

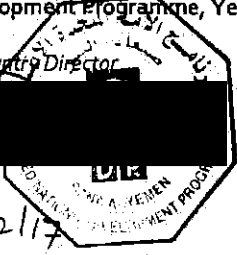
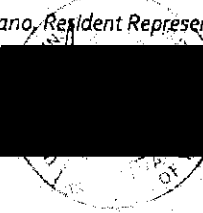
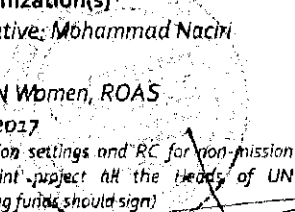
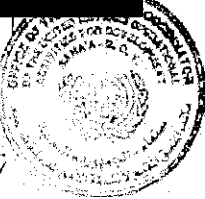
**United Nations Peacebuilding Support Office (PBSO)/ Peacebuilding Fund (PBF)**

<p><b>Project Title:</b> Responding to protection needs and supporting resilience in places of detention</p>	<p><b>Recipient UN Organization(s):</b> United Nations Development Programme, UNICEF, UN Women</p>
<p><b>Project Contact:</b> Surayo Buzurukova Address: UNDP Yemen, Sana'a Telephone: +967712222322 E-mail: surayo.buzurukova@undp.org</p>	<p><b>Implementing Partner(s) – name &amp; type (Government, CSO, etc):</b> Ministry of Interior, Ministry of Justice, Ministry of Social Affairs and Labour and civil society partners</p> <p><b>Project Location:</b> Four pilot detention facilities and post-release locations</p>
<p><b>Project Description:</b> The project is designed, as a pilot, to respond to protection needs inside prisons and other places of detention, and improve the resilience of population in these facilities with development support, and support reintegration of women and juvenile offenders. The project will provide urgently needed support to in basic conditions in prisons and other places of detention with a focus on women and juveniles. This includes improving physical conditions (such as water and sanitation repairs), support the rehabilitation of detainees with psychosocial support, education and vocational training, reintegration support and build knowledge of corrections staff on treatment of prisoners in accordance with human rights principles. At the same time, the project aims to initiate support in corrections as a pilot phase in order to inform the subsequent programming in the coming years.</p>	<p><b>Total project cost: USD 3,00,000</b> <b>*Approved Peacebuilding Fund budget:</b> Fully allocated first tranche: UNDP: 818,015USD; UNICEF: 204,370USD, UN Women 144,982 USD Conditional second tranche: UNDP: 1,181,985 USD; UNICEF 195,630 UN Women 455,018 <b>Government contribution:</b> <b>Other:</b></p> <p>*The overall approved PBF budget and release of the second tranche are subject to the PBSO's evaluation and decisional process, and subject to the availability of funds in the PBF account.</p> <p><b>Proposed Project Start Date:</b> 01 January 2018 <b>Proposed Project End Date:</b> 30 June 2019 <b>Total duration (in months)<sup>1</sup>:</b> 18 months</p>
<p><b>Gender Marker Score<sup>2</sup>:</b> 2</p>	
<p><b>Project Outcomes:</b> To improve basic protection needs and supporting resilience for people in detention, with particular attention to the special needs of women and juveniles, and to lay the foundations for future engagements to further strengthen the resilience of detainees, their families and communities, and greater access to justice.</p>	

<sup>1</sup> The maximum duration of an IRF project is 18 months.

<sup>2</sup> PBSO monitors the inclusion of gender equality and women's empowerment all PBF projects, in line with SC Resolutions 1325, 1888, 1889, 1960 and 2122, and as mandated by the Secretary-General in his Seven-Point Action Plan on Gender Responsive Peacebuilding.

(for IRF-funded projects)

<p><b>United Nations Development Programme, Yemen</b> Mr. Auke Lootsma, Country Director Signature [Redacted] UNDP Yemen Date &amp; Seal 24/12/17</p> 	<p><b>The United Nations Children's Fund, Yemen</b> Ms. Meritxell Relano, Resident Representative Signature [Redacted] UNICEF Yemen Date &amp; Seal</p> 
<p><b>Recipient UN Organization(s)*</b> Name of Representative: Mohammad Naciri Signature [Redacted] Name of Agency: UN Women, ROAS Date &amp; Seal: 26/12/2017 (Usually SRSG for mission settings and RC for non-mission settings. If it is a joint project all the heads of UN Entities/Agencies receiving funds should sign)</p> 	
<p><b>Peacebuilding Support Office (PBSO)</b> Name of Representative Oscar Fernandez-Taranco Signature [Redacted] Peacebuilding Support Office, NY Date &amp; Seal 29/12/2017</p>	<p><b>Resident Coordinator (RC)</b> Jamie Mcgoldrick [Redacted] Signature [Redacted] RCO, Date &amp; Seal Dec 26, 2017</p> 

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# 1. PEACEBUILDING CONTEXT AND RATIONALE FOR PBF SUPPORT

## 1.1. Yemen national peacebuilding context

The current crisis in Yemen is deeply affecting all aspects of the society. Yemen, the poorest country in the Middle East, continues to be trapped in a complex war with regional dimensions and a full-blown humanitarian crisis. Poverty, polarization and internal disputes across tribal, political and sectarian fault lines fuel the ongoing cycles of conflict. The ongoing military clashes between the parties to the conflict have left over 16,200 people dead, nearly half of them civilians, and over 44,000 wounded.<sup>5</sup> More than 3 million people have been displaced with an additional 950,000 returnees, and over 80% of the population (21.7 million people) are in need of humanitarian assistance as the situation continues to deteriorate.<sup>6</sup> At the time of submission of this project, the political context was further complicated by the change in allegiance of former President Ali Abdullah Saleh, who was shortly thereafter killed in the subsequent fighting between Houthi and GPC forces.

Millions of Yemenis struggle to access food, medicine, water and fuel, and have extreme needs for urgent medical assistance. Out of an estimated total population of 27.4 million, there are 21.7 million people in need of humanitarian and/or protection assistance, and an estimated 10.8 million of whom are in acute need.<sup>7</sup> As of 2017, famine is looming in large parts of the country and humanitarian suffering will be one of the significant drivers for the escalation of the conflict.<sup>8</sup> Furthermore, as of 5 November, more than 900,000 suspected cholera cases and 2,192 associated deaths were reported in what has become the world's largest suspected cholera crisis.<sup>9</sup> Diphtheria, a deadly infectious disease once thought to have been largely eradicated, has now joined cholera as a public-health scourge threatening war-torn Yemen.<sup>10</sup> The ongoing conflict and resulting damage to health, water and sanitation infrastructure and malnutrition have increased vulnerability to diseases like cholera and diphtheria, and is stretching Yemenis resilience beyond its limits every day that the conflict is not solved. November 5, 2017, the Saudi-Led Coalition began a blockade of Yemen's Sana'a airport and the country's main sea ports in Al-Hodaydah and Saleef. Although partially lifted November 22<sup>nd</sup>, the halting of fuel and commercial imports is exacerbating a dire humanitarian crisis.

Further, a range of human rights violations have been documented – affecting women and children in particular. The conflict has destroyed infrastructure, eroded social cohesion and community stability, and damaged livelihoods and employment opportunities. In the absence of meaningful employment and means of self-reliance, there has been an increase in negative coping strategies with reported increases in begging, child labour and child marriage, whilst in 2016, the UN documented 517 cases of child recruitment and 10 cases of arbitrary detention.

Despite inadequate state services for institutionalised protection even prior to the war, the armed conflict and banditry has further worsened the social balance in Yemen, and has weakened protection mechanisms that were safeguarded by a social balance that preserved peaceful co-existence amongst families and communities.

<sup>5</sup> OCHA, "Humanitarian Bulletin: Yemen," 2017. Available from [http://reliefweb.int/sites/reliefweb.int/files/resources/humanitarian\\_bulletin\\_issue\\_23\\_-\\_09\\_may\\_2017.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/humanitarian_bulletin_issue_23_-_09_may_2017.pdf).

<sup>6</sup> OCHA, *Draft Humanitarian Needs Overview for 2018*. November 2017.

<sup>7</sup> Ibid.

<sup>8</sup> UNHCR and International Organization for Migration, "Task Force on Population Movement 11th Report Governorate Profiles." Available from <https://www.humanitarianresponse.info/en/operations/yemen/infographic/tfpm-11th-report-governorate-profiles>

<sup>9</sup> Electronic Disease Early Warning System (eDEWS), 5 November 2017.

<sup>10</sup> Available from <https://www.unocha.org/story/yemen-blockade-continues-severely-hamper-humanitarian-efforts-reach-millions-desperate-need>

One of the most vulnerable groups of women in Yemen are female prisoners. The fact of their incarceration is an indicator of their marginalization in broader Yemeni society and it is highly likely that being in prison will add suffering and abuse to their lives and ensure a stigmatized status for the rest of their lives. The current conflict and the humanitarian crisis in Yemen is exacerbating the deplorable state of government prisons for men, juveniles and women prisoners. This is due to lack of budget for basic government services and the fact that civil servants, including prison guards and management, have not been paid salaries regularly since October 2016.

According to the Ministry of Justice, there has been a significant increase in the number of children in conflict with the law over the last two years, and at the same time, many of the services connected to the juvenile justice system have become non-functional or have been significantly reduced. Most of the Juvenile Justice Centers which were used in Yemen's judicial system before the conflict are now closed, or operating under minimum capacity. Consequently, many children are dealt with through the formal justice system that is used for adults, and juveniles are frequently held in the same detention facilities as adults.

A full-fledged law-enforcement and justice system aligned with international standards remains a long-term objective. However, in the current conflict context, early interventions in the corrections sector can mitigate some of the worst protection challenges in prisons, while strengthening the resilience of detainees through psycho-social counselling, legal aid, vocational training and reintegration into communities, and establishing the foundations for deeper UN engagement on rule of law and justice issues in the future.

As the context remains fluid and the crisis level is in escalation without a clear roadmap, the Yemeni communities remain in desperate need of support, not only from humanitarian lens but also to improve the level of resilience in times of crisis. Working with corrections and in support of rehabilitation is a first step that will hopefully provide a pathway for more peace-building and resilience support at the communities' level at large, until a political process resumes to stop the current deterioration.

## 1.2. Mapping of existing peacebuilding activities and gaps

Table 1 – Mapping of peacebuilding activities and gaps

UNDP					
Project Outcome	Source of funding (Government/development partner)	Key Projects/ Activities	Duration of projects/activities	Budget in USD	Description of major gaps in the Outcome Area, programmatic or financial
LETP: Create expectations for home, development, the accountability of the media structure	Denmark, France, Japan, Kingdom of Saudi Arabia, the Netherlands, Sweden, Turkey, United Kingdom, and UNDP	Strengthened Electoral Administration to Conduct Fair, Open and Inclusive Electoral Events (Voter Registration, Referendum, Parliamentary and/or local elections) in line with the GCC Transitional Agreement  Reform of the Electoral Law Ensures that the Technical	February 2013– June 2015	22,068,841	Lacking support from donors, lacking resources to finance project Inability to procure materials and services in time, or delays in delivery Widespread election related violence limits citizen confidence in elections.

