reports confirming the physical injuries that the victim had suffered. Then the first and second accused were investigated and their statements recorded as part of the evidence collected.

Initiating restorative justice: After completing the investigation into the incident and verifying the nature of the good relationship between the victim and the accused in the incident, and that the assault was just an accident, the relatives of both the victim and the accused were summoned and a restorative justice was initiated. These efforts led to the victim's abdication in the incident, reconciliation, and pledges and commitments from the accused and their relatives to bear the cost of treating the victim in the incident. Afterwards, the accused were released and reintegrated into the family, and they and their families were spared the psychological, social, and economic consequences of detention and litigation.

⁶⁷ Appendix 6 contains many success stories in the field of restorative justice for the formal system and the informal system. Success stories in Appendix 6 (6.1-6.3)

Success story (2) Crimes committed against people - official.

Incident details: Intentional harm / accused: M /A age: 42 years old. A 9-year-old girl resides with her in the father's house. She is husband's daughter from his first wife, from whom he was separated by divorce. The accused abused the child physically and psychologically causing harm to the child. The incident was reported by the neighbors, and then the accused in the incident, the stepmother, was arrested.

Actions taken: The child was treated and presented to the medical committee at Al-Jamahiriya Hospital and a medical report was issued confirming intentional abuse. Investigation was made with the accused and her statements recorded in the evidence gathering stage. Information was also gathered about the social and family conditions of the accused, as well as the statements of the accused's husband, the father of the child victim in the incident.

Initiating restorative justice: After evidence collection on the incident and investigating the accused, who showed remorse, and then the father of the child victim who expressed the desire to compromise and reconcile, we stipulated for reconciliation that it be conditional on handing over the child to the legal guardian (the mother of the child), as required by the best interest For the child and which conforms with the provisions of the Personal Status Law which stipulates that the mother is the legal custodian of the child. The waiver and reconciliation report were drawn up and signed by all parties to the case, including the father of the child victim and her mother. The child was handed over to her legal custodian where they were reunited. The accused was then released after pledging not to commit acts in violation of the law, after which the accused was reintegrated with her family.

Success stories from official bodies from the work of the Aden Police:

Incident details: Moral Issues / A 20-year-old girl named (M. S) was caught on the coast of Abyan being illegally secluded with a young man. She was seized by the security personnel present there. When asked about the reason for being there and the nature of their relationship, or to bring identification or evidence of their marriage, they refused. This led to them being brought to the pre-trial detention. The girl was placed in the women's prison and the young man in the men's prison.

Actions taken: The procedures for the evidence collection report have begun for referral to the Public Prosecution. It became clear that the girl ran away from her family because of problems, as she had a relationship with this person and he encouraged her to flee from one governorate to another.

Initiation of restorative justice: Her family was contacted and they attended. We persuaded them to agree to marriage. Indeed, the approval was given. A judge was brought, they got married, and the costs and fees were paid by a philanthropist, which was equal to twenty thousand riyals.

Incident details: A case of fraud and scam / a shop owner submitted a report that a woman named (A. A.) is an employee and has children. She bought clothes at a cost of nearly a million, provided that the repayment was to be made in installments. However, she was unable to make the payments and the case was recorded as fraud and scam.

Action taken: The accused was summoned, and it became clear that she was unable to pay due to her sicknesses.

Initiation of restorative justice: Mediation was offered between them for reconciliation and the victim agreed. A reconciliation report was drawn up between them, stipulating that the woman pay in installments, and this was approved by the court.

Incident details: (S. M.), a 37-year-old employee, defrauded a group of women by borrowing gold to attend a wedding and then return it. According to the victims' statements, she took their gold and used it to construct a building. She managed to escape abroad during and after the notice and procedures.

Actions taken: She was contacted and asked to return and come to the police station. Reconciliation was made and the gold that was mortgaged was returned to the women. The case and complaint file were closed.

2. The Woman and Child Department in the Attorney General's Office:

The Public Prosecution is an independent judicial body that plays a very important role in establishing and strengthening the rule of law. It has the exclusive mandate to initiate and file a criminal case before the courts. The procedures at this stage tend towards detention at punitive institutions. To reveal the judicial investigation procedures and the role of the Public Prosecution Office in promoting restorative justice and alternatives to detention, it is important to know the nature of detention at this stage. Pre-trial detention is defined, according to its nature, as depriving the accused of their freedom for a period of time without a court ruling of conviction. Pre-trial detention is considered an exceptional measure done to ensure the general interest of society, justice and the accused himself or herself. Laws restrict the authority to investigate during the period of pre-trial detention to only seven days pending investigation. Pre-trial detention should not be extended for more than three months, otherwise the accused must be released.

We find that Article (88) of the Attorney General's instructions requires taking into account that women should not be held in pre-trial detention except in the case of necessity and in the crimes that require this, and that they should be placed in the punitive institutions dedicated to women, whenever possible. In all cases, it should be in isolation from men.

Therefore, with the absence of facilities for the detention of women that preserve the dignity of women at this stage, the prosecution should not directly place the accused in central prisons. Rather, it is better for them to be released pending investigation or in the least, they can be detained in dedicated and appropriate places during the investigation. In order to avoid the great harm resulting from the placement of women in central prisons as soon as they are suspected and investigated, which would expose them to humiliation by a conservative society such as the Yemeni one. This may lead to the end of their life in some cases. This is why the prosecutor should assess the situation, degree of harm, and take into consideration the customs of the Yemeni society and the situation of the woman.

The Administration works to strengthen the role of members of the Public Prosecution Office in implementing alternatives to detention at this stage, especially for women. Among the most important measures that need to be used when dealing with women's cases are the measures stipulated by law at this stage, namely: Release with or without parole, discontinuing the case, and deciding on the aspects for raising the case, penal verdicts, in addition to the use of the powers of the Public Prosecution to arrange release during the execution of judgments. This includes conditional release (three quarters of the period), postponing the execution of custodial penalties in the cases previously referred to in Paragraph 16.3 - Postponement of the execution of custodial penalties - page 46)

It has already been said that reconciliation in the two stages of the investigation is considered a legal action in which the private rights are waived without prejudice to public interests. In some cases, it leads to the end of the criminal case if it is carried out under the conditions and provisions to be waived in complaint crimes and some non-serious crimes. The Public Prosecution may direct parties to reconcile in accordance with the provisions of Article (27) Procedures or a waiver may be agreed. Law provides prosecution the right to discontinue the case or find that there is basis to initiate a lawsuit in the event that the reconciliation is found to be complete. This does not include serious crimes and hudud crimes, where if the civil and personal rights are waived, the private rights remain. As for the criminal law, waiver is not allowed, as the Public Prosecution may not drop the criminal case as it is a social authority and must protect society by enforcing the law and punishing the perpetrator. This is in contrast to the broad powers given before the investigation and trial phases to the police and society to reconcile between the parties based on reparation, which requires community participation and intervention to protect its members especially so case for women and children, or to apply the prevailing norms to avoid legal proceedings. This helps contribute to supporting criminal justice, relieving pressure on the state, and strengthening the role of society in resolving the issues of its members. It is no secret that the Yemeni society, being a tribal society, will find the success of mediation and tribal solutions, even in the most difficult cases such as murder, most of which end with forgiveness, and moral cases, that often end with marriage without shaming the woman.

Although the law affirms the possibility of using restorative justice in all criminal cases if the conditions for waiver, reparation, and consent of the parties are met, the law remains applicable for the sake of public interest and here lies the importance of using Non-custodial alternatives that the Yemeni law granted to the judge during the trial. These include fines, suspension of the execution of punishment, withholding the sentence, hard labor and so on at times to reduce the punishment at the discretion of the court. The results of the discussion with those in charge of the administration indicate that most of the cases in which reconciliation takes place at this stage are non-serious cases, such as breach of trust, theft, or Property crimes between parents, descendants and spouses. The public Prosecution can reach a solution between the parties without going to court. The efforts made by the Public Prosecution to implement restorative justice are done spontaneously in accordance with Yemeni customs to preserve and protect women from societal stigma as a result of imprisonment. The importance of restorative justice comes within the framework of criminal lawsuit to find solutions before women have to come before the prosecution and courts, where they have to be detained, especially in the absence of places of detention for women except for the central prison.

The main objective of punishment is to deter and at the same time reform the perpetrator by way of rehabilitation and reintegration so that they benefit along with the society without any negative feelings. Thus, many members of the Public Prosecution Office offer reconciliation in whatever women's cases are possible through community leaders or civil society organizations that work in this regard to avoid the detention of women, rehabilitate and reform them, and provide reparation for the victim. It is worth mentioning here that some members of the prosecution offer reconciliation wherever possible in women's cases through the community leaders or civil society organizations that work in this regard to spare women the detention, while rehabilitating and reforming them and providing reparation for the victim.

Challenges to implementing restorative justice and Non-custodial alternatives:

- The absence of an explicit rule that authorizes the public prosecutor to use restorative justice except in limited cases that do not fit with the special case of women in the culture of the Yemeni society.

- In the interest of the woman and to preserve her life, detention may in some cases be much better than the use of a Non-custodial measure. This is most important in moral cases, which may endanger the life of the woman at the hands of her family in the event of release.
- When parents abandon the woman, making her unable to find a family to contain her after finishing the sentence. In this case, her freedom is kept in check in order to save her and prevent her from straying, since the only future awaiting her upon release is the street.
- Difficulty in completing reconciliation between the parties, especially in moral cases, due to a lack of social awareness of the crimes committed by women, and that women, just like men, will suffer the penalty for what they did and then return to their normal lives as full humans in society without being despised or harmed.
- The lack of financial reserves to pay for private rights, which in some cases is simple, not exceeding 50 thousand riyals or less.
- The absence of places of detention for women during the investigation.
- The lack of shelters for taking care of and rehabilitating released and abandoned women.
- Scarcity of training and rehabilitation programs for detained women.

Enabling factors:

The outcomes of the discussion in this aspect recommend:

- Adding clear laws that expand the powers to use restorative justice.
- Promoting the use of Non-custodial alternatives and restorative justice where appropriate in all stages of litigation.
- Providing support for training and awareness programs related to the practice of using restorative justice by prosecutors, community leaders and other groups of society.
- Providing broad awareness programs to the community on the importance of accepting women who have broken the law and not to abandon them.
- Providing rehabilitation programs for women during and after implementing Non-custodial measures.
- Helping women by providing possible guarantees for release to apply Non-custodial measures.
- Providing funds for the completion of reconciliation cases between the parties that are paid to mediators.
- Contributing to places of detention for suspected women during the investigation process.

The practical reality indicates that the detention is the measure used the most by prosecutors and judges. From their point of view, this procedure preserves the right of the victim and society, and at the same time, the society considers it a retaliatory measure against the perpetrator, which may appease the victim. However, they are oblivious to the fact that the main objective of the punishment is Reform, rehabilitation, and reintegration of the perpetrator into society, and to provide reparation for the victim.

Article (508) Procedures states that "parole is not permissible if the convict fails to fulfill the financial obligations imposed on them, unless it was proven that they are unable to do so." Thus, release is not possible even if the sentence has ended and they private rights still have to be fulfilled. This problem is considered one of the most important issues that keep those whose sentence has ended in terms of public interests but still have to fulfill the private rights. Another problem that judges face in releasing women when their sentences are finished is the requirement that the guardian receive the woman. This might lead to women remaining in prison without a justification or legal basis when abandoned. However, it is better to establish appropriate care and rehabilitation homes for these women to live a normal life after society abandons them despite having served their sentences.

Success stories in applying restorative justice at the level of Public Prosecution:

Incident details: The case of (A. M.) a case of theft at the level of her family

Action taken: The parties were summoned and mediation was offered for reconciliation. Her family waived the rights, thus the case was discontinued and the criminal case was closed.

Incident details: Murder case / the case of (B.A.) convicted of killing a person due to a dispute.

Action taken: After mediation procedures between the parties, reconciliation was accepted. Relatives of the deceased waived retribution, and the penalty was reduced to ten years of imprisonment.

👉 The number of cases that ended with a discontinuation of the case and a decision that there was no legal basis for filing the lawsuit for the year 2019 and the first half of the year 2020 in cases of women was 27 cases at the level of the Republic's offices, while the number of cases that ended with a decision to file a case in the same period was 62 cases out of a total of 1019 cases.

3. The General Administration for Women, Children and Minors' Funds Affairs - Ministry of Justice

As a result of the cultural discrimination faced by women in conflict with the law and detained women, and the stigma attached they suffer if they are tried or imprisoned which turns into a stigma, even if the woman is a civil or political prisoner, the result is that women cannot reintegrate as before into society. There is no positive law that supports the status of women in the post-prison phase, so the Ministry of Justice has worked to develop its organizational structure by introducing the General Administration for Women and Children and Minors' Funds Affairs, to assume a number of tasks and specializations related to women and children. Below you can find the most important tasks assigned to it relating to women:

- Participate in preparing and discussing draft laws, regulations, decisions, and regulations related to women and children affairs. Presenting the necessary proposals to develop what is in force in light of developments in coordination to the relevant authorities.
- Coordination with the authorities concerned with women's affairs in the judicial agencies and institutions to enable them to fulfill the rights legally established for them.
- Any tasks required by the nature of its activities or assignments.

From this point of view, the General Director of the Administration says that the it is currently working on Developing a comprehensive vision for intervention in women's cases and developing the scope of work in restorative justice programs, which aims to support the efforts of the courts in reducing overcrowding in prisons, and to limit recidivism to crime in Yemen. This is to be done by developing policies that correspond to the procedures of fair trial principles and guarantees, and promoting alternatives to detention and restorative justice programs in child and women's cases. The Administration took a set of operational measures by developing a number of reference documents that include the following topics and headings:

- Issuing a special training manual “Principles and Guarantees for a Fair Trial - on Special Cases (Children - women), in light of international standards and Yemeni law).

- Adopting a policy paper on "Alternative Means of Resolving Disputes without Resorting to the Official Court" in light of the Yemeni legislation.
- Policy Paper on "Access to Gender-Responsive Restorative Justice in Yemen Concerning (Women and Juveniles)"
- Policy Paper on Gender Responsive Treatment during Fair Trials in Yemen.

The administration is working at the present time, as much as possible, to develop mechanisms to enforce those policies and circulate them at the level of courts of appeal, accompanied by the development of an integrated administrative structure that deals with women's and children's cases. This is considered the gateway to adopting the development of solutions and treatments. The implementation of this needs to support the resources allocated to the Ministry of Justice, starting with developing legislation and implementing regulations that include developing solutions to the required financial aspects. Including addressing adequate financial expenditures.

The Most Important Interventions provided by the General Administration for Women, Children and Minors' Funds Affairs:

- Providing legal aid and legal advice to insolvent and poor women who are unable to pay attorney fees and in need of legal aid before the prosecution offices and the courts.
- Implementing the legislation, expanding the scope of the administration's work, and issuing circulars at the level of courts, prosecution and enforcement officers in women's cases. Urging cooperation in finding alternatives and solutions in accordance with the new legislation and regulations, as previously indicated.
- Working on developing a comprehensive vision for intervention in women's cases and developing the field of restorative justice. This requires the establishment of departments for women and children at the level of courts of appeal, with an integrated administrative structure that deals with cases of women and children. This is the gateway to adopting the development of solutions and treatments. Implementing this requires legislation and executive regulations that include developing solutions for the required financial aspects. Including addressing adequate financial expenditures.
- Facilitating and simplifying the procedures for women's access to justice through the launch of a litigant women's support unit in the Court of Appeal in Amanat Al Asimah as a first stage.

It affirms that among the most important actors supporting the Ministry's role in alternative methods of resolving disputes in Yemen are the Ministry of Interior, the Public Prosecution, local leaders, the local authority, sheikhs and arbitrators in the society, lawyers, and the Civil Society Authority. Where the Administration, with its own efforts, supports dialogue and communication between women perpetrators and the victims, mediated by members of the surrounding community or one of its institutions. The aim of reaching reconciliation is reparation, as the meeting aims to respond to the needs of the victims, and to enable the perpetrators to take responsibility for their actions and give them the opportunity to be rehabilitated and reintegrate into the society. In the event that the parties fail to reach an agreement, the administration shall work to secure legal aid for women, but the administration lacks the minimum elements required for work as it composed of only 3 lawyers and one social worker.

- The Mechanism of the Competent Unit Handling Litigating Women's Services.

- The unit informs the courts of first instance of the mechanism of work for lawyers who provide legal aid to women, such as the Yemen Women's Union and the Ministry of

Justice. It also informs female employees in the courts of first instance about female lawyers, the dates and schedules of sessions.