UNDP					
		Needs Provide for Inclusive and Fair Electoral Processes Increased stakeholder engagement to encourage voter education and turnout to ensure fair electoral results. Improved Comprehension of the New Voter Registration Processes as well as the Roles and Responsibilities in Electoral Processes			
	United Nations Development Programme (UNDP), United Nations Peacebuilding Fund Support Office (PBFO)	Greater social cohesion and equitable development in the participating communities based on a transformation of conflict and its local root causes into positive development opportunities and results supported by local government Inclusive community development committees (CDCs), including female, youth, IDP, marginalized and vulnerable group representation, formed and linked to local authorities and trained in conflict sensitive development and are implementing conflict sensitive projects	January 2011 – December 2015	8,537,000	Limited resources for ambitious results  Limited indicators to present changes in social cohesion  Political and Economic situation
	SIDA, Kingdom of the Netherlands, European Union, Government of Japan, United Nations Development Programme (UNDP), Office of the High Commissioner for Human Rights (OHCHR), United Nations Peacebuilding Support Office (UNPBSO)	Support the Ministry of Legal Affairs to draft TJ laws and associated By-Laws  Technical and operational capacity of the Ministry of Legal Affairs enhanced in priority areas to execute its mandate effectively  Technical and operational capacity of the Justice and National Reconciliation Commission is enhanced to execute its mandate effectively  Independent National Human Rights Institution supported to provide effective oversight of the Justice and National Reconciliation Commission Support on effective advocacy, outreach and communication concerning the design and initiation of the Transitional Justice process in Yemen, with	1 March 2013 – 30 June 2016		Insufficient understanding, coordination or political will among stakeholders.  Deterioration of the political & security Situation

UNDP					
			input from civil society and the public		
	European Union, Peacebuilding Fund, UNDP	District and Governorate Authorities capacitated to deliver peace and development projects. Political and Legislative Framework for local governance extension and reform strengthened through the transition process	May 2014 – October 2016	3,676,515.66	Possibility of donors' reconsideration/suspension of support to projects/programmes in Yemen (10 February) PBF has suspended the projects (10 April).  Slow-down of delivery due to lack of resources and escalation of conflicts
	European Union	Informal networks promote social cohesion through community dialogue and delivery of services	1 March 2016 to 28 Feb 2019	1,389,758	Ongoing war and conflicting parties control different geographical areas and political polarization.  Lack of financial resources of local authorities Limited capacity of implementing partners

UN Women					
	Source of funding (Government/development partner)	Key Projects/ Activities	Duration of projects/activities	Budget in USD	Description of major gaps in the Outcome Area, programmatic or financial
	Government of Finland	The programme worked with civil society coalitions; the political parties and the women's caucus.	1 Jan 2013 to 30 June 2016	\$219,172	Due to the deteriorating security situation the programme had to temporarily halt activities.
	Government of United Kingdom	Formation of an advisory body to the negotiation process in partnership with OSESGY that aims at enriching and complementing the official Track 1 UN-led negotiations effort.	7 July 2016 to 31 Mar 2018	£800,000	The complex security and political measures hindered the possibility of implementing consultations in the south

	Government of The Netherlands	Consultation meetings, several mentoring activities and a regional workshop. Consultation meeting on Track I and II agendas and provided women's perspectives on the peace decision making process.	1 Sep 2016 to 31 Aug 2018	\$ 1,086,956	The security and political measures hindered the possibility of implementing consultations in the South
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UNICEF					
	Source of funding (Government/development partner)	Key Projects/ Activities	Duration of projects/activities	Budget in USD	Description of major gaps in the Outcome Area, programmatic or financial
	UNFPA	The joint programme focused on FGM, but also funded the development of SOPs on Justice for Children (J4C) under the leadership of MoSAL and participation of local/international NGOs	2 years (1 January 2014 to 31 December 2016)	\$426,160	Very small budget was available for the drafting of the SOPs, and implementation was not monitored after the SOPs were developed due to the onset of conflict.
	Government of Japan	Capacity building of teachers, social workers and school supervisors on the provision of psychosocial support and promoting a culture of peace and dialogue.	1 year (26 February 2016 to 28 February 2017)	\$52,109	Small part of a much larger multi-sector project.
	Government of Japan	Capacity building of teachers, social workers and school supervisors on the provision of psychosocial support and promoting a culture of peace and dialogue.	1 year (27 February 2015 to 29 February 2016)	\$46,090	Small part of a much larger multi-sector project.
	EU / UNICEF	<ol style="list-style-type: none"> <li>1. Improve the legislative framework to be in line with the international standards</li> <li>2. Basic quality gender sensitive justice services for children;</li> <li>3. Institutional development and capacity building component;</li> </ol>	2011-2015	\$4,200,000	The deteriorating security and political situation resulted in weak capacity of the Government to respond to the needs and sustain the interventions



### 1.3. Rationale for this IRF

#### Links to the wider UN strategies in Yemen

The main goal of the UN action in Yemen is *to mitigate the impact of the current conflict on the social and economic conditions in Yemen, and on the capacity of state institutions while contributing to ongoing peacebuilding efforts.*

This project cuts across several areas of the UN Strategic Framework:

Outcome 2: Basic social services continue to be delivered to the general population.

The project supports the delivery of social services to people in four prisons and places of detention, including water and sanitation, psychosocial services, health and literacy. The facilities will be selected based on criteria and assessments, as outlined below.

Outcome 3. Communities are better managing external threats, local risks and shocks with increased economic self-reliance and enhanced social cohesion.

The project promotes the resilience of detainees and their families, by providing psychosocial support, vocational training, education and access to services as part of reintegration. The project also facilitates the peaceful reintegration of women and juveniles to return to their communities at the conclusion of their sentence, including with restorative justice processes as appropriate.

Outcome 4. Effective leadership, participation and engagement of women, youth and civil society are promoted to strengthen their contribution to peace and security in Yemen

The project directly invites the participation of women and juvenile detainees, and will strengthen the capacity of partner civil society organizations to deliver credible services to communities and contribute towards peace and security.

The project also supports UNDP Strategic Plan Outcomes 3 and 3.4:

Outcome 3: Countries have strengthened institutions to progressively deliver universal access to basic services

Outcome 3.4: Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice and redress

#### Gender and detention context

The situation of women and girls in broader Yemeni society is extremely challenging; in 2017 Yemen was ranked the lowest in the world in the Gender Gap Index (144<sup>th</sup> out of 144 countries).<sup>11</sup>

One of the most vulnerable groups of women in Yemen are female prisoners. The fact of their incarceration is an indicator of their marginalization in broader Yemeni society and it is highly likely that being in prison will add suffering and abuse to their lives and ensure a stigmatized status for the rest of their lives. The current conflict and the humanitarian crisis in Yemen is exacerbating the deplorable state of government prisons for men, juveniles and women prisoners. This is due to lack

<sup>11</sup> World Economic Forum. Global Gender Gap Report. [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf).

of budget for basic government services and the fact that civil servants, including prison guards and management, have not been paid salaries regularly since October 2016.

"Select Findings: Arrest and Prison Experiences of Women and Girls in Yemen," conducted by the Yemen Polling Center in 2014-15, with updated data in 2017, in 13 women's prisons in Yemen identified a number of characteristics among this population.<sup>12</sup> In the pre-conflict survey there were 234 female prisoners in 13 prisons in different parts of the country.<sup>13</sup> The needs of female prisoners are often ignored by the authorities and many were imprisoned without trial or access to legal counsel.<sup>14</sup> Further, the risk of imprisonment for marginalized women is higher than that among other Yemeni women as indicated by high percentages of incarcerated women from such groups as they have more limited access to social protection networks, are in professions such as street sweeping which bring them into the public sphere, are economically vulnerable and commonly are forced to beg to support their children.<sup>15</sup> Moreover, many women in prison have their children incarcerated with them, with no medical or education services. Despite the fact that Article (38) of Prisons Law prohibits the accompaniment of children with women prisoners, a 2014 survey among 234 women in 13 prisons found that 45 (19 percent) had their children with them, with several women accompanied by more than one child, ranging in age from one month to 18 years (only 3 above the age of 12), 22 of whom were born in prison. Only three women replied with, "Yes" when asked whether their children were enrolled in educational programs.<sup>16</sup>

Other gender issues related to incarceration include: the length of time that women are held before formal charges are made and after serving their sentences; access to legal services and legal literacy; and the presumed guilt of females taken into custody. Women who have been arrested, particularly for "moral" offences (such as *zina* - engaging in illegal sexual relations) are treated more severely and subjected to indefinite detention than men accused of similar crimes. Mrs. Nadiah Ali, a lawyer, presenting at a conference in Sana'a on issues related to female prisoners pointed out that a woman charged with being alone in a room with a non-family member is far more likely to be incarcerated than the man she was accused of being alone with.<sup>17</sup> Men accused of crimes are held under detention pending investigation, whereas women are de-facto convicted of crimes when they first enter jail. Finally, it is not unusual for families to abandon women once they have been imprisoned and therefore, many women remain in jail for periods that far exceed their accorded sentences. Abandonment is particularly prevalent in cases of perceived moral offences such as adultery or *khulwa*.<sup>18</sup>

Female inmates in prisons in Yemen are at high risk of GBV, as well as violations of a wide range of basic human rights. The lack of female policewomen and trained female guards means that women prisoners are often overseen by male staff.<sup>19</sup> Such a situation contributes to the risk of GBV while in prison and there have been numerous accusations by women prisoners of repeated rape and sexual abuse but, to date, there have been no convictions.

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<sup>12</sup> Marie-Christine Heinze (2017). "Select Findings: Arrest and Prison Experiences of Women and Girls in Yemen," PowerPoint Presentation. Yemen Polling Center. 23 August 2017. Total of 246 surveys were administered: 12 prison directors (except Sana'a Central Prison); 9 social workers; 43 female guards; 234 female prisoner inmates.

<sup>13</sup> Sana'a, Al-Mahweet, Hajja, al-Hodayda (2), Dharmar, Ibb, Taiz, Al-Dhali', Lahj, 2 prisons in Aden, and Hadhramawt.

<sup>14</sup> "UN Country Assessment on Violence against Women: Yemen." 2010. p 10.

<sup>15</sup> Although more recent research is lacking the pattern of imprisonment of *muhamasheen* (literally meaning "marginalized," a highly discriminated against group who were traditional servants of African origin). Additionally, 99 percent of women were from rural backgrounds, and 15 percent were aged 15 to 18 years. Sister's Arab Forum (2007): "Yemeni NGOs 2<sup>nd</sup> Shadow Report on CEDAW."

<sup>16</sup> Marie-Christine Heinze (2017). "Select Findings: Arrest and Prison Experiences of Women and Girls in Yemen," PowerPoint Presentation. Yemen Polling Center. 23 August 2017.

<sup>17</sup> United Nations (2010). "Country Assessment on Violence against Women: Yemen" p. 10.

<sup>18</sup> The *Penal Code* (No 12 of 1994) Article 273 criminalizes "disgraceful acts in violation of chastity which conflicts with public ethics," which is sometimes used to justify detention of women found in the company of a man who is not a relative (*khulwa*).

<sup>19</sup> "Country Assessment on Violence against Women: Yemen." 2010. p 29.