- Having a point of contact between the competent unit in the court of appeal and competent female employees in the courts of first instance. Starting an online website for the units in the court of appeal and the courts of first instance.
- The unit coordinates the work of female lawyers at the level of courts of first instance and prosecution offices.
- Opening a registry for women's cases, types, start and end dates, and the name of the lawyer in charge of following up.
- Providing litigants with information on their cases and the dates of their sessions.
- Providing counseling assistance to those who need it or those who request among litigants, including guiding women and informing them of the sessions' dates, the designated halls them, and the waiting areas.
- Organizing the services for litigants inside the court building through informative signs and raising awareness about them.
- Creating a database of women litigants in the courts of appeal and courts of first instance, which includes:
 - o Preparing periodic and annual statistics on women's cases and their types, and providing the court and documentation departments (General Administration for Women and Children and Minors' Funds) with copies thereof.
 - o Preparing qualitative statistics at the level of the courts of appeal and courts of first instance.
- Filing observations and opinions on developing and activating the unit's work in relation to litigating women

But always working to divert cases that reach it to the restorative process through the Yemeni Women's Union. The results of the discussion that took place showed the importance of formulating principles with legislative evidence to regulate the use of restorative justice programs, such as:

- The conditions for diverting cases to restorative justice programs.
- Mechanism for handling cases after the restorative process.
- The qualifications, training and assessment of facilitators.
- The administration of restorative justice programs.
- Standards of competence and rules of conduct governing the process of restorative justice programs.
- Basic procedural safeguards guaranteeing justice for the perpetrator and the victim

- Challenges and Constraints

Among the most prominent obstacles facing the Administration, as stated by those responsible in it, is the following:

- Legislative obstacles: The laws in force need to be reviewed, especially in criminal cases committed by women, through the preparation of draft amendments related to women's cases and contributing to the development of appropriate alternatives in place of custodial measures.
- Material obstacles: A sufficient annual budget must be prepared to cover activity in all fields. The field of restorative justice is at the forefront of concerns even before cases reach law enforcement and judicial authorities. Training of male and female workers in this field is one of the most important means to spread the culture of reconciliation and tolerance and address the negative effects of incidents. The government must fulfill its duties in translating legislation on the rights of women and children to practical and real

applications. It is not sufficient to rely on external organizations to develop laws and legislations. Even if it is possible to temporarily benefit from the support of organizations, it is the government itself, represented by the court, who should be concerned with developing and updating its legislation.

- Recommendations for Enabling the Role of the Public Administration

There is a need to provide enabling factors to support the leadership of the court and the General Administration for Women, Children and Minors' Funds Affairs, especially in the following areas:

- Raising awareness of the importance and role of society procedures related to conflict resolution, their seriousness, and the speed in deciding and resolving disputes between conflicting parties.
- Working on rehabilitating and building the capacities of judges, lawyers and workers in authorities related to the system of alternative measures and restorative justice on how to make use of community programs and community entities (case management, local leaders, and community figures) in implementing the rules and requirements of alternatives to detention and restorative justice.
- Supporting the restorative justice system with qualified social workers to present the necessary perceptions to take into account the privacy of women for each case dealt with within the framework of the restorative justice system.
- Preparing guidelines and training guides to direct restorative justice workers to respond with awareness to women's sensitivity when implementing restorative justice procedures with girls, whether they are accused, victims or witnesses.
- Building on the tribal structure prevailing in Yemen and adopting the traditional system of justice used by the tribes in addition to the system of restorative justice to make use of the cultural norms and contexts upon which these systems build their procedures and which serve to deal with the special nature of women's cases.
- There should be regular consultation between criminal justice authorities and administrators of restorative justice program to develop a common understanding and enhance the effectiveness of restorative processes and outcomes, to increase the extent to which restorative programs are used, and to explore ways in which restorative approaches might be incorporated into criminal justice practices.
- Promoting research on and evaluation of restorative justice programs to assess the extent to which they result in restorative outcomes, serve as a complement or alternative to the criminal justice process, and provide positive outcomes for all parties. Restorative justice processes may need to undergo change in concrete form over time.

4. The General Administration of Social Defense - Ministry of Social Affairs and Labor

The Ministry of Social Affairs and Labor is the relevant authority and is represented by the General Administration of Social Defense to provide services and interventions through social workers within the case management system for children and girls who are victims of conflict. These includes the ones in conflict with the law. The ministry's role is almost nonexistent in interacting with women's cases, promoting restorative justice programs and Non-custodial measures. However, with the current needs due to the increase in crime rates in recent times due to political, economic and social changes, the cases of murder, drug abuse, moral crimes and theft have increased. These cases have great implications for women in particular and society in general. Women's cases are many and varied, and include murder, theft, moral crimes and so on. However, every crime has motives and causes, and the percentage of crimes committed by women has increased in recent years around the world.

The results of the discussion group and the meetings confirm that the Administration is not currently working on this approach despite the belief in the importance of this. They confirmed that they are currently working on developing and establishing a case management system for adults that includes women's cases since women are vulnerable groups and helping female prisoners reduces deviation in society and achieves safety for the family. This is reflected in the society in its entirety, so we do not accuse the society of not accepting female prisoners. Rather, the prisoners must realize that the way of dealing with individuals and society is what makes society forget or remember what they have done. This is especially the case since the prison institution in Yemen is considered delinquency schools where most inmates turn into professional criminals due to the absence of real rehabilitation, and the mixing of female prisoners who had committed various crimes. This means that prisons become schools for organized crime, especially since most prisons do not have social and psychological workers, in addition to lacking social integration programs and aftercare. This leads women to in fall into delinquency, bad behavior and fail to integrate into society, with this being the case for the majority of female prisoners after their release from prison. The results of the discussions also revealed that women suffer from discrimination after being released from prison due being rejected by their families, and being prevented from returning to their family' home or the husband's home.

- Challenges and Constraints:

The results of the evaluation revealed that the most important challenges hindering the Administration from providing diversion and alternative punishments are the following:

- The lack of sufficient specialists
- Not adopting a budget for specialists that is not enough to constitute a good motivation for them to provide their services
- Lack of experience among specialists working on applying Non-custodial measures and dealing with women's cases
- Lack of legislation in force regarding restorative justice
- Insufficient application of the case management system for girls
- The scarcity of rehabilitation and training programs for workers and specialists, especially for the case management system for women
- Poor coordination with the Department of Women and Children in the Ministry of Justice and other bodies

Recommendations for Enabling the Role of Public Administration

- Forming committees of influential figures to enable restorative justice programs
- Coordination between the Department of Social Defense and the General Administration of Women and Children by holding meetings.
- Clarifying the workflow between the two departments, connecting them, and ensuring joint cooperation
- Establishing and developing a case management system that suits women.
- Training qualified specialists, lawyers and community committees to make restorative justice programs successful.
- Linking psychosocial support programs with the new system.

Success Stories:

- Incident details: Robbing her aunt's house/ A. A. A., After the prosecution referred the case to the court

Action taken: The parties were summoned and the case was presented and the negative effects of the continuing the process of litigation being sentenced were clarified.

Initiation of restorative justice: Reconciliation was offered with returning the rest of the stolen items to the aunt, and the case was closed.

Incident details: Running away from home/ S. M. ran away from her family's home with her brother.

Action taken: Her whereabouts were discovered, and intervention was made before police arrived. The reasons for running away were conditions of poverty and need.

Initiation of restorative justice: The woman was integrated into activities and programs at home and the girl was reunited with her brothers with the help of the good people. A sweets shop was opened at her and her brother's home, because their father rejected them.

Chapter II: Informal Actors Working in the Field of Restorative Justice:

This part of the study covers the results of the evaluation of informal agencies and reviews the services provided by non-governmental agencies in the fields of diversion, alternatives, challenges, and appropriate enablers to help them continue providing and enhancing their services in helping women in conflict with the law. There are non-governmental civil society organizations that are active in the field of providing special services to women, such as the Yemeni Women's Union, which plays an exceptional role in helping women in conflict with the law through legal aid, providing adequate housing for women who are abandoned by their families, and providing appropriate protection and all kinds of support in the form of training, professional support, psychological support and economic empowerment for small income-generating projects. There are also active human rights organizations such as community centers and the National Prisoner Foundation, which have great support from the private sector and work in the field of helping prisoners by providing all forms of support within prison, and facilitating release from through legal aid, and the payment of public and private rights on behalf of prisoners through businessmen donors. In this part, a comprehensive review of these organizations will be provided.

5. Community Centers in Sana'a Governorate:

5.1 Legal framework:

The community centers are a newly established institution and are a non-profit institution working in the field of humanitarian protection, social services, psychological and social support, aftercare and legal aid. They believe in the importance of addressing the issue of domestic violence against women for a number of reasons, including the increase in cases of domestic violence against women, and its various forms in the Yemeni society as indicated by social statistics. This type of violence affects the existence and stability of the basic social institution in society, the family. This may leave negative effects on its reality and the relationships of its members, especially children, as well as their social and psychological preparation. Paying attention to the topic of domestic violence against women is a fundamental issue in feminist studies, that has not been covered extensively in social studies. The purpose of addressing these studies is to highlight the link between this violence being closely related to the unequal power relations between men and women, and discrimination based on gender.

5.2 Objectives:

- Providing psychosocial support through a range of activities
- Raising awareness and education of children, women, their families, caregivers and the community surrounding community centers
- Empowering children and their families in community center activities and developing their skills and capabilities.
- Monitoring and documenting human rights cases, following them up with the concerned authorities, and supporting and advocating for victims' cases, especially children and women, minorities, and marginalized groups.

- Promoting the society's contribution towards cases of human rights and peace, reinforcing them as a culture, and working to consolidate the principle of gender justice in the aspect of public freedoms, job opportunities and moral appreciation.
- Working to assist, relief and rehabilitate victims of violence and disasters,
- Raising the capabilities of workers in the field of development and human rights, developing the skills of segments of society, and training and empowering activists and active people, especially girls, culturally and morally.
- Motivating the society to participate in programs to protect children and women and to find social alternatives to prevent delinquency, to assist in reintegration, family reunification, and to protect from violence, abuse and exploitation.
- Contributing to the care of children in need of protection and paying attention to projects for the protection of children and women
- Providing case management services and referral social, psychological, legal, and restorative justice aid, while contributing to community awareness to mitigate risks and harms that children and women may be exposed to.
- Working to activate the role of women in society for equality and justice in all areas of life
- Coordination and cooperation with all associations and organizations with common goals and on various Yemeni and foreign sites within the framework of the law
- Effective contribution to the formation and building of a just and socially balanced society
- Helping and supporting the people unable to obtain help and assistance from the society
- Exerting and uniting efforts to achieve humanitarian, social, charitable and development work
- Helping the society and the state by receiving or searching for social, economic and psychological problems to achieve social balance and happiness for all.

5.3 The Mechanism of Community Centers for Achieving their Goals:

The center works through a number of mechanisms, such as collecting data and information related to the target group; analyzing and classifying the information; determining solutions according to the nature of each case; selecting residential squares; determining the needs of the target group in these squares; coordinating with all governmental, public and private institutions to provide the services available in the selected squares; diverting the targeted cases to comprehensive and available social services; preparing programs for awareness, and education campaigns to raise awareness and community interaction to interact with women's cases and improve the level of care and services; as well as coordinating with professional and technical institutes, workshops, public and private sector workshops, social care centers, and care homes to provide professional and technical courses for those who are able to work among those targeted; and helping them find decent work opportunities. Furthermore, the center works on organizing business, administrative and financial activities; preparing periodic and annual reports, and submitting them to the Board of Trustees and the competent authorities in a timely manner; creating relationships with government agencies, associations, civil institutions, aid and donor agencies, and social personalities in order to develop social care services in coordination with the Labor Office, institutions, companies and factories of the private sector to provide job opportunities for the targets. The Center deals with cases using restorative justice based on reparation and convincing the victims of the social, psychological, and familial consequences of detention of women accused. The Center aims to reconcile and end the conflict by the mutual consent and agreement for non-serious crimes. Furthermore, the Center seeks to avoid the detainment of women by releasing them under parole until all evidence collection is done and the reports are submitted to the public

prosecution. The Center also aims to implement family reintegration and reunification programs after verification, tracking and confirmation; considering how suitable a family is for providing care and protection; and working on the rehabilitation of women and their families on all aspects so that everyone can coexist in accordance with the approach to justice.

The mechanism of action for community centers is to achieve its goals by collecting data and information related to the target group, analyzing and classifying it, and determining treatments according to the nature of each case, based on the following:

- Choosing residential squares, identifying the needs of the target group in these squares, and coordinating with all governmental, civil and private institutions to provide the services available in the selected squares.
- Diverting targeted cases to the comprehensive and available social services.
- Preparing programs for awareness and education campaigns to raise awareness and community interaction in participating and interacting with women's cases while improving the level of care and services.
- Coordinating with vocational and technical institutes, workshops, as well as public and private sector workshops, and social welfare centers and homes to provide professional and technical courses for those who are targeted to become capable of working and to assist them in obtaining decent work opportunities
- Organizing business, administrative and financial activities, preparing periodic and annual reports, submitting them to the Board of Trustees, and the competent authorities, on a timely basis.
- Building relationships with government agencies, associations, civil institutions, support and donor agencies, as well as social figures in order to develop social care services
- Coordination with the Labor Office, institutions, companies and factories of the private sector to provide job opportunities for the targets
- Field visits to childcare homes
- Organizing and coordinating charitable exhibitions and solidarity programs
- Establishing and organizing training and rehabilitation workshops to take care of juveniles and women
- Working with qualified social workers and psychologists to help the institution on a voluntary basis.

5.4- Interventions and Procedures used by the Centers to Address Women's Cases using Restorative Justice

Alternative programs in the evidence gathering stage, and the interventions and procedures used to address women's cases according to restorative justice.

Society centers deal with cases using restorative justice based on reparation and convincing the victims of the social, psychological, and familial consequences of detention of women accused. The Center aims to reconcile and end the conflict by the mutual consent and agreement for non-serious crimes. Furthermore, the Center seeks to avoid the detainment of women by releasing them under parole until all evidence collection is done and the reports are submitted to the public prosecution. The society centers aim to implement family reintegration and reunification programs after verification, tracking and confirmation; considering how suitable a family is for providing care and protection; and working on the rehabilitation of women and their families on all aspects so that everyone can coexist in accordance with the approach to justice.

The role of social centers in supporting and encouraging to address women's cases using restorative justice in other institutions or law enforcement institutions, and the mechanism /

level of coordination with the competent authorities in the field of promoting alternatives to detention as follows:

- Qualification and training of female specialists on women case management, women's rights, mechanisms for protecting women prisoners, and optimal ways to deal with women accused of committing acts of in violation of law in accordance with international law and national legislations.
- Qualifying and training workers to provide psychological and social support for cases that require them.
- Coordination and networking with all parties related to women's cases in order to achieve full services for women in all stages of litigation.
- Following up with official bodies specialized to deal with women's cases to encourage the use of restorative justice and to update legislations
- Working with all relevant authorities to protect women from gender-based violence, with the aim of reducing the social stigmatization of those who are accused of violating the law, and to develop care procedures.

5.5 Percentage of Women Benefiting from the Services of Social Centers

The percentage at which women benefit from the services and programs provided by the "Administration" in the field of alternatives and the number of beneficiaries during the period (2018 -2019). Type of cases - number of beneficiaries - type of cases - cost) The cost of legal aid or the effort that goes into resolving the problem before detention or release from custody / prison, only through restorative justice as an alternative to criminal justice (the cost does not include private rights). The percentage of women benefiting from the services of the social centers in using alternatives to detention, through roles and actions done by the social centers for women's cases. The types of cases and interventions implemented are represented in the tables below.

Table (1) shows the number of women beneficiaries from the centers' service during the period (January - September) 2020

month	Delinquents	Victims of crime	Not accompanied	Victims of wars	Total
Jan-Sep / Total	19	11	21	1	52

Table (2) shows the number of women beneficiaries from the centers' service during the period (January - July) 2020

month	Safety and security	Legal aid	Cash assistance	Tracking	Judicial authorities	Safe spaces
Jan-Jul / Total	11	19	19	21	19	1

Table (3) shows the number of women beneficiaries from the centers' service during the period (January - September) 2020

month	School bag	Clothes and special needs	Individual counseling	Specialized psychological treatment	Medical examination	Economic empowerment
Jan-Jul / Total	6	14	470	6	10	3

Examples of centers' activities:

The social centers study, prepare and implement programs, projects and activities to develop the skills and capabilities of workers.