## Juvenile justice and detention context

The UNCRC was signed and ratified in Yemen in 1991, following which the juvenile justice law was developed in 1992, with an amendment endorsed in 1997. In 2002 Yemen established the Child Rights law to address the needs of children in conflict with the law. Several amendments were made to the legislation since then and in 2008, it was submitted to the Cabinet for revision and endorsement. Additionally, the UNCRC's two optional protocols on the sale of children, child prostitution and child pornography and second protocol on the involvement of children in armed conflict were ratified in 2014.

Despite these commitments, according to the Ministry of Justice, there has been a significant increase in the number of children in conflict with the law over the last two years, and at the same time, many of the services connected to the juvenile justice system have become non-functional or have been significantly reduced. Most of the Juvenile Justice Centers which were used in Yemen's judicial system before the conflict are now closed, or operating under minimum capacity. Consequently, a number of children are dealt with through the formal justice system that is used for adults, whilst backlogs in court hearings, and capacity limitations in providing legal representation are also being experienced.

There is limited information available on the violations that take place with regards to children in contact with the law, in particular at arrest stage - police stations, prosecution, juvenile courts, and conditions in detention centers. In a study undertaken by the Ministry of Justice in 2017<sup>20</sup>, 74% of children interviewed indicated they were detained during the evidence gathering stage on average between 13-15 days, but in some cases, for more than a month.

41% of children interviewed indicated that they were subjected to violence, 91% at police stations and 5% at central prisons. UNICEF supported efforts to establish a child appropriate system, were only piloted in some governorates and not sustained or scaled up as a result of the conflict. Consequently, there is a lack of specialised personnel and most cases of children who come into contact with the law are dealt with by untrained, regular police officers.

The law does not have provisions for police to use the existing restorative justice system, and alternatives to detention even if all parties agreed to it. This prerogative is only available to juvenile police. Existing laws allow for early release of children and referral to diversion programmes but this is not systematically implemented. Analysis of a sample of cases between 2014 and 2016 found that detention was used as the one and only means of responding to juveniles in most of cases 78% in Ibb, 74% in Amanat Al-Asemah.

In terms of monitoring systems, although 66% of police station have monitoring mechanisms in place only 33% of prisons and 19% of care centers do. In 2014, organizations that monitor and document violations were only partially functioning and only 59% of those performed their full monitoring and documenting roles. In 2016 the number dropped to 42%.

Existing legislation and policies are limited in terms of detailing standards for monitoring and consequently it is not well implemented. According to the study, 44% of prosecution officers have stopped monitoring visits altogether since the conflict began.

UNICEF has established strong connections at both government and community level, and has been instrumental in establishing a technical working group made up of a number of governmental and civil society agencies to address the issue of juvenile justice including police, prosecution, ministry of

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<sup>20</sup> "Assessing the current situation on justice for children in Yemen", Yemen Ministry of Justice, 2017

interior, the higher council of motherhood and childhood, ministry of social affairs and labour and ministry of justice. The working group meets on a regular basis to discuss child justice related issues and develop strategies and action plans and will be critical in the implementation of the proposed project

As part of its justice for Children programming, UNICEF has been supporting the following initiatives:

#### Establishment of a Forensic Committee:

Based on the low rate of birth registration in Yemen (17 per cent) and the risks that children in conflict with the law may face if they failed to prove their age, UNICEF helped the Government of Yemen to form a specialized Forensic Committee within the Ministry of Justice.

#### Referral mechanisms designed:

As part of UNICEF partnership with the Yemeni NGO Coalition for child rights (YNGOC), a study on the referral system for juveniles in Yemen was conducted, and simultaneously a guidelines toolkit for the implementation of non-custodial measures in Yemen was developed. The study provided justification for the use of referral system in Yemen, reviewed current legislations and identified relevant provisions in the criminal code and the juvenile welfare Act that allow for applying a referral system and the use of non-custodial measures. It also identifies role of judges, police and social workers in the referral system. MOSAL further elaborated jointly with MOJ and developed a comprehensive SOPs for children below the age of 18 at all levels and conducted a training course for 30 law enforcement personnel including police officers, prosecutors, judges, lawyers and social workers.

#### Establishment of Juvenile Police Units:

MoI was supported by UNICEF to establish specialized Child Friendly and gender sensitive police units. UNICEF also supported the preparatory work through identifying locations as well as procuring the necessary furniture and supplies for their functioning. A Juvenile Police Module Centre has been established in Sana'a. Training packages for police working with juveniles have been prepared and police working with juveniles have been trained on them.

#### Capacity building for the Ministry of Social Affairs and Labour:

UNICEF worked with MoSAL to strengthen the capacity of social workers at various care centers in the country through providing them with training on child rights, restorative justice, and non-custodial measures, role of social workers in rehabilitation and reintegration of juveniles.

#### Non-custodial measures:

A pilot project of non-custodial measures in Taiz and Hodeidah has resulted in 12 juvenile cases each on social monitoring in Taiz and Hodeidah and 39 of post care services in Hodeidah. 2,201 community leaders and parents have benefitted from the awareness raising workshops on non-custodial measures and post-care services that have been organized in both Taiz and Hodeidah. 60 social workers were trained in two separate training workshops in Sana'a and Aden on non-custodial measures.

#### Legal support:

UNICEF supported The Yemeni NGO Coalition to provide legal assistance to 655 juveniles (513 male and 42 female) on general criminal cases and on JDP cases.

Organized a workshop with 56 lawyers to gain skills in providing legal support to juvenile girls.

Organized awareness raising for juvenile girls in detention and their special needs.

Conducted 373 regular visits to prisons where girls were detained at various governorates' prisons in the country including Haradh, Aden, Amran, Ibb and Hodeidah to monitor cases, assess detention conditions and recommend interventions. As a result of these visits and the extremely bad conditions

of detention in Hodeidah central prison, a girls' care centre is now been constructed in Hodeidah and all girls at the Hodeidah central prison and those at Rema, Mahawet and Hajja Governorates will be transferred to this new care centre.

### General Corrections context

Corrections are administered exclusively by Ministry of Interior (MOI) through the Corrections and Rehabilitation Authority. The Corrections and Rehabilitation Authority does not have full control of prison operations, although this varies city by city as discussed elsewhere.

According to figures from the Office of the High Commissioner for Human Rights' (OHCHR) prison monitoring team, 18 central and remand prisons have been destroyed or partly destroyed by the conflict. It is estimated that only 14 prisons and eight remand prisons are operational.<sup>21</sup> The 14 functioning prisons have a total capacity of 5,500 inmates. However, they hold 9,618 inmates, which is almost twice the optimal capacity.<sup>22</sup>

Under Article 55 of the Prisons Act, the intention was to establish a three-tiered system:

- Central prisons – holding high risk offenders and those with sentences greater than 3 years
- Remand prisons – pre-trial detainees and offenders sentenced to between 1-3 years
- Local prisons – pre-trial detainees, offenders sentenced to less than one year, people convicted of civil debts, and those preparing for release.

In practice, the prison system is not operating in this way – partly as the required infrastructure was not established, and procedures to classify and separate different categories of detainees are not widely followed. This results in prison facilities which house a mixture of different types of detainees.<sup>23</sup> However, in the South some prison construction is ongoing with the support of the Coalition, including the opening in November 2017 of Aden central prison.

In addition to the state-run prisons, there are several other types of prisons in Yemen, including: tribal (private) prisons, Intelligence Service prisons, and prisons run by armed non-state actors and members of the Saudi-led coalition forces operating in the South.<sup>24</sup> No data is currently available on the location and conditions of the non-state facilities.<sup>25</sup> These facilities are not accessible to the international community, and they will not form a part of the proposed project.

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<sup>21</sup> Interview with OHCHR monitoring team, February 2017.

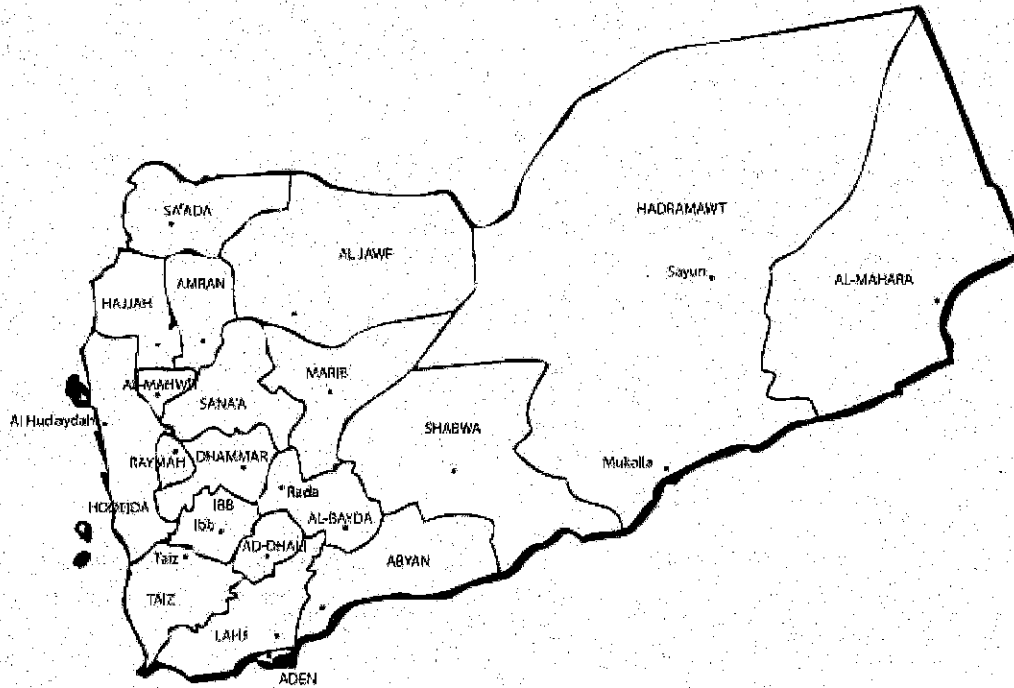
<sup>22</sup> Ibid.

<sup>23</sup> USIP / Peaceworks Prisons in Yemen 2015

<sup>24</sup> Human Rights Watch, June 22, 2017. Available from <https://www.hrw.org/news/2017/06/22/yemen-uae-backs-abusive-local-forces>

<sup>25</sup> The assessment team has attempted to obtain data on correction facilities across the four cities, and has been told by locally based key informants of the physical and psychological risks of such data gathering. More than one source mentioned that he or she would be in mortal danger if he or she were believed to be a spy. Due to this significant threat, data collection was suspended, and data has been collected from open sources.

**Map 1. Prison Facilities in Yemen**



CENTRAL PRISONS				
Aden Governorate: Aden Central Prison*	Abyan Governorate: Abyan Central Prison	Dhahran Governorate: Dhahran Central Prison	Ibb Governorate: Ibb Central Prison*	Sana'a Governorate: Sana'a Central Prison
Al-Mahara Governorate: Al-Mahara Central Prison	Al-Mahara Governorate: Al-Mahara Central Prison	Hajjah Governorate: Hajjah Central Prison	Marib Governorate: Marib Central Prison	Shabwa Governorate: Shabwa Central Prison
Al-Dhala Governorate: Ad-Dhal Central Prison	Amran Governorate: Amran Central Prison*	Hodeida Governorate: Hodeida Central Prison*	Lahj Governorate: Lahj Central Prison	Saada Governorate: Saada Central Prison
Al-Jawf Governorate: Al-Jawf Central Prison**	Al-Bahra Governorate: Al-Bahra Central Prison	Hadramawt Governorate: Al-Mukalla Central Prison*	Raymah Governorate: Raymah Central Prison**	Taiz Governorate: Taiz Central Prison*

REMAND PRISONS
Aden Governorate: Aden Remand Prison
Hodeida Governorate: Hodeida Remand Prison*
Ibb Governorate: Ibb Remand Prison*
Sana'a Governorate: Al-Karrah Remand Prison*
Al-Mahara Governorate: Al-Mahara Remand Prison*
Al-Jawf Governorate: Al-Jawf Remand Prison*

\* Visited by USIP Staff    \*\* Currently closed    \*\* Not a full Central Prison (only one room prison in Security Directorate)

\* Visited by USIP Staff

The 2017 Survey by the Yemen Polling Centre<sup>26</sup> found that 39% of respondents said that prisons institutions had been negatively affected by the conflict (with 59% saying 'no affect' or 'don't know'). The main impacts upon the prison system were destroyed prisons / prisoner escapes (50%), deterioration of services / food shortage (12%), delays in resolving detainee's cases (6%) and bad security (6%). Notably, respondents in the South were more concerned with destroyed prisons / prisoner escapes, perhaps influenced by a series of high profile prison escapes including mass breakouts and release of Al-Qaida suspects. Respondents in the North were more likely to note the deterioration of prison services and food shortages than in the South (14% vs 2% respectively).

Security is universally weak across central prisons. Facilities lack both the physical infrastructure and technical expertise to counter internal and external security threats. Prison breaks are frequent, resulting in serious consequences for broader rule of law and citizen security, including undermining the integrity of the justice system and perpetrating impunity for crimes. Most facilities have no proper classification or segregation systems in place; detainees held for lesser crimes are often held with serious offenders, and pre-trial detainees are held with sentenced prisoners. This practice violates detainee rights, and enables criminalization and radicalization.

<sup>26</sup> Yemen Polling Center (2017): Perceptions of the Yemeni public on living conditions and security-related issues. Survey findings, Sana'a/Aden.

There are serious deficiencies in the provision of basic needs, such as food, water, bedding and sanitary facilities. Moreover, overcrowding of prisons exacerbates those same deficiencies. Overcrowding diminishes chances of rehabilitation and increases the risks for abuse, especially of vulnerable groups for whom there are limited provisions, such as women, juveniles, marginalized groups and the mentally ill. Juveniles are reported to be usually incarcerated together with adult convicts. The US Department of State Human Rights Report from 2015 reported that prison conditions did not meet international standards. The report describes the prison conditions as harsh and life-threatening.<sup>27</sup>

The reasons for overcrowding are closely linked to due process and the backlog in the justice system. The US Department of State has documented reports that it is also common for prisoners to face incarcerations that last beyond their sentences if they or their families cannot pay fines or bribes.<sup>28</sup> There are both verified and unverified reports of arbitrary and unlawful arrests and detentions, but with limited access it is difficult to determine the gravity of the problem and its impact on overcrowding. Further, only the *Niyaba* (Prosecutor) is authorized to release individuals from prison at the conclusion of their sentences, and this service currently operates with limited functionality, due particularly to unpaid salaries, security considerations, and a general dysfunction of other elements of the criminal justice system.

In some locations, sensitive aspects of prison operations, such as key control and supervision over specific wards, have been delegated to inmates. Although women are held in separate wards, men also guard the female wings due to the insufficient number of female guards, which has resulted in sexual harassment and in violation of international standards.<sup>29</sup> Since August 2016, Government personnel, including prison staff, have largely remained unpaid. This jeopardizes safety and security in prisons and increases the risk of various types of abuse, including SGBV.

Furthermore, the current crisis has resulted in significantly worsening the humanitarian conditions inside detention facilities. One of the key factors in addition to the limitations of the justice system is the state of the Government budget. Since the crisis began, the Government has not allocated or approved a budget to finance the operational costs of prison facilities. Families are providing assistance such as food whenever they have visits and the opportunity. Some NGOs have provided ad-hoc support to some facilities, particularly in relation to medical needs. Continuous training and coaching of the facilities' administration is not provided nor appropriate oversight and monitoring visits from the respective ministries in charge such as MOI and Ministry of Human Rights. A recent oversight visit by the Public Prosecutor to Al Mansoura prison was exceptional enough to be considered newsworthy.<sup>30</sup>

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<sup>27</sup> US Department of State, *Yemen 2015 Human Rights Report*, 2015. Available from <https://www.state.gov/documents/organization/253167.pdf>.

<sup>28</sup> *Ibid.*

<sup>29</sup> This violates the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules).

<sup>30</sup> <https://www.thenational.ae/world/mena/yemen-s-public-prosecutor-visits-al-mansoura-prison-1.662248>

## 2. OBJECTIVES OF PBF SUPPORT AND PROPOSED IMPLEMENTATION

### 2.1. Expected outcomes

The overall goal of the project is to improve basic conditions for people in detention, with particular attention to the special needs of women and juveniles, and to lay the foundations for future engagements to further strengthen the resilience of detainees, their families and communities, and greater access to justice. Specifically, the project aims to address two components of protection in four detention facilities which will be selected in conjunction with the Project Board. The first component relates to improvement of the physical conditions of the prison for women and juveniles, and includes activities to address basic infrastructure needs, water and sanitation, urgent material supplies including food, blankets and medicines, and to reduce prison overcrowding. The second component aims to strengthen the capacities of women and juvenile detainees – through psycho-social support, literacy classes, vocational training and access to services as part of reintegration support. Together, these approaches promote the resilience of detainees, their families and their communities.

This project is designed to respond to the UN Strategic Framework in Yemen's priority in mitigating the humanitarian crisis and provides a model of focusing on humanitarian conditions and development support to improve resilience. In other words, this project is conceived as a way to both respond to urgent humanitarian needs and address human rights violations of detainees, especially women and juveniles, and pilots this experience in selected locations in order to build relationships which will lead to more informed future engagement to improve resilience.

While this project focuses on protection and immediate needs, ideally longer-term policy initiatives would help to systemically address some of the underlying causes violations of women and juveniles' human rights, including those resulting from prison overcrowding and poor conditions. Given the current conflict situation, there may be limited opportunities to progress these policy reforms at present. However, the project is constructed in a way as to provide a foundation for these further reforms and service enhancements, as they become feasible. Potential future linkages could include diversion and restorative justice, alternative sentencing, child and women friendly modalities of service delivery, improved intake and classification of detainees etc.

We anticipate that the project will lay the foundation for future engagements in two ways - firstly, that the assessments conducted under the project and the information obtained during implementation will provide a solid evidentiary basis for future initiatives. Secondly, it is anticipated that the relationships and credibility established through the project could be leveraged to engage on more complex issues in the future.



## 2.2. Theory of Change

**IF**

The humanitarian crisis inside detention facilities is mitigated

**AND**

Basic humanitarian conditions of juveniles, women and accompanying children in detention are upgraded

**AND**

prison personnel are trained to operate in accordance with human rights principles and in compliance with international standards

**THEN**

The resilience of the prison population and their families and communities will be strengthened

**AND**

The foundations will be prepared for the international community to better engage in promoting human rights inside corrections and the initiation of work to promote peacebuilding among the communities in Yemen.

This Theory of change assumes that:

- The UN and implementing partners will be permitted access to places where women and juveniles are detained;
- Improvements in physical conditions and access to services will improve safety, health, education and vocational opportunities for detainees;
- Prison personnel will be less likely to commit abuses if they are appropriately trained in accordance with international standards;
- The presence of third party service providers inside the place of detention has potential of itself to improve transparency and reduce opportunities for abuse of detainees; and
- Prison authorities will maintain command and control over the detention facilities, including safeguarding equipment and material supplies which are provided to the prison, and overseeing the discipline of personnel under their authority.

## 2.3. Geographical Coverage

This project will focus on four places of detention which are identified together with PBSO, the Office of the Special Envoy of the Secretary-General for Yemen (OSES-GY) and the UN agencies partnering on this project. Several criteria will be used to inform the selection of sites:

- Security conditions and accessibility – taking into account conflict dynamics and ability to access the detention facility, while appreciating that the context in Yemen is fluid and accessibility may vary during the course of project implementation.
- Number of women and juveniles detained at each facility – priority will be given to facilities with higher numbers of women and juveniles detained.
- Level of humanitarian need – urgent assistance will prioritize detention facilities with the greatest humanitarian needs.
- Willingness of authorities to engage – the success of the project will depend upon collaboration with prison authorities and other stakeholders. For example, due to security considerations some Prison officials will not permit detainees in their custody to undertake vocational training activities outside the prison, while others are more flexible.
- Potential for the support to be catalytic – locations with the most likelihood of building upon these humanitarian initiatives to obtain improvements, and the most opportunities to link these activities with other initiatives already supported by the UN.

- Screening through HRDDP to identify the type of administration running the facility, the record on gross human rights violations and identification of mitigation measures that the UN should employ during the implementation of the project.

These criteria will be discussed with stakeholders prior to finalization. As for HRDDP, it must be noted that the project does not aim to enhance the operational capacity of the authorities running these facilities, but rather the use of the HRDDP tool is meant to guide the engagement and identify mitigation measures to be set in place, based on the undertaken assessment of risks involved in providing, or not providing, support.

Taking into account prison populations, as of September 2017 the largest prison populations of women and juveniles were held in the following facilities <sup>31</sup>:

Rank	Facility	Men	Women	Juveniles	Total
1	Al-Amanah	1780	56	46	1882
2	Al-Hodaydah	762	25	21	808
3	Ibb	1505	21	17	1543
4	Dhamar	836	9	33	878
5	Amran	577	14	27	618

A complete list of available prison populations is included as Annex C.

As of December 2017, there are reportedly 49 juveniles detained in Al-Amanah prison in Sana'a city (all male), and 54 juveniles detained in Amran prison (35 male, 19 female).

The project will consider places of detention generally, rather than focusing exclusively on central prisons with convicted prisoners. In some locations, these central prisons are not accessible to the international community. In other locations, facilities such as police lockups (CID prisons) may demonstrate greater needs, due to the high volume of women and juveniles detained, and the risks of prolonged arbitrary detention without access to legal assistance or a functional justice system. In particular, Marib and Shabwa have been identified as locations where juveniles are at risk of detention.

Some prisons have already received support from the international community, including the ICRC and Penal Reform International. In particular, a number of prisons have reportedly received support with establishing medical clinics from international and local donors.

## 2.4. Activities

It should be noted that it is not the intention that the project will implement every activity at each selected prison. The activities below provide a portfolio of support, which will be implemented based on the needs assessment conducted at each prison. Activities will be sequenced according to need. Where required, priority will be given to basic life-saving interventions.

Output 1: Basic humanitarian conditions are improved in places of detention, with particular attention to the special needs of women and juveniles

<sup>31</sup> Source: UNDP: "Police, security and criminal justice in Yemen" Presentation at the Dead Sea consultation 27-28 September 2017

Under this Output the project will support a range of initiatives to improve humanitarian conditions for people in detention.

#### Activity 1.1: Rapid assessment of humanitarian conditions

The project will commence with initial joint assessments of detention facilities where juveniles and women are maintained. The joint assessments will cover physical infrastructure, basic humanitarian conditions, mapping of service availability and identification of needs. The reports from these assessments will inform the selection of project sites, and form the baseline for identifying the impact of programme activities.