The social centers survey and study some cases in Sana'a Governorate in partnership with several agencies to build capacities for cases and qualify them to implement income-generating projects for some families, which are in the following table:

M.	Project Name Location	Implementation Period	Cost Total \$	Spent from Total cost \$	Funding body
1	Economic Empowerment projects	During the period from 1/1-30/6/2020	\$ 60,000	\$ 60,000 (50 cases)	UNICEF via Riyada Organization
2	Aid, materials and services	During the period from 1/1-30/6/2020	One million Yemeni riyals	Million Yemeni riyals (20 cases)	UNICEF through the Youth Leaders Foundation
3	Psychological support	During the period from 1/1-30/6/2020	Personal effort by social workers (417 cases)		.

Success story

The accused: K. M. U. age: 17 years

Fact: Conflict with the law "adultery"

Incident details: The accused ran away from her family in her governorate to the Saudi border with a group of marginalized children. She then returned to the capital and was arrested by the police for adultery.

Action taken: The accused was investigated and the medical reports were reviewed after the accused was examined by the specialized doctor. She was placed at Dar al-Amal girls' home, where she received psychological support and the necessary care for the duration of her stay. Restorative justice was initiated so that the accused would not remain at the home in order to try to bring her to her normal life. Work began to trace the family in her governorate, and then to intervene with the family and reintegrate her. After many efforts, the accused was reunited with the legitimate custodian, her mother. She was integrated into her social environment in the neighborhood and the school after an absence that lasted for more than three years. K MU started to psychologically recover and go back to her previous life.

6. Yemeni Women's Union

The Yemeni Women's Union is one of the local organizations that work to support, aid and advocate for women in all fields. The most important of which being awareness, education, health, economic and psychological support, as well as free legal support for women. This is done through legal teams that work for free in supporting women in places of detention and in the courts. The Union also provides health and psychological protection for victims and survivors of violence. The Yemeni Women's Union works through 22 branches and 143 centers in all governorates of the Republic.

The Union operates on two levels: The first level receives the biggest number, which are social cases. Social cases mean cases that require assistance and advocacy through women's hearing units in the centers affiliated with the Union or through the free hotline that receives consultations, complaints and referrals. Social cases are mostly personal status cases such as women's request for alimony, visiting children, custody, or annulment of all kinds. They are followed by criminal cases, assaults, harassment, rape, etc., and then followed by civil cases

such as inheritance. As for the second level, it handles the cases of women accused of crimes punishable by law, such as murder, theft, adultery, indecent acts and other crimes.

According to the results of discussions with specialists in the union, it was found that the social perception is still negative towards women who have cases in the courts (complainants), as a result of the bad social heritage. This social perception varies according to the type of cases. Personal cases or cases related to financial rights differ from criminal crimes. The specialists also emphasized that 60% of women's cases are for those who are in conflict with the law, whether they are in prisons or care homes. Those women are disavowed by their families, and some of them even threatened with death by the parents as soon as they leave detention facilities. Likewise, the society's view does not accept the presence of a woman in the prison even if she is defending herself and her honor. Customs prevail over the facts, and justifications for committing the criminal act. Therefore, accused or convicted women face many difficulties in several aspects during the legal procedures, starting with police stations and ending with detention, where many Law enforcement officers exercise their powers illegally and arbitrarily at other times. The union receives reports from some women stating that they have been beaten, threatened, or misled by law enforcers during the procedures. This is why the Union seeks to develop mechanisms for coordination with the competent authorities to support and advocate the use of restorative justice and Non-custodial measures.

According to the Union's experience, the main challenges that prevent women from accessing justice are due to a number of reasons, the most important of which are:

- Male dominance of workers in official and enforcement facilities
- Women being ignorant of their legal right to resort to the courts due to the spread of illiteracy
- Inferior social perception towards women who resort to courts due to customs and traditions
- Failure to deal with official agencies when submitting complaints

The consequences of detaining women prompted the Union to adopt the idea of opening temporary shelters as an alternative to imprisonment and places of detention in order to reduce the risks faced by women, even if they were not detained due to a charge such as being out at night, escaping due to violence or other situations. The first home was opened in Sana'a in the year 2008, then was followed by the establishment of seven other homes in the governorates of Ibb, Aden, Al Houban, Al Shamatin, Aden, Mukalla, and Amran. Through them, cases of women in conflict with the law are received along with those transferred from police departments, prosecution departments, criminal investigations, courts, and from prisons to Union homes, where shelter and legal protections are provided. Basic services are provided to women to educate and teach them religion, while also teaching them sewing, embroidery, drawing, preparing incense, making perfumes, photography, and other trades. These contribute to empowering women, starting with giving them honorable work that can improve their life. Furthermore, women attend income-generating projects after they leave the homes. The union also adopts the cases of women who are referred to homes from the legal side. The union works via a team of female lawyers inside the homes that plead and defend in cases of women until a judgment or result is reached. The staff at these homes maintain family agreement for cases in which this is feasible. All cases are received in the Union Homes for women who are suspected but not convicted of non-serious crimes, such as murder or theft. Each home receives from the no less than five cases per month referred from the courts. The women are placed the court order in Union homes instead of the central prison. Cases referred from enforcement authorities, as investigations are made with women inside homes. The Union also works through staff in homes to coordinate with the police stations, prosecution offices, and criminal investigation departments to come to the homes instead of official institutions.

In the shelter homes (private housing), qualified female staff are employed. They undergo training that takes into account the uniqueness of women's cases, as well as working with impartiality, confidentiality and a quality that is especially important for the sensitivity of women who benefit from the services provided by the homes. Some of the most important programs are the following:

- Entertainment programs, whether through friendly sessions, games, sports or trips.
- Distributing sanitizers and hygiene kits, as well as sterilizing homes due to the Corona epidemic. When receiving cases, the necessary measures were taken.
- Emotional expression to vent and discharge through play.
- Communication and connection programs with the outside world with the aim of achieving social integration.
- Psychological support and behavior therapy sessions throughout the day.
- Escorting to hospitals for treatments, and to courts for beneficiaries who need to attend their sessions with the legal team
- Solving the day-to-day problems of female guests.
- Developing and implementing individual rehabilitation plans for some cases that require religious lectures and education, and doing weekly and almost daily meditations.
- Motivation and encouragement programs, creating incentives for effective participation in the programs and courses offered by the home, and supervision during their participation in the daily lessons of each training program.
- Routine health and behavioral education.
- Daily supervision of the cleanliness of the internal housing and monitoring performance.
- Communicating with the families of women who have legal cases and finding solutions that fit the family and the law.
- Providing legal and psychological advice.

The number of women benefitting from shelter services during the years (2018-2019-2020) reached (1200) beneficiaries

7. National Prisoner Foundation:

The National Prisoner Foundation is a non-profit development foundation. It seeks, in partnership with the concerned official authorities, civil and international community organizations, and philanthropists, to take care of prisoners and to rehabilitate them to be healthy human beings who productive in society in a way that guarantees they do not return to prison. It provides health-related, educational and social services, training, rehabilitation, providing legal and human rights support, supporting prison infrastructure, and assisting the displaced and the affected through relief and the national program.

The Foundation was established under permit No. (13) issued by the Ministry of Social Affairs and Labor on: 23/6/2013.

Mission: To take care of prisoners, rehabilitate them, providing them access to their rights, and preparing them to be healthy and productive human being in the society.

<p>The Goals of the Strategy of the Foundation</p>	<p>Foundation programs Aiming to Achieve its Goals</p>
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<ul style="list-style-type: none"> - Contributing to providing an appropriate environment to take care of prisoners and to provide the services needed. - Contributing to improving and strengthening the legal and procedural frameworks related to dealing with prisoners, detainees and the released. - Rehabilitation of the prisoners, integration into society, and taking care of their families. - Providing care for female prisoners and their children, and integrating them into society. - Pre-emptive social awareness and care to reduce crime incidence. - Enhancing the organizational, material, financial and technical capabilities of the institution to Foundation to enable it to perform its tasks and achieve its goals efficiently and effectively. - Enhancing the human capabilities of the institution in a manner that raises the level of its performance. - Working to develop quality partnership mechanisms locally and internationally. - Developing an effective volunteering system that supports the implementation of the organization's activities and work. - Alleviate the suffering of the displaced and those affected in all humanitarian aspects. 	<ul style="list-style-type: none"> - Programs to establish and improve prison infrastructures. - Health and psychological care program. - Education and culture program. - Shelter and non-food items program. - Water and Environmental Sanitation Program. - Food security program. - Aftercare and economic empowerment program - National relief program. - Woman and child program. - Coordination and partnership program. - Legal protection and promotion program. - Proactive care program.
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The legal framework to activate alternatives to detention during the investigation and execution of sentences, which includes:

1. The role of the Foundation "services, programs and interventions" in the field of criminal justice for women?

In order to achieve restorative justice, the Foundation has resolved many cases in the following ways: -

- Financial payment for insolvent people, especially insolvent women, through the insolvent payment project.
- Working to solve pending cases before the prosecution offices and courts through the legal aid project.
- Providing special needs for female prisoners and their children in some prisons of the Republic.

2. Interventions and procedures used by the Foundation to address women's cases according to a restorative justice approach.

- Solving many cases by enabling the role of the social committee in bringing the theoretical points of view of female prisoners and victims, "The Social Reconciliation Project."

3. The ratio at which women benefit from the services and programs provided by the Foundation in the field of Alternatives while indicating the number of beneficiaries during the period (2018-2019), the type of case, the number of beneficiaries, the cost (legal aid cost or efforts that goes into solving the problem before detention, being released from custody / prison only through restorative justice as an alternative to criminal justice. The cost does not include private rights).
In the field of Alternatives, the Foundation presented many programs and projects that culminated in the release of (15) female prisoners in insolvency cases, (2) female prisoners in legal aid cases, and (15) female prisoners under social reconciliation.

4. The role of the Foundation in supporting and encouraging addressing women's cases using restorative justice in other institutions or law enforcement institutions, and the mechanism / level of coordination with the competent authorities in the field of promoting alternatives to detention.

The Foundation has provided guarantees to the Public Prosecution Office for some prisoners so that they do not be placed in prison as a kind of an effective alternative to detention.

Referral of some released prisoners to social care homes due to not being accepted by their families.

5. The available capacity for the Foundation:

The capacity of the National Prisoner Foundation, which contributes and significantly assists in the implementation of activities related to female prisoners, lies in the following matters:

○ **I. Staff**

- The number of essential employees in the institution is (20) employees, and the number of volunteers is (50) volunteers, the number of specialized legal lawyers is (10). The Foundation is also assisted by the official side concerned with the cases of prisoners in the various governorates of the Republic of Yemen.
- The Foundation has legal and social staff specialized in following up women's cases from a legal point of view and in terms of using alternatives to detention. They are experts on legal and social matters and work to solve cases using alternatives to detention. They have experience in that field for a period ranging between 10 - 15 years.

○ **II. Infrastructure**

The National Prisoner Foundation has a suitable infrastructure to carry out its work. The most important components of the infrastructure are the following:

- A building equipped with all supplies, including office furniture and multi-use electronic supplies for work, an internal network connected for all computers and input and receive data from different governorates, via e-mails, and multiple online program links.

6. IV. Practical experience

The Foundation has practical experience in advocating women's cases that reaches up to 7 years. This experience focuses on implementing the following:

- Bringing together the views of female prisoners and victims.
- Bridging the gap between female prisoners and their families who disavow them due to imprisonment.
- Obtaining waivers for private rights on female prisoners from victims.
- Closing more than 15 cases of insolvent female prisoners due to private rights.
- Pleading in cases of female prisoners before the prosecution offices and the courts.
- Providing special needs for female prisoners in several governorates.

7. V. Coordination and Partnership

The Foundation implements its projects and humanitarian activities in various governorates. As the Foundation believes in participatory work, it engages stakeholders in discussing the mechanisms of implementing activities. This ensured infinite support from competent authorities in the various regions of our beloved Yemen. The fact that the Foundation is supervised by a group of businessmen and finance experts made it able to implement many projects and activities with local support. Furthermore, because the Foundation has the qualifications to engage in partnerships at an international level, it partnered with many international organizations working in the humanitarian field in Yemen, foremost of which is the Humanitarian Fund OCHA and the United Nations Development Program (UNDP), etc.

8. Available Financial Resources (related to developing capabilities that help create and develop income-generating activities).

The Foundation has a protection department specializing in legal and customary fields equipped with all material, human and financial resources. It currently has a project to strengthen security and protection at the local level in Yemen. Through the project, the prisoners are provided handicrafts that contribute to improving their economic status after they leave prison. For the purpose of the project activities, the Foundation has fully prepared ten workshops to teach handicrafts, such as hairdressing saloons, make-up, handicrafts, henna, sewing, perfumes and incense in Aden and Mukalla correctional facilities. These workshops have been fully equipped. In the past, the Foundation carried out training courses for female prisoners on handicrafts, such as making perfumes and incense, making household decorations. In the Sana'a Correctional Facility, more than seventy prisoners benefited from the project in Amanat Al Asimah Correctional Facility at the time. The Foundation will also, as part of its plan this year, target female prisoners with courses on applied programs for computers, cosmetics, perfumes and incense in the Correctional Facilities of Sana'a and Dhamar.

9. Challenges and Difficulties Facing the Foundation:

There are various challenges and obstacles, which include legislative, administrative, technical, and material ones, etc. These prevent the administration from addressing women's case using restorative justice. Some of these obstacles are:

- Lack of women-specific legislation requiring diversion, pretrial alternatives, post-trial alternatives to detention, or restorative justice approaches.
- Failure to adhere to guidelines, procedures, standard work, rules or policies on how to implement diversion and other alternative measures.
- Low level of awareness, understanding and commitment among justice workers and stakeholders involved in diversion and other alternative measures.
- Low level of support and acceptance of diversion and other alternative measures by the general public, families and communities.
- Lack of adequate human resources, especially social workers / probation officers, justice professionals, and volunteers.
- The limited type and size of community services and programs provided to women in conflict with the law.
- Insufficient money to facilitate restorative justice activities.
- The lack of specialized centers for providing restorative justice services.
- Poor coordination between interested parties and the official side to enable restorative justice.
- Lack of interest on the official side in taking charge to resolve cases using restorative justice.

10. Enabling Factors (needs related to the use of restorative justice programs and alternatives to detention):

Enabling factors mean providing the following needs:

- Creating an intranet to link the Public Prosecutor's office, rehabilitation centers, correctional facilities, central corrections service and the detention centers. This intranet should have a dashboard to show the needs of accused prisoners, that local and international organizations can view and be able to provide appropriate assistance at the appropriate time.
- Contributing to financing social centers supervised by the Foundation, through which it contributes to solving women's cases in the various governorates.

- Contributing to covering the costs of field surveys that include legal teams and psychological support teams for defendants in pre-sentencing stages and after the relevant sentence is issued
- Covering the costs for hotline to receive assistance requests from those in conflict with the law.
- Contributing to paying the costs of the legal team which provides legal support to the accused or detained.
- Contributing to providing the special needs of detained women.
- Training social committees specialized in the field of restorative justice at the levels of the village and neighborhood.
- Establishing Social centers and networks to resolve women's conflicts, spread restorative justice, and provide psychological and financial support services to battered women.
- Conducting awareness programs for community leaders, preachers, and imams of mosques on the importance of spreading restorative justice.

Special Cases:

A. Cases where the Prisoner was unable Make Payments for Private rights:

The problem: Prisoner is not released (no end to the prescribed sentence) if the private rights are not paid, which are the financial obligations awarded to others.

Available solutions: Convincing those who have the right to fully or partially waive it and paying the remaining part from the perpetrator or a philanthropist. There are many successful experiences for the National Prisoner Foundation in this field. The Foundation presents the private rights cases for some female prisoners to members from the private sector, local public, and abroad. It uses a creative idea inviting those who wish to help to donate to a private account through a television program devoted to collecting donations. The program is prepared by the Foundation assisted by a distinguished team of media and human rights activists to help release imprisoned women.

Despite the fact that the law (Article (506) E.C) permits the release of both men and women who have been sentenced by custodial penalties. Based on the reports submitted by detention facilities for those who have spent three quarters of the sentence and have a certificate of good conduct and behavior, they are released, which is periodically done by the Public Prosecution. However, what the accused face in this case are the private rights that remain to be paid. Article (508) E.C states, "parole is not permissible if the convict fails to fulfill the financial obligations imposed on them, unless it was proven that they are unable to do so." Thus, they cannot be released even if the sentence has ended and they still have private rights to fulfill. This problem is considered one of the most important problems that keep those whose sentences have ended in terms of public rights but have yet to fulfill private rights.

B. Cases where Imprisoned Women were not Accepted by the Family:

The problem: One of the biggest problems that judges face in releasing women when their sentences are finished is the requirement that the guardian receive the woman. This might lead to women remaining in prison without a justification or legal basis when abandoned.