Although the joint assessments will prioritise the needs of women and juveniles, as adult males are generally detained in the same facilities the assessments will also consider the conditions and needs of the adult male prison population.

Specifically, the assessments will include:

- Infrastructure – identification of priority infrastructure rehabilitation, including the secure separation of juveniles and women from the adult male prison populations, improved water and sanitation conditions and safety related measures (eg improved lighting). A general assessment will initially be conducted, with detailed bills of quantity prepared based once the scope of works is approved by the Project Board.
- Humanitarian needs - These could potentially include food, warm clothes and blankets, and medicine and women's dignity kits. To avoid duplication, the project will collaborate with other partners who are currently supporting health needs, including ICRC and local NGOs.
- Legal needs – to identify the number of detainees, pre-trial vs sentenced detainee population, whether detainees are lawfully detained, and the number of detainees likely to be eligible for release (eg prolonged pre-trial detention, sentence has already been completed).
- Access to basic services – identify the services provided to women and juveniles, and any gaps in service provision.
- Juvenile justice and psycho-social assessments – these are discussed under Output 2.1

Following the completion of assessments, the Project team will convene a workshop with stakeholders as a reflection point. The workshop will review the assessment, consider the appropriateness of strategies, and any need for changes in the scope or approach of the project.

It should be noted that while the assessments are ongoing, priority activities may still be implemented. For example, while decisions on the implementation of legal aid to support adult males will be considered at the reflection workshop, legal aid to women and juveniles will be provided according to agreed selection criteria and need from the commencement of the project.

#### Activity 1.2 Addressing urgent infrastructure and humanitarian needs

The detention facilities in Yemen are currently overcrowded and many do not meet minimum standards. In many locations women and juveniles are detained within the same centres as adult males, or incompletely separated from the general prison population due to shared facilities such as cooking and recreational areas. The inability to securely separate men, women and juvenile prison populations creates the risk of sexual abuse and exploitation of women and children.

While the ongoing conflict has contributed to poor conditions, the prison infrastructure has a historical legacy of underinvestment. This means that already dilapidated infrastructure has deteriorated further through overcrowding, targeted and indirect attacks and prison escapes.

The combination of poor prison infrastructure and overcrowding leads to significant health and safety concerns. The close proximity of detainees creates conditions ripe for transmission of infections, and Yemen's cholera epidemic reportedly spread through prisons.

The project will identify small scale infrastructure repair and rehabilitation needs to improve the physical conditions in selected detention facilities. Indicative works include remedying water and sanitation systems, improving lighting to improve safety and security, and facilitating the separation of women and juveniles from the adult male prison population. This support does not entail massive reconstruction activities, rather it will focus on improving the existing infrastructure.

Where feasible, green approaches will be taken into consideration for infrastructure works, including potential for rain water catchment, grey water recycling, and solar powered lighting.

Based on the humanitarian assessments, the project will provide urgently needed humanitarian items. These could potentially include food, warm clothes and blankets, and medicine and women's dignity kits. To avoid duplication, the project will collaborate with other partners who are currently supporting health needs, including ICRC and local NGOs.

As for the health concerns, the project will provide public health training for the prison administration and basic hygiene education for the inmates. The project will coordinate with the current active actors in this area to ensure harmonization and avoid duplication with actors such as MSF.

#### Activity 1.3: Corrections personnel trained in human rights

It is anticipated that this activity will take place during the implementation phase of the programme, following the completion of assessments which will allow the HRDDP process to take place. The reflection point at six months will provide an opportunity to consider the needs, partnerships with other stakeholders and risk mitigation measures to be put into place.

Corrections personnel will be trained in basic human rights principles, based on international standards, including the Standard Minimum Rules for the Treatment of Prisoners, Standard Minimum Rules for the Administration of Juvenile Justice, United Nations Rules for the Treatment of Women Prisoners and Non-custodial measures for Women Offenders (Bangkok Rules) etc. The training will emphasize on the treatment of prisoners and the special needs for different groups, such as women and juveniles.

The project will review the feasibility of directly training corrections personnel, or alternatively adopting a train the trainer methodology and strengthening the capacity of a small training team to independently deliver the training modules. Corrections personnel to be trained as trainers would be nominated by the responsible Ministry (Ministry of Interior in the South, and Ministry of Justice in the North) and the corrections facility, and suitable candidates will be reviewed and endorsed by the project for training.

Penal Reform International has prepared a range of draft Standard Operating Procedures for Yemen and supporting training materials, including training courses on human rights topics. The de facto authorities in Sana'a and the internationally recognized Government in the South are currently reviewing these modules. If the modules are approved by the authorities, they could form the basis of a standardised approach to human rights training in Yemeni detention facilities. The newly provided knowledge will be presented as an additional set of skills that might encourage and guide prisons' staff in delivering training as a pilot team, with potential for additional future trainers.

#### Activity 1.4: Reduce prison overcrowding

The data available indicates that Yemeni prisons are significantly overcrowded, frequently accommodating double the number of prisoners that the facility was intended to hold. This overcrowding further contributes to deteriorating infrastructure and facilities, as additional load is placed upon equipment. Additionally, it heavily impacts safety and security for both staff and prisoners, ability to classify and separate prisoners, provision of health services, and possibilities for rehabilitation programs. High prison population also incur additional budget expenses, due to costs of providing food and adequate security personnel.

There are currently two potential entry points to reduce overcrowding. The first focuses at the pre-trial stage. By providing qualified legal aid lawyers, the project can help ensure that people have been lawfully detained (rather than arbitrarily arrested), advocate for bail and facilitate negotiations for payment of compensation with victim's families where appropriate. The project will work with the Bar Association (and their respective heads in the North and South of Yemen) and qualified NGOs on the provision of legal assistance. UNICEF and UN Women will facilitate additional legal representation services for women and juveniles in appropriate cases.

Secondly, the project will advocate for the activation of the public prosecutor's role, to prepare discharge papers and authorise the release of detainees who have already completed their sentence.

Both of these approaches are in accordance with upholding the human rights of the detainee, and have a consequential reduction in the prison population. Working with the Bar Association and legal NGOs will also focus on building their capacities in order to supplement the intervention with the needed sustainability and national ownership.

The project team will remain open to identifying additional small-scale initiatives that may assist in improving prison conditions, based on assessments of the reasons for overpopulated facilities. This may include improved use of facilities to separate categories of detainees, reduction of arbitrary detention and unlawful admission to prisons, use of mobile courts to visit detention facilities to expedite case hearings and review prolonged detention etc. Following the completion of assessments, these issues will be further discussed at the six month review point.

The project also aims to build the foundations for future policy discussions on more in-depth approaches to reducing prison populations, including restorative justice, alternatives to detention, conditional early release, minimum age of criminal responsibility etc. While it appears premature to pursue such initiatives at this point, it is possible that opportunities will arise during the 18-month implementation period of the project.

#### **Output 2: Rehabilitation and reintegration efforts for detainees are strengthened, with particular attention to the special needs of women and juveniles**

##### Activity 2.1: Rapid psycho-social assessments

UNICEF will engage with the existing technical committee on justice for children (which includes a range of actors and government agencies) to undertake a case load analysis - to help identify the women and children who have committed low level offenses and are in pre-trial, waiting to appear in court, and women and children who are approaching release.

For pre-trial cases, social workers will produce assessments including:

- The child's vulnerability and risk of harm, and their needs over time

- Suitability for diversion
- Risk of re-offending

The report will suggest elements of a diversion programme – adapted to the child’s specific needs and circumstances

The assessments, and the report that results from it, will be undertaken by a qualified social worker, attached to, or linked with, the court. The assessment is aimed at obtaining information about the child, which will assist the social worker’s decision or recommendation to divert the case, whether the child can go home to parents or guardians, and what an appropriate temporary placement would be. Additionally, they are necessary to ensure that the competent authority is informed of relevant facts about the child, such as their social and family background, schooling and educational experiences, and their emotional and mental health.

UN Women will coordinate assessments to obtain information relating to women prisoners and children detained in custody with them. The scope of these assessments will include:

- Educational needs for children of women prisoners.
- Literacy/numeracy levels and educational status of women prisoners. Literacy/numeracy levels will be determined in order to measure against baseline at select points in the project. The educational status of women will be utilized to identify potential peer literacy mentors who could contribute to literacy/numeracy activities for their fellow women prisoners or the children incarcerated with their mothers.
- Psycho-social profile of women to identify sources of trauma, including any history of GBV, as well as resilience factors which can be strengthened through various types of interventions.
- General legal circumstance of women prisoners to determine their legal aid needs and possibilities for release of those held beyond their term or without legal cause.
- Skills and capacities which could be utilized for vocation training programming.

A joint assessment will be carried out to determine Guards and prison personnel understanding of basic human rights principles, juvenile justice and gender sensitivity training needs on topics designed to improve their professionalism.

Finally, a mapping exercise will be conducted to identify reintegration support services which are available in each of the select prison locations.

#### Activity 2.2 Legal, Psychosocial and reintegration support

Yemeni law respects the rights of detainees to receive medical, psychological and mental health care. However, in practice due to the conditions and lack of expert staff, the enjoyment of these rights is limited. Detainees experience the stress of being isolated from their families and support networks. Depending on the offence, women and juveniles may also face stigmatisation and rejection by their families and community (e.g. in cases of perceived moral offences such as adultery / zina / khulwa.<sup>32</sup>), which increases the potential of abuse, and further compounds their isolation and mental well-being.

Informed by the results of the initial assessment on how many children are in detention in need for legal aid and what type of offenses they committed, the Technical Committee within the Ministry of Justice will identify the type of cases to receive the free legal aid. Hence, the MOJ will call lawyers

<sup>32</sup> The *Penal Code* (No 12 of 1994) Article 273 criminalizes “disgraceful acts in violation of chastity which conflicts with public ethics,” which is sometimes used to justify detention of women found in the company of a man who is not a relative (*khulwa*).

whom are willing to provide voluntarily legal aid and sign contracts with them on the modality of work and the financial requirements that cover the transportation cost as well as the photocopying expenses of children' files. An expert consultant jointly with the Technical Committee will follow up closely on the progress of this assignment. Both UNICEF and the MoJ will coordinate efforts jointly with actors such as Reform International (PRI) whom is currently providing free legal aid to children in detention through local NGOs. This is to complement efforts and avoid duplication.

In addition to legal support, UN Women and UNICEF will work with Government, civil society partners and qualified social workers to provide counselling and psychosocial support to women in prison. This support will include preparation for release, and support to reintegrate with families and communities as required. There are reportedly some women who have completed their sentences but remain in prison, as they face stigma in their communities and fear to return. Additional support may be provided to women in these circumstances, including temporary transitional accommodation and small material assistance, to help avoid the risk of recidivism due to poverty and isolation.

Similarly, UNICEF will work with qualified social workers to support and plan for the reintegration process pre-release; social workers will provide case management services to juveniles in support of reintegration within families and communities, and enable linkages to services post release, including psychosocial support, health, education and education, informal apprenticeships and vocational training. UNICEF has trained a network of 600 social workers who can provide support and linkages between detainees and communities.