Available solutions: Establishing appropriate care and rehabilitation homes for these women to live a normal life after society abandons them despite having served their sentences.

Obstacles: The lack of care homes in most governorates, with the exception of Amanat Al Asimah.

Required intervention: Providing financial support to build suitable care and rehabilitation homes

Examples of success stories:

First Story: Hassana and her baby, Wafaa, embrace freedom:

Incident details: Hassana Salih is a woman who found herself an inmate in the Central Correctional Facility in Ibb Governorate in connection with a murder case. Regardless of the details and incidents of the crime for which she spent 11 years in prison and almost lost hope of becoming free again to live as a human being, she spent years behind bars. She lives in a prison where dozens of imprisoned women are serving time, sentences, etc. She said good bye to dozens of women released and received every new prisoner. She always dreamt of one day saying good bye to the inmates and be able to leave. She kept on daydreaming, and never expected that this would come true. This was a result of the despair that she lived for a decade.

Action taken: The National Prisoner Foundation took over her case, and after strenuous and great efforts made, the blood money payment amount of 5 million riyals by philanthropists. Hassana was granted her freedom again, and she embraced it. She left her ward and prison where she spent more than a decade free, accompanied by her 11-year-old daughter, who knew no place in life except for the prison. When her mother went to prison, she was pregnant, and she gave birth while she was an inmate.

Case II: Details of how Husn and her daughter Dana embraced freedom

Incident details: Husn Sadiq is a Yemeni woman from Ibb governorate, an insolvent prisoner who was unable to pay the sum of 5 million five hundred thousand Yemeni riyals to buy the freedom she missed for nine years spent in Ibb Central Correctional Facility. She left with her 9-year-old daughter Dana, who had spent her entire life with her mother in prison. Husn had kept waiting for the moment of release and departure for ages. She hoped in pain and desperation, as she always remembered that she was unable to pay the blood money amounting to 5 and a half million riyals. Where and how could she obtain such an amount? it is undoubtedly an exorbitant and large sum. Her circumstances and those of her family do not allow her to even pay a hundred thousand riyals.

Action taken: The National Prisoner Foundation followed up her case and presented a humanitarian initiative to collect donations with the aim of collecting the amount so Husn Sadiq could pay it to buy her freedom. Philanthropists from inside our beloved country, and expatriates outside were moved to help, and the amount required to be paid to release her was collected.

- Conclusion

Since women are the main pillars of society, efforts must be made to protect them, preserve their dignity, prevent them from violating the law or being thrown behind bars. Efforts must be made to eradicate the causes that make women violate the law. It was necessary work on the restorative justice project as the alternative successful project that can mitigate the negative effects of women violating the law. This makes them able to protect themselves and to preserve their dignity. For this reason, it is necessary to support and encourage civil society organizations interested in this matter to reach a greater level in restorative justice. This can be done by supporting these organizations to continue to apply restorative justice, and to carry out their role in training specialized social committees for restorative justice at the level of villages and neighborhoods, to establish social centers and networks to resolve women's conflicts before being imprisoned, and working to spread restorative justice, as well as introducing it and raising awareness of its importance for social leaders and figures. These organizations can also hold workshops on the subject matter and to provide material and psychological support to battered women, in a way that makes restorative justice projects in Yemen an example to be followed in the Middle East.

Chapter III: Good Practices and Success Stories on Diversion and Alternative Measures

There are success stories that reflect outstanding practices for diversion and alternative measures within restorative justice and Non-custodial measures. At the level of society, they must be mentioned because of their positive impact, whether on the individual or society level (they were added as received from the field).

I. Examples of success stories for diversion and restorative justice at the level of society (A community-based practice to address conflicts related to women)

Case I: Crimes Committed Against People - Social

Incident details: A. A. A. committed a crime of manslaughter.

The perpetrator pointed a relative's pistol for the purpose of playing and joking with her neighbor (S. H.). She pulled the trigger and a bullet was fired that killed her neighbor by mistake. She had never used a weapon previously.

Action taken: The case was contained by mediators to prevent it from reaching the authorities, as the perpetrator admitted the crime and expressed remorse.

Initiation of restorative justice: Her family requested mediation with the victim's family, which resulted in paying blood money to the heirs of the victim in the amount of 2,000,000 riyals. The result of this case was a lesson taught to the perpetrator according to Shariah, while being spared the stigma and imprisonment. As for the victim's family, it was properly compensated and both parties were spared the costs of litigation, fines, and wasted time. As for the society, it was saved from conflicts, problems and divisions that lead to dissonance and cycles of violence and revenge.

Case II: Crimes Against People - Official Courts

One of the effective solutions in the field of restorative justice reflects the human aspects of the official court when applying the law.

Incident details: It can be summed up in the case of an 18-year-old girl whose marriage was concluded with an elderly man without her consent, after her family had previously refused a young man who proposed to her. As a result of her inability to persuade her family to marry the young man, she decided to escape from her father's house from one of the remote villages to the capital of the governorate. She went to a court and presented her case to the court judge and informed him judge about what happened to her, what prompted her to flee on the day specified for the contract and that she was afraid for her life if her family knew where she is. She asked the judge to protect her and the young man who wants to marry her.

Action taken: This case placed the judge before difficult legal options, which is to refer her to criminal investigation to hear her statements, to submit her to medical examination to prove her virginity, to summon her father for an investigation with him about her complaint, and to place the girl in pretrial detention until the completion of the procedures, etc. Taking these measures would complicate the problem between the girl and her family and may harm the girl's reputation in a society dominated by conservative customs and traditions. To avoid this, the judge decided to solve the case away from the official system through reconciliation between the girl and her family. To achieve this, he asked the girl to go to his house to sit with his wife and daughters and talk about all the details that she might be embarrassed about telling to men. He took the address of her family's village and contacted them, after which the father and brothers attended.

Initiation of restorative justice: The problem was raised and they were informed of what have been legally and by Shariah required. It became clear that the father and his children were ignorant of all of this, but they accepted the girl's refusal and the problem was resolved amicably before being submitted to the official authorities. The results were being able to avoid evidence collection procedures about running away from home, and the ensuing pre-trial detention and reputation harm to her and her family. More importantly, she was able to avoid

being married against her will, and they family avoided the investigation procedures and the consequent harm to the girl's reputation. The problem was solved before the forced marriage and complications appeared. As for society, it was the biggest winner because forced marriage was prevented that would definitely end with disputes, problems and separation. The victims would be the children born in such an invalid contract.

Case III: Property Crimes - Social

There are many cases to illustrate the positive impact of alternative social solutions to maintain healthy community ties away from the extremist traditions that may degrade the perpetrators without knowledge of the reasons leading them to this crime that may destroy their lives and the lives of their families, leading to the disintegration of society and the emergence of long-term conflicts. This can be deduced from the next story related to theft, which is often motivated by need or necessity, but is still a crime by all standards. Theft may be carried out by professionals. For some, it represents one of the easy ways as they do not pay attention to the harm caused to the society. Alternative solutions are what resolves most of these cases. The next story will show an example of theft.


Incident details: M. A stole a bag containing gold, a phone, and a sum of money. She was caught by surveillance camera and was contacted. The bag was returned to its owner without revealing the perpetrator, who was proven to be a woman from a poor family whose husband left her with children and who lives on what aid the neighbors give her.

Action taken: The accused was brought and confronted with evidence, so she confessed theft out of necessity.

Initiation of restorative justice: The stolen items were recovered, with pledges and guarantees made not to steal items again. She was also assisted by paid by philanthropists to be given to open an income-generating project at a cost of no more than 60,000 riyals. The project will help her sustain herself and avoid robbery, and that she stole only with the aim of feeding her dependents because there is no source of livelihood. This is why considering the circumstances and reasons that led her the theft are important to know how to treat the problem and restore confidence to a person who took the wrong path due to circumstances.

Incident Details: Theft Case / Maryam H. A., stole the mobile phone of a women, who was able to find out the location of the accused and informed the local leader of the neighborhood. Action taken: The local leader and the victim's lawyer summoned the defendant and asked her to hand over the phone.

Initiation of restorative justice: After handing over the phone, the local leader offered a reconciliation between the parties in the case and took had the woman pledge not to repeat such acts after this.

 Some of the positive sides of transfer work and the restorative justice approach within the formal system (police departments) in dealing with cases of financial compensation such as theft, bankruptcy, fraud and scams in particular, and sometimes in dealing with cases related to domestic violence, cases related to physical abuse and some moral issues (like escape).

Section Four Challenges and Enabling Factors

This Section will include a review of the types of challenges and difficulties that hinder restorative justice in women's cases, the sources and causes, and identifies the enabling factors to overcome those challenges and difficulties. The section also examines actors that affect. This is in an effort to

promote the values of restorative justice for women in conflict with the law. It is worth noting here that an emphasis is placed on covering the challenges, difficulties and enabling factors required of the actors assessed (see Section Two). This information was gathered from professionals, practitioners, and the general public through questionnaires and discussion sessions.

Chapter I: Challenges and constraints that limit the implementation of diversion and alternatives to detention

1. Challenges and Gaps Related to the Use of Diversion and Alternative Punishments)

Through the comparison of legal rules done by the research team, and the analysis of the results of the meetings and focus meetings, many challenges emerged that impede the application of alternatives to detention using restorative justice and gender-responsive treatment. The challenges were divided into two types:

I. Legal and Legislative Challenges:

- Many of the rules that included alternatives to detention were loose and too general, which negatively affected the executive procedures for implementing those alternatives. They were no specific procedural policy for implementation, only loose phrases wavering between the possible, impossible and the permissible. They did not specify the procedural guarantees for their implementation, and the implementation mechanisms were not linked to parties. This is what linked the implementation of alternatives to the desire of officials in charge of law enforcement and their degrees of awareness and understanding. This has clearly emerged in some applications that indicate that they do not deviate from individual efforts that do not guarantee success in applying alternatives in practice, and in particular accessing reform, rehabilitation and reintegration programs, which are almost non-existent at present.
- One of the most important obstacles and difficulties that hinder the use of restorative justice approach in women's cases during the evidence gathering stage is the lack of legal texts authorizing the police to adjudicate women's cases according to a restorative justice approach, or to handle these cases with Non-custodial alternatives. Nevertheless, information indicates that some police stations offer mediation and reconciliation between the two parties to the conflict as a kind of culture prevailing in society. The aim may be towards obtaining a financial reward from the perpetrator in exchange for avoiding the consequences of litigation.
- The laws in force still need to be reviewed in the criminal cases which women commit, whether in the Criminal Procedures Law or the Penal Code. The matters need require the preparation of draft amendments related to women's cases that contribute to developing appropriate alternatives instead of custodial measures. Since the preparation of draft laws is the prerogative of executive authorities, scholars and jurists have useful references from evidence, from which the jurists have derived the constitution of Yemen and the laws in force. This is consistent with the texts of Qur'anic verses No. 15, 16 of Surat al-Nisa', which contain appropriate references when working with the rules of jurisprudence, while using understanding, actual text and deduction.
- Those texts did not specify the responsibility for proposing, implementing or applying diversion programs, who is responsible for monitoring and evaluating how beneficial they are, nor did they regulate coordination mechanisms between the various bodies. This decreased commitment to work on these programs, and how much women benefit from those alternatives, access to care, reform and rehabilitation programs in the society. The results of the study showed that most prisons and correctional institutions focus on

deterrence and restraint policies at the expense of the specialized and educational programs aspects, and are far from applying policy of reform and correction.

- Legal texts fail to respond to the reality that women live in conflict with the law and their special circumstances as imposed by the social culture. For example, the principle of equality was adopted without any positive side points women or without taking into account the special needs and social conditions of Yemeni women.
- The law neglects the conditions and criteria that must be met in the actions of these measures, and only named or defined them. These definitions are incomplete and not in line with the objectives and principles of their actions, guarantees of reform, evaluation and rehabilitation of the beneficiaries and their reintegration into society.
- These texts did not include the procedural mechanisms, the means of implementation, and the needs required for implementation.

II. Procedural Challenges:

The legal challenges and resulting negative consequences and problems were not the only reason for the weak performance of the criminal justice systems in Yemen in implementing alternatives to imprisonment and ensuring the benefit of women in conflict with the law, especially courts, prosecutors, care institutions, and detention centers, or even the social components. Rather, there have emerged challenges and obstacles when implementing the principles of the texts of the law in the practical field, as they represented a major obstacle to the success of the executive procedures, and we will mention the most prominent and most important of these challenges based on their type, character, scope and impact on the reality of procedural work and the most important obstacles in achieving the aims of those objectives as stipulated in national laws related to using alternatives. The details are as follows:

1. Organizational and Administrative Aspect:

- The restrictions of the role of technical sectors specializing in the field of dealing with litigating women, especially those working in institutions such as the Ministry of Justice, the Office of the Attorney General, the Ministry of Social Affairs and Labor, the Ministry of Human Rights, and other institutions. The restriction of their work to the central framework, caused low interest by state sectors in women's cases and an avoidance of discussing their needs and requirements, especially for women in conflict with the law. This is why these cases are absent in national policies and strategies, and at the level of the services package and programs directed to that group, in a timely and complete manner that ensures their protection, interests, a minimum level of legal and judicial services, and the needs and requirements of women in conflict with the law. This also caused a disruption of these bodies providing basic services to women and using specialized programs and activities at the local level, while weakening the ability of these local units to carry out their tasks.
- Failure to issue structures and branches for these departments at the local level to organize work and facilitate legal procedures for women in Yemeni governorates.
- The failure to issue internal regulations and administrative decisions related to the organization of internal affairs of the rights of women, especially women in conflict with the law, the failure to introduce services, programs, and regulations and provisions for the application of alternatives or business programs for the public benefit and so on, has led to disrupting the provisions of the law, shortcomings in the implementation of procedures, and interference in the terms of reference, and a lack of understanding of rights and duties, which mad work proceed in improvised, random and selective forms that are often subject to violations and breaches.
- Weakness in the traditional means of registration and organization in the fields of administrative, technical and specialized work.

- The poor electronic registration system for cases, the quality of data and indicators of quality and quantity, and the lack of standardization and inaccuracy for such data and information.
- The poor judicial and administrative control system has led to an increase in the rate of violations, abuses and breaches, as well as a decline in respect for human rights, especially for detained women.

2. Technical Challenges:

2.1. Formal Aspects:

- There are many challenges and difficulties associated with the technical aspect and most of the challenges manifest from a lack of speed in investigating women's cases at all stages, especially those that are referred to the Public Prosecution Office. The Public Prosecution reserves them in the Family Protection Department until they are decided by conditional parole, waiver, release and closing the case file, or conviction and placement in central prisons pending trial. This is a problem women suffer and leads to an increase in the numbers of women forced to stay in prisons pending a decision on their cases. This is constantly on the rise and is considered the first reason for the disruption and weakening of reform, rehabilitation and care programs. This is also the reason for the low rate for facing the effects of this phenomenon, especially on the health care, educational and professional sides. Perhaps the most important reasons for this phenomenon are:
 - Extra prolonged investigation procedures.
 - Extended litigation procedures for deciding some cases, for example murder, which is 10-15 years.
 - Failure to decide cases quickly, as well as failure to implement judgments.
 - Failure to find radical solutions to the problem of insolvent persons who have served the period of the criminal sentence but are unable to pay the fines. These may continue for long years, which in some cases may be close to life in prison.
 - Failure to use conditional, obligatory and mandatory release.
 - Failure to apply the alternative penal code.
 - In some governorates, poor or lack of all support and aid programs related to judicial help, such as legal aid, social aid, and forensic medicine, in addition to the lack of information systems, statistics, data, equipment, and operating expenses for these departments.
 - Failure to classify female prisoners increases criminal cases and leads to the transformation of prisons from centers for reform, discipline, training, reintegration into society, and development and stability, to schools of crime, hatred, grudges and vengeance. This leads to the failure of punishments and endangers the security and safety of society.

2.2. Informal Aspects:

- Lack of bodies working to protect women by providing legal aid, starting with enforcement and evidence gathering, and ending with carrying out judgments. Legal aid service in these bodies depends on protection projects funded by donors that are not sustainable or consistent.
- Insufficient qualification and training for staff dealing with women's cases at all stages regarding the principles of restorative justice, conditions and mechanisms for implementation.
- The lack of social workers at the central or local level in justice institutions to study the cases of women accused of violating the law and to provide professional opinion and

advice to enable restorative justice in women's cases or not, according to their best interests and in a manner that does not conflict with the law.

3. Infrastructure and Equipment:

Infrastructure represented one of the most important challenges that hinder restorative justice and Non-custodial measures for women. It is not sufficient for the minimum number of programs, services and activities that are included in all legislation, laws and treaties regarding the treatment of women in conflict with the law in all stages of litigation. They were, and remain, not entirely commensurate with the implementation of guarantees of access to justice that are included in international and national standards for human rights and the rights of women accused or convicted of violating the law, for the following reasons:

- The lack of support units for women litigants in the various security and judicial institutions in all governorates, and thus all women were deprived of support services and programs.
- The lack of buildings and facilities specialized in receiving arrested women and detaining them in central prisons, which causes damage to the detainee's reputation that remains for life as a result of the prevailing social culture.
- The lack of facilities or programs for the implementation diversion, reform, rehabilitation, health, social and psychological care programs. Furthermore, most of the existing facilities do not meet the conditions and specifications.

4. Workforce:

- Near absence of specialized staff working in justice institutions, specifically in the fields of legal, social and psychological aid, etc. This is in light of the limited (weak presence) of women working in the field of women criminal justice.
- The lack of integrated female legal specialists, lawyers and judges
- The lack of judicial and legal staff in government agencies for women
- Poor qualification and training programs for judges and lawyers, and the lack of appropriate training manuals to train and raise the competence and rehabilitation of law enforcement officials
- Weakness and limited capacity building programs for humanitarian workers / activists
- The lack of qualification for legitimate trustees and the local leaders to do their conciliatory role in the neighborhoods and regions in which they live and to form monitoring committees.
- The absence of specialized and qualified staff who have official status and legal powers.
- Poor life skills, professional skills, as well as poor capacities between women working in the fields of women rights
- Lack of staff having social and psychological specializations to carry out previous and subsequent social monitoring.

5. Financial Resources:

- Financial resources remain the main factor in the implementation and success of all specializations and fields of work. The lack of or poor financial resources creates great obstacles for work, which varies in degrees according to availability of funds, credits, and the allocations necessary for running, providing for, and implementing programs. The lack of financial resources of the target institutions is a major problem and a constant challenge due to the low level of performance in various aspects. There are no financial allocations or credits, and the salaries and operational costs have stopped.

- Among the difficulties and challenges that hinder the use of restorative justice in women's cases is the lack of financial expenditures to redress the harm of victims in women's cases in which restorative justice requires financial expenditures for reparation of victims' harm. There are no resources for procedures to assist in performing restorative justice, such as treatment expenses, reintegration, transportation allowance and legal aid services.

6. Participation of Donor Agencies, Bodies and Organizations:

- There is an almost total lack of local community participation represented by humanitarian organizations, economic institutions, businessmen and charitable institutions, as well as a lack of international community participation represented by donor countries, specialized organizations, and humanitarian bodies for supporting and protecting the rights, as well as advancing the status of women in conflict with the law in general, developing the role of government institutions In performing and achieving its humanitarian, educational and ethical goals towards this group of women, developing projects and programs directed for them, and preparing national policies and plans in this regard.
- There is an absence of coordination and networking mechanisms between the various sectors and government institutions working with women in conflict with the law on the one hand, and an absence of coordination mechanisms between governmental and non-governmental sectors on the other hand, in addition to an absence of coordination mechanisms between all these structures and the international and regional donor organizations. This has caused a waste of resources without a unified vision to achieve the common goals of these sectors.

7. Hardware Equipment:

Hardware equipment is considered the main and basic means of working in any institution or administration. Special needs in line with woman's privacy must be taken into consideration, whether the women are part of the working staff such as female police, or whether accused or convicted. The study proved the following:

- An almost total lack of equipment that is in line with the needs and privacy of women at all levels, in all central and local sectors, and for all programs, services and activities, specifically in police stations, public prosecution departments, courts, places of detention, local authorities, civil society organizations and community members.
- The absence of a diversion mechanism for women to provide community services as an alternative punishment, and the lack of appropriate bodies or facilities such as hospitals, schools, nursing homes etc., that can receive women to do alternative punishments in the form of community services.

Chapter II: Enabling Factors and Stakeholders:

- 4- Summary of requirements for promoting and developing restorative justice and applying alternatives to detention and custodial punishments in cases related to women, and the potential implementation and support bodies.

Implementing and Supporting Bodies	Type of proposed interventions	Aspects of intervention
1. Ministry of Justice	<ul style="list-style-type: none"> • Review of current laws by specialists to identify deficiencies and inconsistencies with international standards, and presenting the results to the relevant authorities through the Ministry of Human 	4.1 Legislative requirements and

<p>2. Ministry of Legal Affairs 3. Ministry of Human Rights 4. Yemen Women's Union 5. Ministry of Social Affairs 6. Ministry of Human Rights 7. House of Representatives</p>	<p>Rights, supporting local and international organizations with the aim of making appropriate amendments to strengthen the restorative justice system and to implement Non-custodial measures that protect the dignity of women and help them avoid imprisonment in criminal cases.</p> <ul style="list-style-type: none"> • Working and coordinating with the competent judicial authorities at the national level in order to obtain instructions related to the actions of women convicted of violating the law, making this a priority for using a restorative justice approach • Legislating some legal texts to keep up with reality, support the authorities in charge of implementation, and amend legal texts that conflict with restorative justice • Issuing a list of compulsory work, generalizing the work of social studies and making it mandatory to submit them in women's cases. • Advocacy at the local and national levels in order to create legislations, regulations, and instructions that reinforce restorative justice • Issuing a bylaw to organize the work of community facilitators and committees to support litigating women • Reconsidering laws that are unfair to women • Amending the penal code and penal procedures through alternatives proposed from the Ministry of Justice and having them issued by the judicial authority • Issuing or amending all laws related to women, especially the victim, and even the perpetrator. There is negative discrimination, that includes multiplying penalties and mitigation. This is a kind of injustice being practiced because there are rules in force that support it: • Issuing organizational or executive regulations and working to enable existing laws, and to implement and harmonize them with what contributes to strengthening restorative justice • Regulations and implementation of laws that ensure fair trials for women who commit crimes • Reviewing legislation by conducting a legislative survey of legal texts related to women • Supporting and advocating the approval of legal amendments in light of the observations and recommendations of international committees in this regard, in a manner that is consistent with the specificity of Yemeni women • Review laws and include reconciliatory alternatives. This is the role of the Ministry of Justice and Human Rights • Amendments in some laws to facilitate litigation procedures for women. The executive body that amends laws is the Legislative Council, the House of Representatives, which does not require a supporting body • Regulations to protect women from exposure to any violations • Legalizing the state budget in a way that takes into account gender • Amending Yemeni laws, especially personal status laws, and laws related to women 	<p>interventions: What are the required interventions on the legislative side? This includes mentioning the support body and the potential implementation body?</p>
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	<ul style="list-style-type: none"> • Creating a system to manage the cases of women litigants • Preparing a training and awareness program on restorative justice 	
<ul style="list-style-type: none"> • Government bodies • Ministry of Legal Affairs • Donors and support organizations • Ministry of Justice • Ministry of Social Affairs 	<ul style="list-style-type: none"> • Establishing family courts and special departments concerned with women's cases • Providing the opportunity for specialized local organizations, and giving them adequate support for treatments • Allowing civil society organizations, charitable societies, and feminists to communicate with and educate guilty women • Establishing institutions for professionally qualifying women and building their capacities, such as productive families centers and women's civil society organizations that may be in addition to productive family's centers • Rehabilitation and empowering institutions to provide services that respond to the needs of women in social and judicial matters • Providing social and legal workers • Training and strengthening the capabilities of staff on how to deal with women's cases using restorative frameworks in a manner that preserves the life and dignity of women • Developing mechanisms to follow up cases in a transparent and fair manner • Strengthening the capacities of places of detention to provide supportive and qualified services for women to help reintegrate women into society. • Forming special committees of legal and social experts to follow up women's cases • Developing the work of community committees to advocate for women's cases and work hard to reduce crimes committed by women • Establishing public departments for women in ministries in a bigger and more effective manner, providing circulars to all ministries' facilities to cooperate and speed up implementation of the directives of the administration • Providing vocational, social and psychological rehabilitation centers in cooperation with the Ministry of Social Affairs, Ministry of Health and Ministry of Interior • Supporting the concept of family courts and making use of the experiences of some countries in this regard • Supporting the administrative structures in the competent authorities by developing specific systems, programs and services directed at women in conflict with the law • Working to support institutions that provide specialized services (training centers, institutes, etc.) • Supporting institutional committees 	4.2 Requirements and interventions related to institutional building: What are the interventions required for institutional structures?
<ul style="list-style-type: none"> • Concerned governmental bodies such as the Ministry of Justice, the Ministry of 	<ul style="list-style-type: none"> • Working to enforce laws, provide judicial aid and legal support • Establishing offices for the protection of women in the relevant authorities. • Providing legal, social, material, and judicial services 	4.3 Services and Programs: The type of programs and services required to

<p>Social Affairs and Labor, the Ministry of Human Rights, and Vocational Education bodies</p> <ul style="list-style-type: none"> • Yemen Women's Union • Family Protection Department • Human rights organizations and civil society 	<ul style="list-style-type: none"> • Psychological rehabilitation, awareness programs, psychosocial support, training, and especially vocational rehabilitation programs • Establishing units for the protection of women in the relevant authorities (police, prosecution, and courts) • Establishing a separate women's correctional facility that provides psychosocial support, rehabilitation, training, and working on social integration, as well as creating productive projects. • Community and family awareness-raising programs, and programs to sustain social relations • Creating a specialized community base at the district level and focusing on major cities • Providing legal, social and financial services • Providing support to those assigned to make reconciliation • Supporting the establishment of social committees and social services • Developing the programs and services provided to divert women to in line with the results of the woman's social study • Development of social investigation, legal aid, and judicial services • Diversion to services after making an inventory and evaluation of appropriate and socially acceptable types of services that women can be diverted to • Enabling the social monitoring system • Conducting comprehensive awareness-raising through visual and print media, as well as through Awkaf offices, and making brochures • Training local leaders, sheikhs and figures on restorative justice, and urging them to use it • Training workers in the government sector, organizations and institutions concerned with women's cases • Establishing specialized legal committees for women and special bodies to support and develop women's work 	<p>develop work mechanisms to use restorative justice and non-custodial measures</p>
<ul style="list-style-type: none"> • Colleges and academies, especially the Police Academy • High Judicial Institute • The Ministry of Social Affairs in coordination and cooperation with the Ministry of Justice • Ministry of Social Affairs 	<ul style="list-style-type: none"> • Providing integrated female legal specialists, lawyers and judges • Supporting female lawyers to provide free legal aid • Striving to empower women in law • Dedicating judicial and legal staff in government agencies for women • Qualification and training for judges and lawyers • Capacity building for humanitarian workers and activists • Financial support for women's cases works, especially volunteers • Preparing judges, legitimate trustees, and the local leaders to do their conciliatory role in the neighborhoods and regions in which they live and to form monitoring committees. • Preparing and training dedicated staff, making them official, and granting them legal authority by law. • Developing life skills, professional skills and capacity building programs for guilty women • Developing training manuals, regular training, and qualifications for law enforcement officials 	<p>4.4 Human resources: Interventions required for human resources</p>

<ul style="list-style-type: none"> • Ministry of Human Rights • Civil society organizations and others 	<ul style="list-style-type: none"> • Teaching human rights, especially women's rights, in the curricula of colleges and academies • Supporting specialized social and psychological staff to perform prior and subsequent social monitoring by the Ministry of Social Affairs in coordination and cooperation with the Ministry of Justice • Supporting and qualifying lawyers, social workers, and judges • Supporting specific specializations and reinforcing them in the relevant authorities • There is no specialized or support staff for the court in helping women 	
<ul style="list-style-type: none"> • Associations interested in women's cases • Community • Government agencies, such as the Ministry of Justice • Charitable organizations • Ministry of Social Affairs and Labor • Technical Committee at the Ministry of Justice • Bar Association • Implementing bodies such as the Yemeni Women's Union • Beneficial bodies • Supporting bodies • Social Society Organizations 	<ul style="list-style-type: none"> • Supporting associations and organizations specialized in providing quality services to women, with a focus on the Yemen Women's Union as an active partner. • Making an inventory of those organizations and the services provided, studying and analyzing them to identify interventions, and adopting a national plan to support those organizations help the government, especially with reintegration programs • Supporting courses and workshops targeting guilty women, whether psychological or professional ones • Supporting professionals working in the field of restorative justice • Conducting workshops and courses for social and influential personalities in society for the purpose of raising awareness by the technical committee at the Ministry of Justice • Developing support programs and training staff working in organizations in the field of restorative justice • Providing financial aid and providing trained staff • Spreading and imposing a transparent working mechanism compatible with international standards. • Specialized staff in the field of services • Application of the case management system for women • Support is required from government agencies and organizations that take care of containing women's problems • Advocacy for women's cases • Legislating Non-custodial punitive measures, meaning the Ministry of Justice 	<p>4.5 Specialized institutions and bodies (informal): Interventions required in the aspect related to civil society organizations, the private sectors, and specialists</p>
<ul style="list-style-type: none"> • Ministry of Justice and Social Affairs • Ministry of Finance • Ministry of Information 	<ul style="list-style-type: none"> • Office furnishings, computers and networking, training and qualification courses • Setting a headquarter for the subcommittee in the governorates while providing all requirements for workflow and operational expenses in coordination between the Ministry of Justice and Social Affairs • Economic support for productive family centers, the Supreme Council for Motherhood and Childhood, and the Yemen Women's Union with the aim of developing the performance of official or informal agencies. • Providing private shelters and the requirements for their professional, psychological and social training as well as rehabilitation 	<p>4.6 Financial capabilities: Physical and equipment requirements necessary to enhance the implementation of restorative justice and Non-custodial measure programs</p>

	<ul style="list-style-type: none"> • Providing financial and temporary support to all those assigned to the role of social reform in light of the current difficult circumstances • Fund to support awareness programs, bar association and the Women's Union as beneficiaries • Supporting the Women's Rehabilitation and Training Center - Social Affairs and Labor • Supporting economic empowerment and soft loan programs, • Awareness programs directed to the police, prosecution departments, and justice through media of all means and civil society organizations • Holding courses and workshops in the field of Non-custodial justice • Providing money and staff to support work and train workers on women's cases • Using Non-custodial programs • Supporting women and providing them with job opportunities to make a decent living. • Legalizing grants programs so that conditional grants are offered for a specific period, after which the state bears responsibility for financing the programs when the period expires • All of these services should aim to build capacities, especially by reducing the operating expenses of most institutions, and therefore there is a need to allocate financial resources from the Ministry of Finance and to make gender-sensitive budgets. • Establishing relevant committees, providing technical and financial support, and engaging governmental and non-governmental agencies 	
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Chapter III: Summary of Challenges and Enabling Factors Using Diversion and Alternative Solutions:

1. Challenges:

- 1.1. Legislative obstacles: The absence of binding texts forcing the parties of the conflict to resort to resolving cases using restorative justice.
- 1.2. Administrative obstacles: The lack of competent and experienced bodies to solve cases using restorative justice.
- 1.3. Lack of active women's committees in formal and informal bodies.
- 1.4. Intellectual: Lack of adequate awareness among community members about the importance of implementing restorative justice and its role in solving women's cases.
- 1.5. Financial: The lack of dedicated centers and places prepared to solve women's cases using restorative justice.
- 1.6. The lack of places dedicated to rehabilitating female prisoners to face life after prison.
- 1.7. Financial: The lack of money allocated to support the centers, entities and people who implement restorative justice activities.

- 1.8. Organizational: The absence of regulations, systems, policies, and models that organize the work of restorative justice committees.
- 1.9. Human resources: The lack of adequate human staff concerned with the provision and management of restorative justice committees, and the weak rehabilitation of the existing human staff involved in providing restorative justice services.
- 1.10. The low and diminishing level of interest by workers in informal legal activities as a result of the weak return, especially and since cases are committed by poor people that cannot pay the cost of alternative solutions.
- 1.11. A decline in religious and moral faith, which urges forgiveness for those who sinned and to make concessions, whether financial or moral, as a form of good deeds and to ensure safety and stability in society.
- 1.12. The obstinacy of some people in not making concessions, due to the surrounding social influences.

2. Appropriate Enabling Factors:

There are many enabling factors that should be taken care of, some of which are related to official bodies and others related to informal bodies, especially civil society organizations.

2.1. Enabling Factors related to the Formal Aspect of Promoting Alternatives to Detention:

It is of great importance for the official side to undertake the promotion of the practice of diversion, use social solutions, alternatives to detention, and alternative penalties, because of their benefits to society and the state.