Under the leadership of MOSAL, jointly with MoJ, a comprehensive and a detailed revision of the developed SOPs on children in contact with the law will be undertaken. This is to ensure that these SOPs provide clear guidance on alternatives to detention, diversion and re-integration referral pathway which will be endorsed by both MOSAL and MoJ. Thus, a training program will be organized for both case managers and social workers within child Justice system. The recruited Project Consultant will lead the supervision and monitoring mechanism on the implementation and will provide needed guidance and technical support.

An advocacy strategy for engagement with authorities on alternatives to detention for migrant children will also be developed.

### Activity 2.3 Education, literacy and vocational training

Imprisonment restricts access to education for juveniles and children detained with their mothers.<sup>33</sup> Furthermore, Yemeni women have low rates of literacy and many female prisoners suffer from this disadvantage. According to the YPC research conducted in 2013-14 49 percent of women prisoners said that they were illiterate, and a further 25 percent said that they had only a minimal level of literacy.

UN Women will work with civil society partners to provide educational and literacy classes for women and girls. This is intended to strengthen their resilience and facilitate future opportunities post-release.

At baseline, UN Women will conduct a literacy and numeracy assessment to ascertain women prisoner competencies. For the children of prisoners a competency based learning assessment will be conducted. Based on the findings of these assessments a literacy plan for female prisoners and an education plan for children will be developed within each prison which will combine utilization of

external tutors and training of women prisoners who are educated (as 6 percent of women in the YPC study had post-secondary level educational experience) under the auspices of civil society partners to provide educational and literacy classes. This peer-based informal approach will not only strengthen women's resilience by acquiring new skills and facilitate future opportunities post-release.

Prisons in Yemen have historically provided a range of vocational opportunities, including prison industries and prison farms. It appears that vocational training has largely been discontinued, due to the deterioration of equipment, lack of raw materials and security considerations which prevent detainees from leaving secured prison facilities.

The project will support vocational training opportunities for men, women and juveniles. Consultations will be conducted with prison authorities, detainees and stakeholders to determine the most feasible types of vocational training. Consideration will be given to local market needs, so detainees will have workplace skills post-release and can seek employment or continue their own income generation activities. This increases the individual resilience of detainees as well as their families, and will ideally reduce the risk of future detention for personal debts and poverty related offences.

The ongoing drought and conflict have created food insecurity for 17 million Yemenis, approximately 60% of the population of Yemen.<sup>34</sup> While food is generally available in the marketplace, agricultural production has reduced and due to poverty and inflation food is less affordable. While the conflict and security considerations currently limit the feasibility of prison farm initiatives, the project team will engage with prison authorities on the suitability of transferring low risk offenders to lower security installations such as prison farms, and the sequence of activities required to successfully implement this – for example, a classification system to determine the detainee's security risk.

UNICEF will contribute to vocational opportunities for juvenile offenders outside of detention, building upon an existing pilot project which has shown positive results, UNICEF will identify non-formal apprenticeship and vocational training options and link released adolescents to those opportunities based on their areas of skill and interest.

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<sup>34</sup> Global Protection Cluster Report, Yemen in Focus, August 2017 page 3



## 2.5. Agency areas of focus

### UNDP

- Key Infrastructure repair
- Procurement of humanitarian materials
- Lead coordination of training for corrections personnel
- Legal aid for adult males
- Vocational training for adult males

### UNICEF

- Advise on key infrastructure repair
- Legal aid
- Reintegration programming; development of SOPs, and case management to support access to services, education, vocational training and psychosocial support
- Advocacy and preparation of SOPs on alternatives to detention

### UN Women

- Psycho-social support and legal assistance for women
- Post-release reintegration of women detainees
- Education and literacy for women and girls
- Vocational training for women

## 2.6. Budget

Table 2: Project Activity Budget

Outcome/ Output number	Output name	Output budget by RUNO	UN budget category (see table below for list of categories)	Any remarks (e.g. on types of inputs provided or budget justification)
Outcome 1: Basic humanitarian conditions are improved in places of detention, with particular attention to the special needs of women and juveniles				
Activity 1.1	Rapid assessment of humanitarian conditions	UNDP 150,000 UNICEF 58,371 UN Women 25,000	Personnel, transport, workshop	
Activity 1.2	Addressing urgent infrastructure needs and humanitarian needs	UNDP 1,720,000 UNICEF 26,168 UN Women 10,000	Personnel, supplies and materials, contractual services / transfer*	* If feasible, infrastructure work will pass through the National Public Works Project mechanism.
Activity 1.3	Corrections personnel trained in human rights	UNDP 30,000 UNICEF 10,000 UN Women 10,000	Personnel, Training	
Activity 1.4	Reduce prison overcrowding	UNDP 30,000	Personnel, Supplies	
Outcome 2: Rehabilitation and reintegration efforts for detainees are strengthened with particular attention to the special needs of women and juveniles				
Activity 2.1	Rapid psychosocial assessments	UNDP 30,000 UNICEF 50,000 UN Women 45,000	Consultants, travel, workshop	
Activity 2.2	Legal, Psychosocial and reintegration support	UNDP 20,000 UNICEF 116,000 UN Women 280,000	Grants, transport, workshop, training, personnel	
Activity 2.3	Education, literacy and vocational training	UNDP 20,000 UN Women 230,000	Personnel, training, transport	
<b>Total</b>		UNDP \$2,000,000; UNICEF \$4,00,000; UN Women \$600,000		\$3,000,000

This project prioritizes the needs of women prisoners and juveniles. However, there are clear sensitivities in navigating with prison officials and Yemeni authorities to address the needs of the much larger population of male prisoners as women and juveniles constitute only 3.3 percent of the prison population – Annex C. Additionally, women prisoners encounter gender-based discrimination compounded by racism given that a large percentage are from marginalized groups who are African or African descent (*muhamasheen, muwaladeen* and refugees). Such attitudes impact how authorities view priorities for funding and services. Such strategic considerations are reflected in the budget, with resources being invested in addressing more general issues of overcrowding, health care, food preparation for the whole prison populations, as they are often housed together.

A further consideration in preparing the budget for this project was UN Women's decision to keep their intervention at a modest level in order to prioritize the quality of their activities given the extremely complex implementation context in Yemen currently, as well as allowing for a more gradual expansion of management processes.

Table 3: Project budget by UN categories (USD)

CATEGORIES	Amount USD Recipient Agency UNDP		Amount USD Recipient Agency UN Women		Amount USD Recipient Agency UNICEF		TOTAL		
	Inception (0-6 mths)	Implementation (12-18 mths)	Inception (0-6 mths)	Implementation (12-18 mths)	Inception (0-6 mths)	Implementation (12-18 mths)	Total Inception	Total Implementation	
1. Staff and other personnel	131,000	264,000	25,000	106,000	6,000	12,832	162,000	382,832	544,832
2. Supplies, Commodities, Materials	150,000	210,000	4,500	6,000	20,000	10,000	174,500	226,000	400,500
3. Equipment, Vehicles, and Furniture (including Depreciation)	40,000	15,000	9,545	3,000	0	0	49,545	18,000	67,545
4. Contractual services	205,000	560,000	0	0	45,000	30,000	250,000	590,000	840,000
5. Travel	20,000	20,000	10,000	10,000	25,000	25,000	55,000	55,000	110,000
6. Transfers and Grants to Counterparts	173,000		70,000	270,000	45,000	40,000	288,000	310,000	598,000
7. Workshops and Trainings	40,000	30,000	10,000	10,000	45,000	60,000	95,000	100,000	195,000
8. General Operating and other Direct Costs	5,500	5,659	6,452	20,251	5,000	5,000	16,952	30,910	47,862
Sub-Total Project Costs	764,500	1,104,659	135,497	425,251	191,000	182,832	1,090,997	1,712,742	2,803,739
9. Indirect Support Costs*	53,515	77,326	9,485	29,767	13,370	12,798	76,370	119,891	196,261
<b>TOTAL</b>	<b>818,015</b>	<b>1,181,985</b>	<b>144,982</b>	<b>455,018</b>	<b>204,370</b>	<b>195,630</b>	<b>1,167,367</b>	<b>1,832,633</b>	<b>3,000,000</b>

\* The rate shall not exceed 7% of the total of categories 1-7, as specified in the PBF MOU and should follow the rules and guidelines of each recipient organization. Note that Agency-incurred direct project implementation costs should be charged to the relevant budget line, according to the Agency's regulations, rules and procedures.

## 2.7. Capacity of RUNO(s) and implementing partners:

Currently, UNDP is operating in Sana'a with a sub-office in Aden to oversee implementation for over **USD 350 million** over the period 2017-2019. The office has 100 total staffing (international and national staff) on board with two substantive programming units i.e. Governance; and Economic Governance, as well Operations Team and a substantive Management Support Unit (MSU), which provides support to the Senior Management and undertaking overall oversight, M&E, Reporting at corporate level, and financial management. Each of the two substantive programme units has a dedicated professional M&E, whom liaise their work with Management Support Unit to ensure proper coherence and proper coordination. Moreover, the office has transformed from a USD 22 million annual delivery (in 2016) to USD 80 million delivery in 2017. A number of peace building initiatives i.e. social cohesion, community dialogue has been ongoing during the current crisis to contribute into peace building process. Beside this, UNDP is also managing a joint programme (i.e. ERRY), which has components on livelihoods, social cohesion, community dialogue and renewable energy.

During the current period of crisis, and a part of the pool of National Non-Governmental Organizations (NGOs), UNDP is with two prominent national partners i.e. Social Fund for Development and Public Works Projects (the World Bank grown national institutions) in the implementation of Yemen Resilience Programme that contributing to peacebuilding as well through its dedicated components on social cohesion and community dialogue.

	RUNO 1: NAME	Key Source of Funding (government, donor etc)	Annual Regular Budget in \$	Annual emergency budget (e.g. CAP)
2016	UNDP	CERF, EU, UK, FRA, GEF, GER, JPN, Kuraimi Bank, Netherlands, Sabafone, KSA, SILATECH, SIDA, UKM, PBSO, UNOCHA, WB, USAID, USDOS	212,390,69	NA
2017	UNDP	EU, UK, GEF, JPN, UKM, USAID, USDOS, WB	115,230,644	NA
2016	UN Women	Governmental	\$500k	N/A
2017	UN Women	Governmental	\$1.4m	N/A
2016	UNICEF	OCHA, OFDA, Japan, SIDA, Switzerland		14,000,000
2017	UNICEF	Denmark, Australia, OCHA, OFDA, Korea, BMZ, Japan, SIDA, Canada		20,937,391

### 3. MANAGEMENT AND COORDINATION

#### 3.1. Project management

UNDP, UNICEF and UN Women are each RUNOs under this project. UNDP is responsible for the overall coordination of the project. UNDP will also provide operational support to UN Women, which due to the crisis does not currently have a full office presence in Yemen.

UNDP Yemen Country Office currently has a Governance and Peace-building Team comprising of one Team Leader, one Programme Analyst, one Programme Specialist and one Programme Associate. The Deputy Resident Representative for Programme and Operations supervises the team and will have the responsibility for the daily oversight and quality assurance function of this project. Overall the Country Office manages a budget of USD 115 million. The Country Office has over the past two years spent approximately USD 2 million USD per annum on governance interventions.