1. Giving law priority by providing women with access to justice, and establishing effective, fair and accountable institutions.
2. Issuing regulations or instructions to the relevant authorities and urging them to use alternative solutions in these circumstances.
3. Raising awareness of authorities concerned with legal enforcement of the importance of using alternative solutions in general for the state
4. Raising awareness among community members about the importance of tolerance and reparation among members of society, and focusing on its importance for women, through media and multimedia.
5. Establishing departments or units for women's cases in police departments in districts.
6. The need to provide a hotline in the Ministry of Human Rights to receive calls from women who are in conflict with the law.
7. The necessity for comprehending and recognizing new and emerging forms of crime, and using appropriate tools to combat them, especially crimes in which new technology is used as a means.
8. The need to provide assistance and support to prevent crimes of all forms and to address them by providing the minimum requirements for a decent living for women. Furthermore, taking measures aimed at enhancing people's well-being and encouraging non-aggressive behavior through social, economic, health and educational measures.
9. Implementing comprehensive policies and programs that promote social and economic development as an effective means of crime prevention, with a focus on the underlying causes of urban crime.

2.2. Enabling Factors for the Informal Side, (such as Civil Society Organizations, the Society) to Promote Alternatives to Detention

1. Raising awareness of the importance and role of society procedures related to conflict resolution, their seriousness, and the speed in deciding and resolving disputes between conflicting parties.
 2. The system for early diversion to social measures should include a mechanism that guarantees oversight and follow-up to extra-judicial litigation made by official litigation institutions to ensure the rights of the perpetrator and the victim, and that these means should lead to achieving their general purpose.
 3. Adopting a national plan that encourages resorting to these alternatives, and adopting a legal and procedural methodology that will enable and provide the necessary means for work; building the capacities of arbitrators and those in charge of implementing these extra-judicial measures, and laying down standards and foundations to regulate institutional arbitration, and to monitor and supervise in accordance with the legislation in force.
 4. Making use of local leaders, community leaders, and important figures in society to contribute to the provision of guarantees to enforce the rules for alternatives to detention, such as fines to compensate the victim, reparation, and **so on**.
 5. Working on rehabilitating and building the capacities of judges, lawyers and workers in authorities related to the system of alternative measures and restorative justice on how to make use of community programs and community entities (case management, local leaders, and community figures **and so on**). In implementing the rules and requirements of alternatives to detention and restorative justice.
 6. Supporting the restorative justice system with qualified social workers to present the necessary perceptions to take into account the privacy of women for each case dealt with within the framework of the restorative justice system.
 7. Preparing guidelines and training guides to direct restorative justice workers to respond with awareness to women's sensitivity when implementing restorative justice procedures with girls, whether they are accused, victims or witnesses.
 8. Building on the tribal structure prevailing in Yemen and adopting the traditional system of justice used by the tribes in addition to the system of restorative justice to make use of the cultural norms and contexts upon which these systems build their procedures and which serve to deal with the special nature of women's cases.
 9. There should be regular consultation between criminal justice authorities and administrators of restorative justice program to develop a common understanding and enhance the effectiveness of restorative processes and outcomes, to increase the extent to which restorative programs are used, and to explore ways in which restorative approaches might be incorporated into criminal justice practices.
 10. Conducting social research to assess the impact of restorative justice programs in order to assess the percentage of positive results, the extent of their validity as a complement or alternative to criminal justice processes and the extent to which they provide positive results for all parties, and to suggest appropriate adjustments and interventions when needed.
-

3. Proposals and Recommendations for Strengthening Diversion Practices and Alternatives to Penalties

I. Legislative and Legal Side:

1. Working to provide of women-specific legislation requiring or encouraging diversion, pretrial alternatives, post-trial alternatives to detention, or restorative justice approaches.

1. Adhering to guidelines, procedures, standard work, rules or policies on how to implement diversion and other alternative measures.
2. Basic procedural safeguards should be provided to ensure redress for both the perpetrator and the victim, in order to apply restorative justice programs.
3. According to Yemeni law, the victim and the perpetrator should have the right to consult with a legal counsel about the restorative process.
4. Establishing clear controls and conditions for diverting cases to restorative justice programs that are prepared by specialists and the participation of official and community bodies under the supervision of the Ministry of Human Rights.
5. The results of agreements arising out of restorative justice programs should, where appropriate, be judicially supervised or incorporated into judicial decisions or judgements. Where that occurs, the outcome should have the same status as any other judicial decision or judgement and should preclude prosecution in respect of the same facts. If the parties do not reach an agreement, the case should be returned to the existing criminal justice processes.
6. Failure to implement an agreement made in the course of a restorative process should be diverted back to the restorative program or, where required by national law, to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to implement an agreement, other than a judicial decision or judgement, should not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

II. Organizational:

1. Providing adequate human resources, especially social workers / probation officers, justice professionals, and volunteers.
2. Adherence to the criteria and controls for selecting mediators, especially from local leaders, police officers or facilitators who are new to restorative justice.
3. Basic procedural safeguards should be provided to ensure redress for both the perpetrator and the victim, in order to apply restorative justice programs.
4. Neither the victim nor the offender should be coerced, or induced by unfair means, to participate in restorative processes or to accept restorative outcomes.
5. Discussions in restorative processes that are not conducted in public should be confidential, and should not, subsequently, be disclosed except with the agreement of the parties or as required by national law.-
6. Before agreeing to participate in restorative processes, the parties should be fully informed of their rights, the nature of the process and the possible consequences of their decision;
7. Facilitators are qualified to work in the field of restorative justice. They should perform their duties impartially, with due respect for the dignity of the parties. In that capacity, facilitators should ensure that the parties act with respect towards each other and enable the parties to find a relevant solution among themselves.
8. Studying and addressing the reasons that led to women committing cases after the restorative process.
9. There is a need to issue instructions from the authorities supervising the official legal system to urge judicial authorities to resolve cases using restorative justice programs.
10. Raising the level of coordination between parties interested in restorative justice with the official side to enhance practices by using alternatives to diversion and detention.

III. Regarding Awareness:

1. Raising awareness, understanding and commitment among justice workers and stakeholders involved in diversion and other alternative measures.
2. Raising awareness of the importance of diversion and other alternative measures in society in general and between workers in official bodies, such as the police, the prosecution, and the court.
3. Facilitators should possess a good understanding of local cultures and communities and, where appropriate, receive initial training before taking up facilitation duties.

IV. Financially:

1. Providing services and programs provided to women in conflict with the law.
2. Providing sufficient money for legal aid through lawyers, and facilitating restorative justice activities for organizations working in the field of women's assistance.
3. Supporting specialized centers for providing restorative justice services.
4. Providing financial and moral support programs for the departments and units concerned with implementing restorative justice programs under the relevant authorities

Appendices

Appendix 1: A copy of the first page of the public questionnaire

2020/11/30

Google الاستبانة الخاصة بدراسة "تعزيز نُهج العدالة التصالحية وبدائل الاحتجاز للنساء في حالة نزاع مع القانون - نماذج



الاستبانة الخاصة بدراسة "تعزيز نُهج العدالة التصالحية وبدائل الاحتجاز للنساء في حالة نزاع مع القانون

101

الردود الأسئلة



قسم 1 من 7

الاستبانة الخاصة بدراسة "تعزيز نُهج العدالة التصالحية وبدائل الاحتجاز للنساء في حالة نزاع مع القانون

لقد اهتم المقتن اليمني بوضع عدد من الأساليب والوسائل لحسم المنازعات خارج سلطة القضاء الرسمي بغية تحقيق عدد من الأهداف من خلال عدد من الهيئات والجهات والأشخاص، ونسعى من خلال هذه الاستبانة الى تطوير تصور عملي يهدف الى تعزيز العمل بلُهج العدالة التصالحية من خلال تطبيق العقوبات البديلة وتبني تطبيق بدائل الاحتجاز السابق للمحاكمة وبدائل الاحتجاز بعد المحاكمة للنساء في تماس مع القانون نظراً لما لها من فوائد على مستوى المرأة والمجتمع وبكثير من النواحي اقتصادياً واجتماعياً بالإضافة للحد من الاكتظاظ في سجون النساء التي تعاني من نقص الخدمات المتخصصة خصوصاً في الظروف الاستثنائية التي تعيشها اليمن.

ملاحظة المعلومات الواردة في هذه الاستبانة لن تستخدم إلا لأغراض البحث العلمي للتعرف على بدائل الاحتجاز القابلة للتنفيذ وتحديد العوامل التي تحول دون استخدام التحويل وغير ذلك من التدابير البديلة للنساء في حالة نزاع مع القوانين، بما يتماشى مبداء النهج التصالحي ومع مبادئ حقوق الإنسان المطبقة في اليمن

1- خصائص وبيانات مقدم البيانات

الوصف (اختياري)

1.1- الأسم *

يرجى كتابة الأسم رباعياً



<https://docs.google.com/forms/d/1Qogt95Mdi4vkYB9nTc4V1S7fWcxpl4qHnEBFfINGL6Sg/edit> 1/18

Appendix 2: A copy of the first page of the experts' questionnaire

2020/11/30

الاستمارة 2 الخاصة بالخبراء - نماذج Google



جارى محاولة الاتصال...



الاستمارة 2 الخاصة بالخبراء

الأسئلة الردود 47

قسم 1 من 4

الاستبانة الخاصة بالخبراء ضمن دراسة "تعزيز نُهج العدالة التصالحية وبدائل الاحتجاز للنساء في حالة نزاع مع القانون"

الهدف من هذا الاستبيان هو التعرف على الأساليب والوسائل لحسم المنازعات خارج سلطة القضاء الرسمي بغرض تطوير تصور عملي يهدف الى تعزيز العمل بنُهج العدالة التصالحية من خلال تطبيق العقوبات البديلة وتبني تطبيق بدائل الاحتجاز السابق للمحاكمة وبدائل الاحتجاز بعد المحاكمة للنساء في تماس مع القانون نظرا لما لها من فوائد على مستوى المرأة والمجتمع وبكثير من النواحي اقتصاديا واجتماعيا بالإضافة للحد من الاكتظاظ في سجون النساء التي تعاني من نقص الخدمات المتخصصة خصوصا في الظروف الاستثنائية التي تعيشها اليمن.

ملاحظة المعلومات الواردة في هذه الاستمارة لن تستخدم إلا لأغراض البحث العلمي للتعرف على بدائل الاحتجاز القابلة للتنفيذ وتحديد العوامل التي تحول دون استخدام التحويل وغير ذلك من التدابير البديلة للنساء في حالة نزاع مع القوانين، بما يمشى مبداء النهج التصالحي ومع مبادئ حقوق الإنسان المطبقة في اليمن

1- خصائص مقدم البيانات

(الوصف اختياري)

1.1- الاسم الثلاثي: (كتابة الاسم اختياري)

نص الإجابة القصير

1.2- أجنس *

أنثى

ذكر

Appendix 3: A copy of the first page of the questionnaire for practitioners of restorative justice

2020/11/30

استمارة 3 لممارسين الحلول المجتمعية وفق نهج العدالة التصالحية وبدائل الاحتجاز للنساء - نماذج Google



استمارة 3 لممارسين الحلول المجتمعية وفق نهج العدالة التصالحية وبدائل الاحتجاز للنساء

الأسئلة الردود 68

قسم 1 من 3

الاستبانة الخاصة بالمتخصصين في تقديم الحلول المجتمعية ضمن دراسة "تعزيز نهج العدالة التصالحية وبدائل الاحتجاز للنساء في حالة نزاع مع القانون"

الهدف من هذا الاستبيان هو التعرف على الأساليب والوسائل لحسم المنازعات خارج سلطة القضاء الرسمي بغرض تطوير تصور عملي يهدف الى تعزيز العمل بنهج العدالة التصالحية من خلال تطبيق العقوبات البديلة وتبني تطبيق بدائل الاحتجاز السابق للمحاكمة وبدائل الاحتجاز بعد المحاكمة للنساء في تماس مع القانون نظرا لما لها من فوائد على مستوى المرأة والمجتمع ويكثير من النواحي الاقتصادية واجتماعيا بالإضافة للحد من الاكتظاظ في سجون النساء التي تعاني من نقص الخدمات المتخصصة خصوصا في الظروف الاستثنائية التي تعيشها اليمن.

ملاحظة المعلومات الواردة في هذه الاستمارة لن تستخدم إلا لأغراض البحث العلمي للتعرف على بدائل الاحتجاز القابلة للتنفيذ وتحديد العوامل التي تحول دون استخدام التحويل وغير ذلك من التدابير البديلة للنساء في حالة نزاع مع القوانين، بما يتماشى مبداء النهج التصالحي ومع مبادئ حقوق الإنسان المطبقة في اليمن

⋮



1- خصائص مقدم البيانات

الوصف (اختياري)

*

1.1- الاسم الثلاثي:

نص الإجابة القصير

*

1.2- الجنس



https://docs.google.com/forms/d/1Zjys84CKIpdHihA0_a4EldHflis7eU2kOW4pUdAVnvQ/edit 1/8

Appendix 4: Contents of the Questionnaire for Interviews with Key Informant (KIs)

Questions related to presidents of courts, presidents of prosecutions, judges, lawyers, judicial arrest officers (local leaders, sheikhs, district directors, police officers, etc.)

General Information: Name:.....Age: Profession: Grade:
 Workplace:..... Directorate:
 Governorate:.....Phone Number:.....

1. **Do you practice societal solutions (customary solutions such as reconciliation, arbitration, and mediation) to solve cases in which one party is a woman? No if no: Mention the reasons:**

..... Yes
..... . If yes, can you provide us with some examples of case diversion(diverting a case to outside official institutions) and restorative justice solutions of cases connected to women prior to filing the case in a court of law?

Case type	Intervention stage (At home level, neighborhood level, police department, prosecution office, court, prison)	Punishments according to the law (if you are aware of them)	Alternative solutions or punishments that you adopted to solve the case	Reasons and justifications for such actions	Average number of cases per month	Number of cases for which you reached final solutions	Cost of resolving the case (Not including private right)

* Intervention stage (family level, neighborhood level, police department, prosecution, court, or after entering prison)

2. **Have you reviewed women-related cases that were diverted to official authorities and settled with alternative punishments** or measures, after such cases reached those official authorities (police, prosecution or courts)?**

No if no: List the reasons for not applying alternatives to imprisonment by the court for non-serious cases:

.....

Yes If yes: If yes, can you provide us with some examples of Non-custodial measures and restorative solutions issued by the court to spare women who committed non-grave offenses from entering prison?

Case type	Intervention stage (At home level, neighborhood level, police department, prosecution office, court, prison)	Punishments according to the law (if you are aware of them)	Alternative solutions or punishments that you adopted to solve the case	Reasons and justifications for such actions	Average number of cases per month	Number of cases for which you reached final solutions	Cost of resolving the case (Not including private right)

* Intervention stage (family level, neighborhood level, police department, prosecution, court, or after entering prison)

3- List five factors (requirements / interventions / procedures) for enhancing the implementation of pre-trial Non-custodial⁶⁸ measures:

⁶⁸It is important to replace, as much as possible, a prison sentence with alternative and qualified measures to reintegrate convicted people in the social life.

- 4- List five factors (requirements / interventions / procedures) for enhancing the implementation of post-trial Non-custodial measures:
- 5- What are the cases in which Non-custodial measures can be applied in the time being, and why?
- 6- What are the cases in which Non-custodial measures cannot be applied in the time being, and why?
- 7- How can we enhance the implementation of pre-trial and post-trial diversion [diverting cases of women who committed non-serious crimes from official authorities (the police, the prosecution, the court, or a judicial body) to unofficial bodies (restorative, non-custodial social solutions) in the future?
- 8- Mention the barriers that prevent you from continuing work in solving women's cases through restorative solutions that save women from imprisonment.
- 9- Mention the needs and requirements of your continued activity in solving women's cases through restorative solutions.

Appendix 5: A list of the names of the participants in the discussion sessions from targeted governorates:

1- A list of the names of the participants in the private discussion session in Amanat Al Asimah and Sana'a on August 22, 2020.

M.	Name	Job title	Authority	
1	Amirah Abdullah Ahmed Abdul Rahman	GD of Women and Children	Ministry of Justice	+967 777 655 242 +967 711 421 747
2	Mohammed Abdullah Muhammad Al-Arafi	Director of the Institution	Ajialouna Foundation	+967 770 707 008
3	Akram Ali Hatram	Senior Legal Specialist	Ministry of Justice	+967 777 180 170
4	Mirvat Ahmed Abdullah Al-Shahari	Social Researcher		
5	Elham Al-Khawlani	Director of Women Department	Public Prosecutor's Office	+967 771 080 006
6	Abbas Ahmed Ghalib Amer	Social Researcher	Department of Social Defence	+967 775 579 585
7	Ishraq Al-Ashmouri	Director of Women Department	Ministry of Justice	
8	Brigadier-General / Suad Al-Qataabi	Director of Family Protection Department	Ministry of Interior	+967 773 330 707 soaad-77@hotmail.com

The names of the participants in the discussion session in Sana'a Governorate on 22 August 2020

M.	Name	Job title	Authority	
1	Rifat Al-Saqaf	Director of the Institution	Community Center	+967 774 006 166 refatsaqqaf@gmail.com
2	Radwan Abdul Wahid Saeed Al Sharjabi	Social Worker	Family Protection Department	+967 735 375 923
3	Asmahan Radman Al Shaibani	Social Researcher	Department of Social Defense	+967 712 091 457 +967 776 462 623
4	Afrah Saleh Mohammed Al-Qarmani	Researcher	Case Management System	+967 770 365 097
5	Nadine Qassem Taher Al-Akhali	Social Researcher	Case Management System	+967 772 272 446
6	Lamis Al-Arashi	legal aid Specialist	Yemen Women's Union	+967 736 043 291
7	Zamzam Al-Matari	Activist	Civil Community	+967 772 964 837
8	Muhammad Ali Al-Ansi	Women Management Specialist	Ministry of Justice	
9	Bashar Abdo Ali Saeed	Legal Researcher	Independent	+967 777 824 014

2- Aden discussion session on Monday, 27 July 2020, in the presence of:

1	Abeer Ali Youssef Saleh	Director of Prison Department	Bar Association	
2	Hanan Hussein Abdullah Heba	Family Protection Representative	Criminal Investigation Department	

3	Hanan Muhammad Ali Noman	Central Correctional Facility	Rehabilitation Correctional Facility	
4	Najwa Saeed Saleh Ahmed	Women Police	Ministry of the Interior	
5	Awatef Ahmed Hassan Othman	Detective	Family Protection Department	
6	Huda Mohamed Dargham	Deputy Director General of Family Protection Department	Ministry of the Interior	+967 733 820 345
7	Wazira Mohammed Abdul Latif	Director of Family Protection Department	Aden Security Forces	+967 777 181 087
3- The names of the participants in the discussion session in Taiz Governorate on Wednesday, September 2, 2020, in the presence of:				
1	Colonel/Abdel Hakim Najad	Central Correctional Facility	Ministry of Interior	
2	Bilal Faisal Abdel Wahab	Specialist - Correctional Facilities	Ministry of Interior	
3	Sahar Ahmed Al Kamel	Lawyer	Bar Association	+967 776 117 589
4	Samira Abdullah Ali Ahmed	Social Researcher	Case Management System	
5	Radwan Abdullah Mohammed	Social Researcher	Social Affairs Department	
6	Samira Mohammed Al-Amrani	Lawyer	Lawyer at the Yemen Women's Union	
7	Labib Abdel Wahab Kaed Najad	Specialist - Correctional Facilities	Ministry of Interior	
8	Omar Al-Ariqi	Director of Department of Social Defense	Ministry of Foreign Affairs	+967 777 380 404
4- The names of the participants in the discussion session in Ibb Governorate on September 1, 2020, in the presence of: 1 September 2020, with presence of:				
1	Mohammed Abdul Karim Al-Muntaser	Lawyer	Bar Association	
2	Ahmed Mohammed Rashid	Social Researcher	Ministry of Foreign Affairs	
3	Marwa Qassem Al-Ziyadi	Social Researcher	Case Management System	
4	Maysa Qassem Abdo Al-Yamani	Social Researcher	Ministry of Justice	+967 772 228 524
5	Aisha Ali Al-Haidara	Court of Appeal	Ministry of Justice	
6	Khaled Abdullah Al-Sabri	Lawyer	Bar Association	+967 777 456 210
7	Radwan Hammoud Wadef	Social Researcher	Case Management System	+967 771 809 498
8	Mamdouh Abdo Ali Al-Hajj	Director of Social Guidance Home	Ministry of Foreign Affairs	+967 771 030 259
9	Khaled Ahmed Amer	Correctional Facility	Ministry of Interior	+967 777 751 130
10	Abdo Ali Mohsen Al-Shami	Deputy Director of Pre-trial Detention	Ministry of Interior	
11	Bilal Abdul Rahim Al-Ashwal	Pre-trial Detention	Ministry of Interior	+967 770 285 535
12	Colonel/Abdul Samad Muhammad Al-Mutawakel	Director of Correctional Facility	Ministry of Interior	
13	Omar Mohammed Morshed Naji	Social Researcher	Case Management System	
5- The names of the participants in the discussion session in Dhamar Governorate: on Monday, August 27, 2020, in the presence of:				
1	Moshir Abdel Qader Al Hajj	Director of Department of Social Defense	Case Management System	+967 777 821 518
2	Mohammed Abdul Karim Ahmed Dafan	Sheikh	Social Leaders	
3	Abdul Karim Qassem Al-Masri	Lawyer	Bar Association	+967 777 579 092
4	Sumaya Ahmed Al-Arashi	Legal Protection Coordinator	Yemen Women's Union	
5	Judge/ Abdallah Bakary	Head of the Appeals Prosecution Office	The Judiciary	
6	Judge/ Massad Al-Amisi	Head of Court of Appeal	The Judiciary	
7	Mahmoud Ahmed Abdel Wahab Majali	Social Researcher	Case Management System	+967 777 047 049

8	Adel Yahya Mohammed Al-Washli	Lawyer	Bar Association	+967 771 854 649
6- The names of the participants in the discussion session in Al-Bayda Governorate On Monday, 25 August 2020 AD, in the presence of:				
1	Hussein Ahmed Al-Hashi	Lawyer		773505060
2	Ahmed Abdullah Muhammad Al-Maghribi	Lawyer		777152565
3	Amer Kaed Al-Jahmi	Social Affairs Department	Social Affairs Department	777135960
4	Abdul Latif Ali Muhammad Al-Muzaffar	Social worker		777743336
5	Muhammad Ali Yahya Frish	Police Officer	Central Prison	775880718
6	Mohammed Abdullah Ahmed Shamlan	Central Correctional Facility- Radaa		770769005
7	Fatima Abdullah Muhammad Al-Graffi	Human Rights Activist		733843539
8	Mohammed Ahmed Mohammed Al-Hamza	Lawyer		777891181

7- The names of the participants in the discussion session in the National Prisoner Foundation, Sana'a on August 27, 2020.

	Name	Employer	Mobile Phone	Email
1.	Tahseen Hammoud Ali Al-Jaadabi	Lawyer	776377790	Tai713atano@gmail.com
2.	Fawad Mohammed Al-Matri	National Prisoner Foundation	776017401	
3.	Mohammed Hammoud Saleh Al-Fakih	National Prisoner Foundation	775775922	Saqeen.obb1@gmail.com
4.	Omar Muhammad Omar Al-Mashriqi	Lawyer	774268206	almashrci@gmail.com
5.	Mohammed Abda Qaid Ghaleb Al Mahmoudi	Lawyer	770654571	Almhnody87@gmail.com
6.	Essam Muhammad Muharram	Lawyer	772956456	Em.me20208@gmail.com
7.	Waheeb Ahmed Saad	Lawyer	711812492	w.almaasob@gmail.com
8.	Judge/ Hussein Ahmed Al-Mansoub	Ministry of Justice	770144705	almansob@gmail.com
9.	Soha Yahya Al-Iryani	Woman and Child Department Officer	778068088	inmalipell@gmail.com
10.	Sami Muhammad Saad Al-Rimi	National Prisoner Foundation	771804083	samiagad@gmail.com
11.	Muhammad Musaad Muhammad Al-Kahli	Lawyer at the National Prisoner Foundation	770998020	alkahalimohmad@gmail.com
12.	Yasser Ghalib Saleh Al-Jabri	Journalist	770192305	Ya770192305@gmail.com
13.	Mohammed Taha Saeed Al-Aqil	Lawyer	770162061	Mohamad0alroy@gmail.com
14.	Ali Abdul Khaleq Al-Rouhani	Lawyer at the National Prisoner Foundation	772098575	
15.	Abdul Malik Abdullah Ahmed	Lawyer at the National Prisoner Foundation	777200038	
16.	Mansour Saleh Al-Hadmah	Deputy General Manager	772900025	npfsaqeea@gmail.com
17.	Murad Ahmed Mahyoub Al-Rahbi	National Prisoner Foundation	772112171	moradalrhbee@gmail.com
18.	Nashwan Amin Harab	Public Prosecution	771236810	
19.	Hamid Mohammed Ahmed Al-Qadri	National Prisoner Foundation	771249055	npfsaqeen@gmail.com
20.	Galeela Amir Muhammad Al-Khurasani	Saba News Agency		galeelaalkurasani@com

21.	Dr. Najat Jamaan	Concept Consulting	777900009	cicyem@gamil.com
22.	Dr. Abdul Baki Al-Zaemey	Concept Consulting	774774769	cicyem@gamil.com

8- The names of the participants in the discussion session in Al-Hudaydah Governorate on August 27, 2020, Al-Hawk District, Al-Izdihar Society Hall

M.	Name	Directorate	Job title	Phone No.	E-mail
1	Wathiq Aidaaros Abdulwasea Al-Arefi	Al-Hali	Lawyer	772684806 736769514	Wathiq777@gmail.com
2	Entsar Mohammed Salem Batal	Al-Hawk	Case Management Supervisor (Women Department)	734799102 773161309	entsaralbatal@gmail.com
3	Aisha Ali Suleiman Al- Marai	Al-Mina	Case Management Supervisor	777884602	Alraaisha3@gmail.com
4	Afrah Hashem Moqbel Al-Hashemi	Al-Hali	Family Protection Police Department	771071017	
5	Elham Ahmed Mohammed Al- Hakimi	Al-Hali	Lawyer	777108557	
6	Khamisa Abdo Ibrahim Ahmed Al- Aslami	Al-Hali	Social Expert and Specialist	737192149	
7	Ibrahim Saeed Ahmed Ahmed Abdel- Wadoud	Al-Hawk	Criminal Investigation Department	777713735	
8	Soheir Jabran Hareb	Al-Hali	Lawyer - Yemen Women's Union	736463307	
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Appendix 6: Various Success Stories in the Field of Restorative Justice in the Formal and Informal Systems

6.1 The practice of restorative justice by official agencies (the police): Beneficiaries of a restorative justice approach - Aden Governorate and Sana'a Governorate - for example

Name of Defendant	Case Type	Intervention stage*	Type of intervention (how the case or problem was addressed)	Cost of case solving**
Examples of cases involving girls and women accused of committing illegal acts, with the type of interventions provided and the average cost of implementing restorative justice - Family Protection Department - Aden				
Umaima. M.A	Severe bodily harm	At the level of the Family Protection Department	It was agreed to treat her and pay the costs of the treatment and the operation from the beginning to the end of the treatment.	The costs of treatment and the operation, and we do not know yet if the problem between them has been solved.
Zahra. M. A.	Mild physical abuse	At the level of police	The problem was solved by the victim's waiver and the defendant's commitment not to repeat such acts.	The treatment costs were paid (15000 riyals).
Asmahan. S. A	Problems with the neighbors	At the level of police	A pledge not to abuse the neighbors	None
AswanA.M	Child expenses	At the level of police	Taking a pledge and commitment to pay the children's expenses monthly (an agreed amount every month upon by both parties)	None
Farhia A.B	Insult and slander	At the level of police	Taking a written pledge not to insult and slander	There are no costs
Marina.M. S.	Runaway	At the level of the Family Protection Department	Her family was contacted, her father came, the legal marriage officer was brought and she was married to the young man with whom she ran away.	Paying the transportation costs and fees of the marriage officer
Safa S. M.	Slander	At the level of the Family Protection Department	The insulting party pledged not to insult the other party using bad words.	None
Balqis. A.A	Assault on the sanctity of a home	At the level of police	The defendant pledged not to do it again.	None.
Sonia.M.F	Family disagreement	At the level of police	The parties to the dispute pledged not to abuse one another.	None
Examples of cases involving girls and women accused of committing illegal acts, with the type of interventions provided and the average cost of implementing restorative justice - Family Protection Department - Sana'a				
W.S. A. A.	Stealing gold from the family	At the level of police	- The main perpetrator who exploited the girl and incited her to steal was arrested. - The stolen items were recovered. - Restorative Justice	Forty thousand riyals (the cost of transportation, the cost of following up on the main perpetrator, and the

			was implemented. Reintegration in the family	cost of reintegration in the family).
F. A. Z. S.	Bodily harm (Attack against house owner)	At the level of police	The victim was treated, a medical examination was conducted, and medical report was issued. Providing legal aid for the defendants, the defendants' parents and the neighborhood chief were summoned. Restorative justice was implemented, and pledges and commitments were taken. The defendants were released and reintegrated with their families.	Seventy thousand riyals (the cost of treating the victim, Providing legal aid for the defendants and the cost of transportation and communications).
M. A.	Intentional harm (The defendant was accused of abusing her daughter-in-law).	At the level of police	The victim child was treated. The victim was provided with legal aid. The victim's mother was traced and found. Restorative Justice was implemented. The victim was integrated with her legal custodian, her mother. The defendant was reintegrated with her family.	One hundred thousand riyals (the cost of treating the child victim and conducting a medical examination and medical report, the cost of legal aid for the victim, and the cost of reuniting the child victim with her mother in her mother's governorate.

* The intervention stage can take place at the home, neighborhood, police station, Prosecutor's Office, court, and prison level.

Cost of resolving the case** The cost of resolving the case: Special fees for the mediator or special cash paid that do not include the personal right (Indemnity, debt, etc.)

6.2 Examples of success stories from the National Prisoner Foundation:

Name of Defendant (It is enough to mention the first name or the initials)	Case Type	The issued ruling according to the official court (measures and interventions)	The intervention stage (At the level of police department, prosecution, court, prison)	Type of intervention (how the case or problem was addressed)	Cost of resolving the case (Not including private right)
N. M.	Fraud	The defendant was sentenced to 2 years imprisonment, and the stolen money was recovered.	After entering prison	Some of the adjudicated amounts were recovered. The right holders were negotiated to waive the complaint, and a guarantee was drawn up for the remaining sums	1,000,000 riyals
Randa A. R.	Theft	Before judgment was issued.	During the trial The intervention was made when she was at the beginning of her imprisonment, and she was released two weeks later.	The defendant was imprisoned few days after her wedding. Intervention was made during the trial (few days after she was imprisoned) by negotiating with the victim, who in turn waived part of the alleged sum. A benefactor businessman was contacted to donate the money. Coordination was made with the judge to conduct a reconciliation session, close the case, and consider the previous imprisonment the full penalty of the defendant.	100,000 riyals

AishaA.Gh.	Fraud	She was sentenced to 3 years imprisonment, and to return the money.	During her stay in prison and the issuance of the ruling	After she spent 10 years in prison, negotiations were made with the right holders. Part of the money was waived; the rest was paid by a benefactor. Therefore, she was released.	100,000 riyals
Mahliya MH.	She had a dispute with her husband and killed him as a result.	5 years imprisonment and blood money payment	After serving the general right	The blood right holders were negotiated, and part of the blood money was paid by a benefactor. Therefore, she was released.	150,000 riyals
Bushra Sanaa	Debt: She was borrowing money from more than one financing body	None	During the investigation phase in the police station	The intervention took place due to the nature of her gender and because her husband divorced her inside the police station upon learning of the case. The defendant took loans from some financing institutions and from some individuals. Intervention and reconciliation sessions were held with her family and her husband, and negotiations were held with rights holders. Part of the amounts was waived, and the rest was paid by a benefactor	300,000 riyals
Ahlam M.	Debt	None	During the investigation stage in the Public Prosecution.	The intervention was made due to the nature of gender and because the target had 5 children and so that she would not be imprisoned, negotiations were made with the plaintiffs, the amounts agreed upon by a philanthropist were paid and the case file closed.	150,000 riyals
Elham E.B	Theft	She and her husband were sentenced for a year and a half in prison and to return the gold	We intervened in the case because there were an entire family in prison (father, mother and children). We negotiated with plaintiffs and paid the rest of money. Therefore, they were released.	The alleged crime occurred while the aforementioned woman traveled with her husband and children from Sana'a to Ibb to attend a wedding. During the wedding, they were accused of stealing, so she and her husband were imprisoned. Because they had nowhere to stay, the children were imprisoned with their parents.	150,000 riyals