In conjunction with UNICEF, UN Women and OSE, UNDP will recruit an international P4 project manager to manage the overall Community security and social cohesion programme, including this project. The funding for this position will be cost-shared across the programme portfolio.

The Team will have an appropriate Project Implementation unit (see Project Organizational Structure). The Project team will work as a seamless team under the leadership of the Project Manager to provide technical and advisory inputs into the implementation and the day-to-day administration of the project.

#### Project coordination

The project will be implemented under the direct implementation modality. The UNDP, UNICEF and UN Women will each assume responsibility for the implementation of project activities in accordance with their own operational rules, while the project manager will be responsible for the overall coordination of the project and coordination of reporting.

The project will be operationalized and implemented in four detention facilities and post-release locations. The project implementation team will be established to work with the Technical and Advisory Team coordinate the activities under this project. The management structure described in the table below is a structure specifically designed to manage the project to its conclusion, and it consists of roles and responsibilities that bring together the various interests and skills involved in, and required by, the project.

#### The Project Board

A Project Board will preside over this project offering advice and guidance to overall implementation of the project. Should there be in major changes in the landscape this body will provide strategic guidance on how to meet such challenges and with what appropriate measures. The Project Board will consist of the Country Director of UNDP, UN Women, UNICEF and the Security Sector Reform Chief of the office of Special Envoy of the Secretary-General for Yemen as co-chair and representatives of major donors. The project board will be supported by UNDP Governance and Peacebuilding Programme Unit, Police Advisor from OSE, and the Project Manager. The project board will convene quarterly. **The board will:**

- Review and approve the annual work plan of the project and the quarterly work plans if necessary

- Review the progress report and ensures that obstacles to smooth implementation of the project are addressed.
- Suggest revisions/measures or reallocation of funding if the project faces obstacles in implementation under any given section.

### **Technical and Advisory Team**

UNDP, UN Women, UNICEF and Office of the Special Envoy of the Secretary-General for Yemen will set up a joint technical and advisory team for the project. The joint technical and advisory team will be composed of UNDP project team, UN Women, UNICEF Child Protection, and designated technical staff from the OSESGY office. Experts from OHCHR have also been invited to join the Technical and Advisory Team. The joint technical and advisory team will be responsible for:

- Review the progress of the project;
- Suggest measures to ensure timely completion of project activities;
- Facilitate overall performance and advancement project implementation and make changes accordingly;
- Facilitate audits and evaluations, and report back to the Project Board;
- Review and approve M&E plan
- Promote synergies across the project activities and with all cross cutting themes;
- Coordinate and compile narrative reports received from Participating UN Agencies, and report back to the Project Board for review and approval

The team will meet at least on quarterly basis or more frequently as required. The project is designed with the support of the GFP/HQ and will continue to benefit from the GFP technical advisory support.

### **The Project Implementation Team UNDP**

The project team will be responsible for implementing the present project according to specific terms of reference, under the overall direction of the project manager and the Project Board.

**The Project Manager** (International) is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost. Ideally this position will be cost-shared with rule of law projects funded by other donors, and the selected candidate will have a strong background in rule of law programming.

**National Rule of Law Officers (2)** based in Sanaa and Aden and will be responsible for strategic coordination support and support the implementation of key activities under project. The National Officers will be involved in the formulation, management and evaluation of project activities within project outputs and will provide advice services to the Project Manager and project team on justice and corrections issues within the detention facilities and the broader community.

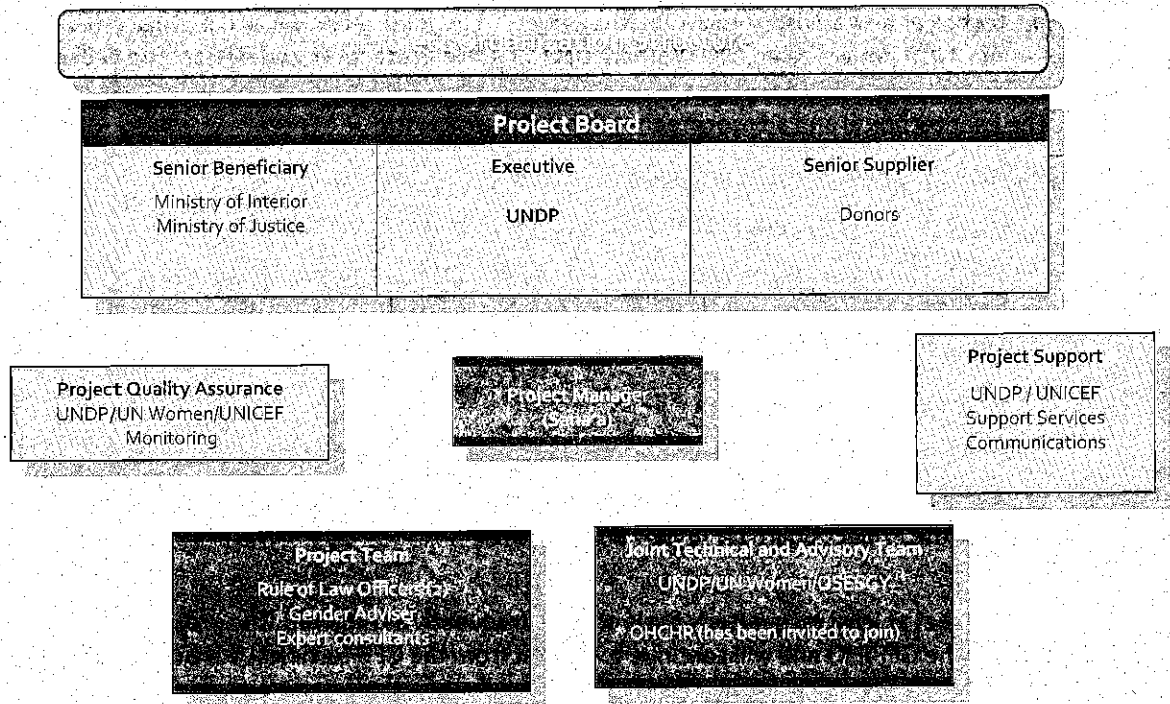
**Gender Adviser** – UN Women will recruit a gender adviser to coordinate gender elements of project implementation and coordinate the provision of technical expertise on gender related issues.

**Monitoring** – the project will engage monitoring support, to assist in tracking implementation. This is initially envisaged as a part-time consultant; however during implementation this may be adapted to a contribution of a cost-shared P2 position. Subject to UN access to locations, a third party monitoring agent may be engaged to oversee project activities in some locations. Coordination will continue with

different partners who have access to the same locations of the project such as OHCHR, MSF etc. this will feed into the monitoring reports in the case access of project staff is jeopardized.

### The Project Quality Assurance

The project assurance is independent and will be carried out by a UNDP Programme Specialist on behalf of UNDP.



### 3.2. Risks and Assumptions

#### Political and security risks:

The UN works within complex dynamics reflecting competing interests of political actors and member states, limitations of responding to the scale of needs, a society under pressure and trauma, and security and access constraints. The UN maintains its operational integrity through adherence to principles of impartiality, human rights and inclusive humanitarian/civilian assistance and engages stakeholders clearly communicating these principles. UNDP coordinates with the Office of the Special Envoy to the Secretary-General and is a member of the Humanitarian Country Team and UN Country Team to collectively address political risks.

Prison personnel currently report to two different Ministries (Justice and Interior respectively) in the North and the South. To mitigate the political risks, UNDP will put in place a communication strategy in cooperation with the Special Envoy's Office and ensure regular Project monitoring, risk analysis and oversight. Grievances from beneficiaries and stakeholders will be channeled through mechanisms established within the project. UNDP will inform MOPIC and other relevant authorities of project progress and issues and to support implementing partners in gaining acceptance of the strategies and principles of the project and enabling a conducive operating environment.



The ongoing protracted conflict continues to pose significant security risks to the implementation of the project in the form of (petty) crime, air strikes, landmines and UXO, terrorist attacks, and ground combat, arbitrary arrests and detentions. This situation compounded by the breakdown of law and order and rise of crime and general insecurity. UNDP intends to mitigate these risks through close collaboration and coordination with the UN Department for Safety and Security, including the de-confliction protocols and strict adherence to UN security procedures. Staff training on conflict-sensitive communications and risk management will continue. A range of complementary mechanisms will be used to monitor project implementation, including direct observation, engagement with partners and networks, and third party monitoring.

In the event of security issues or lack of cooperation with local authorities, UNDP will consult with the relevant Ministry and Project Board members on corrective actions. Inaccessible project sites may be substituted with new sites where implementation is more feasible.

**Operational risks:**

Due to the ongoing conflict and related insecurity, the project will face some operational risks in relation to potential disruption in UNDP's business processes and project management services. UNDP has developed a Business Continuity Plan which ensures that the critical office functions can be performed from other locations if necessary. Outside Sana'a, UNDP has staff presence in Aden, through other ongoing programmes in which UNDP has presence, can reach Ibb (also covering Taiz), Al-Hodaydah, and Hajjah. UNDP may also rely on a contracted Third Party Monitoring Agent to perform complementary monitoring of the project.

A further set of risks concerns operational issues, such as the transport of equipment and asset management and maintenance as well as the rehabilitation of buildings. The security situation could prevent access to different parts of Yemen and endanger the delivery of assets. The security situation could also have a direct impact on the rehabilitation of buildings since it would hinder or prevent the effective monitoring of progress and quality assurance. There is also the risk that procured equipment would not be properly maintained and managed.

In terms of asset delivery and management and infrastructure rehabilitation, the project will seek to establish specific arrangements with the police for delivery and premises protection in project sites. There remains some risk that equipment intended for the use of the prison and detainees will be stolen or sold, especially considering the protracted period where prison staff have not received their salaries. Asset management arrangements will be agreed with the Ministry and each prison Governor will be held responsible for the equipment provided to that facility. Follow up inspections will be conducted to identify any asset loss, and remedial action will be undertaken in conjunction with the relevant Ministry and Project Board.

Regular assessments of the political and security situation will inform all project decisions and help to determine if additional security measures are required.

**Financial/fiduciary risks:**

The financial and fiduciary risks are defined by several factors, including hyper-inflation, fraud, and cash advance management. UNDP's anti-fraud policy, the annual audits, regular spot-checking by UNDP staff, and the Third-Party Monitoring Agent are oversight measures over and above the donor internal procedures to mitigate the risk of fraud, misappropriation and diversion of funds.

**Programmatic risks:**

The programmatic risks are associated with access and targeting due to security or conflict-related obstacles, although those can be mitigated by implementing partners widespread network. UNDP level

risks are associated with UNDP's potential inability to verify results on the ground in a timely manner, potential inability to recruit staff in a timely fashion to support Project implementation, and potential inability (or significant delays) to meet delivery expectation/targets. Therefore, the project will be piloted only in selected locations to assess the success in delivering with such a fluid context. The risks will be discussed on systemic basis with the project advisory board. The mitigation measures that have been put in place include the contracting of a Third-Party Monitoring Agent and advance recruitment before the grants becomes effective to gain time. In addition, a roll-out plan will be developed to ensure rapid start-up and scale-up. UNDP will closely review the quarterly expenditure reports of the responsible parties to monitor financial delivery of the project.