6.3 Examples of field successful societal solutions related to women's cases (crimes related to assault of persons)

Name: Age:	Case type and the punishment (measures) prescribed by the law	Interventions and measures taken by us or by others	Results and benefits achieved	Estimated cost
Case 1	A woman was severely beaten by her husband, so she killed him in self-defense - Life imprisonment with her only child.	The victim's family was negotiated and given the blood money after she had spent 5 years in prison.	The woman was able to regain her normal position in society and educate her child. The victim's parents pledged to help in raising and educating the child, in observance of the rights of kinship.	More than 400 thousand riyals
Case 2	Threat and coercion	Activating the role of family and relatives to solve the problem.	The problem was finally solved amicably in a way that preserves the woman's dignity and satisfies the victim, without much harm to the community.	None.
Case 3	Family and criminal cases	Intervention and legal aid during police investigation, prosecution, and during the trial	A real compromise was reached to solve the problems	More than 400 thousand riyals
Defendant / S Plaintiff /S	Premeditated murder in Arhab. Case type: serious Punishment: Death sentence	Mediation and negotiation were made after the death sentence was issued by the Criminal Division Court of Appeal.	A reconciliation document was signed by both parties, and blood right holders waived the case and accepted the blood money.	More than 100 thousand and less than 200 thousand riyals

Kh. D. A.	She ran away from her husband's home due to domestic violence	The intervention took place before the problem reached the court. Coordination was made with her family, and she was given adequate guarantees from the sheikhs and a commercial guarantee for her safety.	The woman returned to her normal life with her husband and her family, and her reputation remained intact.	Less than 50 thousand riyals
Name / F.M. 45 years old	Physical assault: Stepmother tortured her daughter-in-law (whose father is an expatriate) with the most severe forms of physical torture such as burning, beating and fractures. The court decided to imprison her for six months and make her pay the costs of treatment and measures.	Intervention took place during the arrest of the perpetrator. We sat with the defendant and asked her about the reasons that led her to the use of violence and physical assault on the child. The intervention reduced her punishment to four months, and no fines or compensation were paid.	The defendant is a mother and imprisoning her for a long period exposes her children to homelessness, so it was necessary to find another deterrent punishment. The reduction of the punishment was agreed upon to satisfy the right of the victim, the family and community. The older brother and sister took care of the children until the mother was released and the child recovered.	None.
J. M.	Criminal - Imprisonment.	Evidence gathering. Reconciliation was arranged with her family.	She returned to her normal life and is living peacefully. Her family does not blame her and can accept her. The victim recovered his right. Peace prevails in the community.	More than 200 thousand and less than 400 thousand riyals
Amina A.	She killed her husband. Then the blood money was paid and she left Yemen. The defendant is from Al Mahwit.	Reconciliation	Illiteracy and early marriage	More than 400 thousand riyals
M. A. S.	Intentional harm Punishment: Imprisonment	Evidence gathering stage: Type of Intervention: Restorative justice based on reparation for the victim	The case was closed and the convict was released in coordination with the Public Prosecution. The victim was compensated. The intervention helped save the convict's reputation in the community.	More than 200 thousand and less than 400 thousand riyals
Z. 50 Years old	A criminal case. Intentional harm was committed. The defendant was sentenced to prison and pay a fine. Reconciliation was made in exchange for the fine.	A civil and personal right lawsuit was filed to claim fair and adequate compensation, and request protection, and not to be exposed to her in the future	The court decided to convict the defendant and oblige her to pay a fine.	More than 400 thousand riyals
Fayza, 45 years old	She was sentenced to prison. Reconciliation was made and the victim was compensated	The intervention occurred during the evidence gathering stage. The victim was contacted, and reconciliation was made for 500,000 riyals.	The intervention saved the woman from prison. The reputation of the family was kept safe. Everyone was satisfied. Reparation. Disputes were avoided.	More than 400 thousand riyals
W.W Age 40 years old	Case type: Criminal She was sentenced to prison. Then she was legally aided and released.	The intervention occurred before and after the trial by following up all procedures, attending the hearings and providing the necessary aid.	She pledged not to repeat what she had done. Her family accepted and forgave her, and helped her to overcome the problem.	Less than 50 thousand riyals
M. H. 30 years old	She was convicted of assault and sentenced to prison. Intervention was made for reparation	A woman attacked another woman in Sha'b Al-Salam, and caused great damage to her. A complaint was filed. The victim's family was paid to waive the complaint, so the woman was released.	The intervention saved the woman from prison, prevented more disputes between the two families, and compensated the victim.	Around 50 to 100 thousand riyals
W. 19 years old	Case type: Serious criminal Imprisonment Reconciliation	Evidence gathering. Negotiation. Negotiation was made with the victim's family. There is no cost.	She returned to work. She lived with her family again. The victim was compensated. Peace prevailed in the community.	More than 400 thousand riyals
W. 27 years old	Case type: Personal. The case was closed by achieving reconciliation. The defendant was released provided that the husband provides the wife with her material rights.	A legal case, including a file of assaults on the wife, her father and her brothers, was filed. There were initial investigation reports about these assaults before the police stations and sheikhs.	She was divorced and guaranteed to be protected from her husband and his armed group.	More than 400 thousand riyals

T. B. 25 years old	Case Type: Personal. The issue was resolved in a reconciliation meeting and the parties agreed to waive the complaint. The plaintiff waived the personal case in exchange for divorce.	The case was resolved by the social worker and legal support	Women and awareness of their rights Her family and confidentiality of information	None (there is no cost in solving this problem).
(A. A.) Murder	Retribution or blood money	The right holders were negotiated, separated and compensated.	The woman was released, the case was resolved or is to be resolved soon.	More than 400 thousand riyals
L. 35 years old	Case Type: personal The case was resolved by reconciliation, and she was divorced in exchange for the obligation of the second party to pay the costs for the children and foster care.	The case was resolved by the social worker and legal support	Woman: Awareness of her rights Her family: Confidentiality of information	Around 50 to 100 thousand riyals
B. J. A.	Refraining from delivering a child to his legal custodian. Punishment: Imprisonment Measure: Reconciliation and delivery of the child	Stage of collecting information for reconciliation procedures.	The woman was saved from prison and the familial intimacy was restored in favor of the woman in question.	More than 200 thousand and less than 400 thousand riyals
Crimes related to abuse of money				
L. Y. 24 years old	Case type: Theft Punishment: hand amputation. The case was resolved through reconciliation and compensation for the victim without referring to government agencies.	The intervention was based on personal relationships because we are working within the framework of a civil society. There are no costs as the intervention is voluntary except for what has been paid in terms of compensation.	This saved the defendant's reputation and relationship with her family. The victim recovered what was stolen.	More than 100 thousand and less than 200 thousand riyals
S. M. K Age 40	Theft	Pledge and commitment under a guarantee made by the local leader.	The woman: The woman was not referred to government authorities which would have been ruined her reputation: Result She was able to return to her children. The victim recovered the stolen items.	None.
N. M. 30 years old	Case type: criminal Punishment: Imprisonment Measures: the value of the stolen items was paid. The defendant was released, rehabilitated and integrated into society.	Stage: before the investigation started. Type of intervention: Following up on court procedures, attending hearings and providing the necessary legal procedures.	The defendant's location was changed and was located away from the people who were inciting her to commit the crime.	More than 100 and less than 200 thousand riyals
S. R. 48 years old	A bag with gold, a phone, and an amount of money was stolen. The perpetrator was recognized and contacted. The bag was returned to its owner without revealing the perpetrator's identity. The perpetrator pledged not to steal again.	Interventions from community members. The intervention was guaranteed by religious men and a psychological specialist. Some benefactors denoted a sum of money to the perpetrator to open a small business for her to make living and avoid theft, as she stole to feed her dependents. Studying the circumstances and reasons that drive somebody to theft is helpful to know how to cure such a person and help them restore confidence.	The woman was reintegrated into society. society was maintained	None.
Cases related to multiple women	Breach of trust, murder and stealing. We have great experiences in women's cases, including helping female prisoners who were released.	Right holders were contacted and compensated. Nawal Al-Matari was released in a financial case. Abeer Al-Akishi was involved in a theft case. Ahlam Al-Tayeb was involved in a breach of trust. Samira Al-Bahlouli was involved in a theft case. Fatima Al-Olayani was involved in a murder case	The cases were closed and these women were released and integrated into society.	More than 400 thousand riyals
M.Sh	A woman stole money from the home of her ex-husband, so she was	Her ex-husband and his family were negotiated to resolve the case amicably by returning the stolen money, and asking them	The parties to the case were satisfied and accepted the new situation in a way that does not	More than 200 thousand and less than 400

	sentenced to one year imprisonment with the stolen money being returned.	not defame the defendant's family by telling people about the reason of theft.	negatively affect their social position.	thousand riyals
A. S. A.	Theft case	It was solved in the Public Prosecution	A settlement was reached.	More than 200 thousand and less than 400 thousand riyals
A. A. S.	4000 riyals were stolen.	The intervention was made in the stage of collecting evidence. The small amount was paid to save the woman from judicial procedures.	She was returned to family. The victim was compensated.	Less than 50 thousand riyals
D. She is 45 years old And her young son A. is 24 years old	Theft of a girl's bag. Imprisonment and the punishment in Sharia is hand imputation	After the robbery occurred and before the security personnel intervened. Measures: the attendees were questioned and information was collected. The place was closed for searching the attendees. When the searching started, the perpetrator went to the washroom. An attendee saw the perpetrator leaving and followed him. After the perpetrator left the washroom, the attendee entered and found the bag and told everyone. The perpetrator was taken to an isolated room in the wedding without anyone knowing. We heard his mother crying, so we let them leave after knowing their names and place of residence. After that, they were visited. We studied her situation and collected some money for her, bought her some goods including clothes and other items so that she can sell them and support her family.	After that, she started to make her living in a legal way, stopped stealing and was not scandalized among people. The financial situation of her family was improved and her reputation was saved. The victim had her bag and what is inside it returned to her and learned to keep her valuables at her house.	More than 400 thousand riyals
N. A.	Breach of trust, imprisonment from two months to six years and payment of money to compensate for the damages	The right holders were negotiated, separated and compensated.	The woman was released and the case was resolved.	More than 400 thousand riyals
S. A.	Theft	The right holders were negotiated, separated and compensated.	The woman was released and the case was resolved.	More than 400 thousand riyals
Cases related to ethics, indecent assault and adultery				
S .A	Adultery	The case was filed.	Only the sentence duration	More than 100 and less than 200 thousand riyals
Rawan 18 years old	She ran away from her house for because she was sexually abused at the age of 10. She did not get married because she thought that she was abused.	The competent authority was notified through a lawyer, who also contacted the girl's family to deliver her to her family under the supervision of a specialist in the Social Affairs and Labor Office.	The woman and her family	Less than 50 thousand riyals
W.A.	Act of depravity the legally prescribed punishment is imprisonment. There are no measures	The intervention was made at the police department. The prosecution. Court - Action Taken: Releasing and handing her over to her guardian	Benefits to the woman, her family and the community.	None.
H. K. B. M.	Rape	Legal procedures and intervention	The rights of the victim were restored, and the perpetrator was imprisoned.	Less than 50 thousand riyals
A. H. A	Case type: Criminal, indecent act, suspended imprisonment.	Trial stage judgment	The woman was saved from short-term imprisonment. She avoided being with criminals who have precedents. The reputation of her family was kept safe. The victim was compensated. The economic burdens on the community were reduced.	More than 200 thousand and less than 400 thousand riyals

A girl (16 years old) and her brother's wife (22 years old)	Runaway and adultery	The case was diverted from the Public Persecution to reconciliation bodies. The two girls were returned to their families. In fact, I must mention that after no more than a month, the death of each girl was announced, and no investigation was opened about it.	The legal punishment was not applied on the two girls. The family's reputation was kept intact. The community achieved social and moral benefits.	None.
Sh. 20 years old	Indecent act, imprisonment reconciliation	Reconciliation	Indecent act, imprisonment	Less than 50 thousand riyals
Sighs. 20 years old	She was with a friend of hers in the hospital, and she met a young man and ran away with him. They were arrested by community members and they were not reported to official authorities.	We tried to persuade the young man to marry another girl, but he refused. After we told him that he the girl he loves would be ruined, he was convinced to marry her. He was helped with some money to get married, and the case was resolved by returning the girl to her home. We persuaded the girl that we would help the young man to propose to her if she stayed with her family.	After studying the young man's situation, it became clear that it was not possible for the girl's family to accept him as a husband to their daughter because he is from a class different from the girl's family class, in a Yemeni community governed by customs and traditions.	
18 year old girl	She ran away from her father's house in a remote village to the provincial capital. The intervention took place before taking official measures, after the girl went to a court and presented her case to the court judge.	She stated that her father wanted to give her in marriage to an elderly man, and she refused that. Therefore, she ran away on the marriage day. She stated that if her father found her, he would kill her. The judge had many difficult legal options for the girl. He could refer her to criminal investigation to hear her statements and expose her to medical examination. He could summon her father and interrogate him about what was stated in her complaint, and place the girl in pre-trial detention until the case is completed. However, these options can complicate the problem between the girl and her family and may harm the girl's reputation in a traditional conservative society. Therefore, the judge decided to solve it by reconciliation between the girl and her family. He took the girl to his house to stay with his wife and tell her all the details that she might be embarrassed to tell men. The judge took the address of her family, contacted them and asked them to attend the next day.	Her father and brothers attended. The problem was raised, and they were informed of the consequences of such a forced marriage legally and religiously. It turned out that the father and the brothers were very ignorant of this. They understood that the girl does not want this marriage. Therefore, the problem was solved amicably before the intervention of official authorities. The intervention kept the girl away from the investigation about why and how she ran away from her father's home. Such investigation would have caused her to be in pre-trial detention and ruin her reputation. The most important thing is that she was no longer forced to marriage. Her family avoided the investigation procedures and the resulting defamation of the girl's reputation. The problem was solved before making this marriage, which would have resulted in drastic consequences. The community is the greatest beneficiary because this intervention prevented a forced marriage, which would have inevitably ended in divorce and separation of children (if any), who would be the outcome of an originally void contract.	None.

<p>A woman ran away with a man to get married.</p>	<p>A man liked a girl and proposed to her brothers because her father is dead. They refused and said that their sister has a mental illness. They refused his repeated attempts, so he decided to run away with the girl to his governorate, hundreds of kilometers away from hers. Upon his arrival to his area, he went to the sheikh of the region asking him to conclude a marriage contract for them. The case has two descriptions. The first description is that the case can be considered criminal if it is proved that the girl suffers from a mental illness and she was kidnapped, and the punishment of such a crime is imprisonment for a period not exceeding five years according to Article 249 of the Panel Code. If she is fully competent, the crime of indecent act may apply to both when investigations prove that all elements of the crime are met in accordance with Articles 273-275 of the Panel Code. The other side of the case is personal, which is that a girl's guardian can't refuse marrying off his daughter without a legal justification.</p>	<p>The intervention took place before legal measures were taken. The sheikh kept the woman in his home and drove her to the court the next day. He explained her story with the aforementioned man to the court, and requested the court to take legal action. The judge was seated separately with the woman, then with the man who wanted to marry her. They confirmed their desire to marry, and that her brothers (legal guardians) refused this marriage. The interventions included communicating with people from her brothers' region to convince them of an amicable solution without resorting to official authorities. The brothers were asked to confront their sister. Upon confrontation, she changed her previous words and said that she does not wish to get married. The man who wanted to marry her was informed with what happened. The two parties were persuaded not to take legal measures and to end the problem, with the woman returning with her brother. The woman was not placed in temporary official detention and was placed in the house of the female official of the prison. Because if she had been placed in an official prison, the problem with her brothers would have been more complicated. The problem was solved amicably when the brothers were present</p> <p>Measures taken: The woman was placed in the house of the female official of the prison. Her brothers were contacted by the judges in the same region. After three days, her brother came and was offered to solve the problems by giving his sister in marriage to the man with whom she ran away. However, he confirmed that his sister had a state of mental illness (dementia) and that she had previously been married and failed due to this illness.</p>	<p>The woman was saved from entering into an unhealthy marital relationship like her previous one. She was spared the complexities of the legal procedures in the event she was referred to the investigation and authorities (the police, the Public Prosecution), and the consequent precautionary detention. etc. As for her family, their daughter was preserved and avoided any complications that could cause moral and material damage to the whole family. As for the man, he was prevented from being involved in criminal cases related to kidnapping the woman. Most importantly, he was prevented from entering into an abnormal marital relationship because the woman suffers from dementia. The community is the greatest beneficiary when such a problem with drastic consequences is solved.</p>	<p>None (there is no cost in solving this problem).</p>
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The case is coded to ensure confidentiality.