#### **Social and environment risks:**

The social and environmental risks of the project are related to potential adverse impacts to people and the environment. As per the corporate policy, UNDP will apply the Social and Economic Standards (SES) which are comprised of the following standards:

- Biodiversity Conservation and Sustainable Natural Resource Management
- Climate Change Mitigation and Adaptation
- Community Health, Safety and Working Conditions
- Cultural Heritage
- Displacement and Resettlement
- Indigenous Peoples
- Pollution Prevention and Resource Efficiency

At the project level, the Standards are primarily applied through the Social and Environmental Screening Procedure (SESP), which is required for proposed or substantially revised projects. The SESP is an essential quality assurance and risk management tool that ensures the SES are translated into practice. Applied from the earliest stages of project preparation, the SESP guides UNDP and its Implementing Partners in designing projects and systems that ensure social and environmental impacts are properly identified and managed.

The Standards are underpinned by an Accountability Mechanism with two key functions: 1) A Stakeholder Response Mechanism (SRM); and 2) A Compliance Review Process.

**The Stakeholder Response Mechanism** offers locally affected people an opportunity to work with other stakeholders to resolve concerns about the social and environmental impacts of a UNDP project, supplementing the proactive stakeholder engagement that is required of UNDP and its Implementing Partners throughout the project cycle.

**The Social and Environmental Compliance** Unit investigates allegations that UNDP's Standards, screening procedure or other UNDP social and environmental commitments are not being implemented adequately, and that harm may result to people or the environment.

#### **Reputational risks:**

In view of the scale and importance, the project also carries a reputational risk for UNDP. It may be subject to politically motivated defamation and it may be perceived as partial and biased vis-à-vis one or more parties to the conflict. UNDP's reputation as a neutral and impartial partner may be affected by issues arising from the project. To mitigate these risks, UNDP will strictly adhere to the Human Right Due Diligence Policy (HRDDP) to **manage risks of engagement with the Security Sector**. In line with the

Secretary-General request to all UN entities providing support to non-UN security forces, UNDP will be guided by the HRDDP to manage the risk of engagement with the police and other security forces, and thus ensure that UNDP or its personnel does not provide support to entities committing grave violations of international, human rights and refugee law.

Against this policy, the project will select locations that are agreed with the OSE and screened against OHCHR reports to ensure that these facilities are not the sites of grave human rights violations. As the administrators of these facilities are usually police, the project will work with them on human rights training due to the absence of vetting mechanisms. The project will also ensure during the implementation to set the mechanisms for appropriate and in-depth assessment to inform the HRDDP and prepare for a more meaningful engagement in future. Therefore, the current proposed 18 months will not target any improvement in their operational capacity rather it will focus on the needs of the inmates and their humanitarian conditions. Following the completion of the HRDDP process, future projects may be developed to build operational capacity, if this is indicated by the HRDDP process.

Table 5 – Risk management matrix

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
1	Full political interference (including changing players based on the change in political attitudes; resistance from new local players "New Lords of War"; Lack of Government's support and key stakeholders; access to project areas; resistance by communities to activities implementation; international/ UN interventions are not impartial) in all project activities that may cause project failure.		Political	Medium	<ul style="list-style-type: none"> <li>- Regular meetings with stakeholders;</li> <li>- Increase engagement with community leaders, and indigenous civil society organizations;</li> <li>- Continuous engagement and monitoring of perceptions at all levels;</li> <li>- Careful selection of beneficiaries, with strong involvement of local partners and community members with different affiliations;</li> <li>- Conflict analysis to consider the consequences of UN's interventions and partnership</li> <li>- Close coordination with Local security and local authorities</li> </ul>	UNDP Programme Manager	UNDP Programme Manager	n/a	<ul style="list-style-type: none"> <li>- Clear Steering Committee and working group from the different stakeholders;</li> <li>- Participatory planning and community mobilization; practical support for communities;</li> <li>- Working with and through local, neutral and socially accepted partners;</li> <li>- No change in the society and no Lords of War appeared in the scene who could interfere with project activities;</li> <li>- Stable and strong authorities who can serve and support project implementation;</li> <li>- Easy access of project consultants to their project designated areas;</li> </ul>
2	Delays in procurement related issues detailed in "The Action Plan"		Logistical/ Operational	Medium	<ul style="list-style-type: none"> <li>Detailed timetable; Detailed fact-finding done;</li> <li>Business processes streamlined;</li> <li>adherence to standard operating procedures</li> </ul>	UNDP Programme Manager	UNDP Programme Manager	n/a	Adherence to UNDP procurement guidelines and procedures; Back up of UNDP logistics and expertise;
3	Escalation of the security situation in Yemen and further deterioration has a direct impact on the rehabilitation of buildings – prevention of the effective monitoring of progress and quality assurance.		Security	High	<ul style="list-style-type: none"> <li>- High involvement of the Project Board and Working Groups with local beneficiaries;</li> <li>- Specific arrangements for delivery and premises protection. The terms of asset delivery, management and infrastructure rehabilitation established in cooperation with Yemeni Police;</li> </ul>	UNDP Programme Manager	UNDP Programme Manager	n/a	<ul style="list-style-type: none"> <li>- Implementation in accordance with detailed timing, milestones, and deadlines;</li> <li>- Regular feedback from project staff, and stakeholders, plus M&amp;E efforts;</li> <li>- Strengthened capacity of partners on security and safety measures; increased</li> </ul>

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
4	Insufficient involvement of key stakeholders in defining and steering project implementation;		Operational	Medium	Inclusive and participatory project planning and development approach; close coordination with key counterparts in each location	UNDP Programme Manager	UNDP Programme Manager	n/a	Clear implementation plan; regular meetings and updates with stakeholders
5	Infrastructure is badly destroyed and damaged and project activities does not have environment to function with limited local expertise		Operational	Medium	<ul style="list-style-type: none"> <li>- More coordination with the reconstruction authority to fix the least usable needed institutions;</li> <li>- Careful selection of project staff;</li> <li>- Support to leadership stakeholders;</li> </ul>	UNDP Programme Manager	UNDP Programme Manager		<ul style="list-style-type: none"> <li>- The infrastructure still exists after war and capable of delivering the Rule of Law needs;</li> <li>- Clear selection procedures of participating local staff and local experts;</li> <li>- Quality standards for project staff selections;</li> </ul>

### 3.3. Monitoring & evaluation

#### Monitoring & evaluation:

Project monitoring and evaluation (M&E) will be conducted in line with the Country Programme Document (CPD) and the UNDAF Plus. The Project Board will be in charge of overall project oversight. The Board will hold regular meetings to discuss the project implementation and assess its progress. The Results and Resources Framework (RRF) incorporated in this document will be the touchstone for performance monitoring and reporting.

Given the ongoing conflict and fluid operational environment, coupled with the sensitive security status of Corrections, we envisage that there will be periods where it is not feasible for the UN to access all project sites. While accessibility will be a significant consideration in site selection, prisons which are accessible now may not remain accessible in six months. Accordingly, the project will adopt a multi-layered approach to monitoring activities in-country:

- Direct monitoring – where circumstances allow, national (and less frequently, international) staff will visit the prisons to observe ongoing activities. Where physical visits are not feasible, project staff will remain in contact with prison authorities to receive feedback from them on the progress of implementing partners.
- Collaboration with other actors – other organisations, including ICRC, MSF, Penal Reform International, local NGOs and OHCHR have ongoing activities with the prison authorities, and may have access to counterparts and prisons when project staff are unable to obtain access. UNDP, UNICEF and UN Women are also implementing other projects, and have access to a range of partners and networks through these projects. The project will collaborate with these actors to receive complementary information on the progress of project implementation and any related issues.
- Third party monitoring – the project will consider engaging an organisation to provide independent third-party monitoring on a periodic basis. This would also be used as a risk mitigation method to retain access when UN staff are unable to visit, and to reduce the likelihood of theft of equipment provided by the project due to regular oversight. The project will share the draft TOR with PBF following a final funding decision. In Yemen costs for such services range between \$1,200-\$1,500/site visit, depending on the location of the site, duration of the visit, degree of expertise required to conduct the monitoring and complexity of the assessment tool developed.

#### Monitoring Outputs

Progress on all output indicators will be regularly measured through quarterly and annual reviews and reports. The periodical reports will be generated and shared with the Project board and other implementing partners. The primary responsibility for monitoring rests with the project team through specialized M&E specialist. The Joint Technical and Advisory Team will support project team in monitoring the progress of outputs and activities and will facilitate overall monitoring of outcome implementation.

The Joint Technical and Advisory Team will meet on a quarterly basis to review progress and provide feedback to the Project Board. OSESGY will be involved in rigorous monitoring of activities in the field during the implementation.

### **M&E Plan**

Tracking the achievement of planned results for each activity within the annual work plan and reporting progress to the Project Board and giving feedback to the implementing partners will be the responsibility of the Project Manager via an M&E Plan. M&E plans will be developed through a consultative process with Project partners. The Project Manager, in collaboration with the Project Board will ensure that selected implementing partners will develop a results-based monitoring plan. The plan will have gender-sensitive SMART indicators, which will facilitate effective monitoring. The Project Manager will provide semi-annual reports to the Project Board or as often the Board requires as.

The specific mechanisms that will be used to monitor the achievement of results will include:

- A baseline assessment will be conducted during the inception phase of the project to provide data to measure project progress and to gain an understanding of the situation of individual prisoners to address their physical / material needs, legal needs, psycho-social needs, income generating capacities and integration challenges.
- Quarterly meetings of the Project Review Board will be convened to review progress reports and to ensure the Project results are achieved and where necessary, recommend a change in implementation strategy.
- At the end of six months, a reflection workshop will be convened; to consider the data collected by the assessments and assess the level of needs and appropriateness of strategies.
- Semi-annual progress and financial reports, prepared by the Project Manager for review by the Project Board; a standard reporting format will be used;
- Annual progress report, technical and financial report prepared by the annual work plan implementing agency and/or the ERP Atlas system at the end of the year;
- A final report will be prepared by UNDP, which includes lessons learned and good practices, within 3 months of the end of the Project and submitted for review and consideration by the Project Review Board.

Data sources for reporting will include:

- Inception assessments
  - Infrastructure and physical conditions, including the quality of available water and sanitation facilities, and whether juveniles and female detainees are adequately separated from adult males.
  - Social casework assessments – psycho-social issues, education and literacy, vocational issues
  - Legal assessments – identifying legal issues relating to detainees' situations, including whether they are in pre-trial detention or sentenced, whether they were arbitrarily detained or due process has been followed,
- Progress reports from implementing partners, including the MOJ led Juvenile Justice Technical Working Group, civil society service providers delivering legal aid, psycho-social assistance, vocational training
- Progress reports from project staff and consultants, including national rule of law officers and gender adviser.

- Reports and feedback prepared by other actors engaged with detention issues in Yemen, including OHCHR, Penal Reform International, ICRC and civil society organisations, as available.

The project will be subject to an independent evaluation to be done in consultation with PBSO before its closure and a budget will be set aside for this exercise.

### **3.4. Administrative arrangements**

The UNDP MPTF Office serves as the Administrative Agent (AA) of the PBF and is responsible for the receipt of donor contributions, the transfer of funds to Recipient UN Organizations, the consolidation of narrative and financial reports and the submission of these to the PBSO and the PBF donors. As the Administrative Agent of the PBF, MPTF Office transfers funds to RUNOS on the basis of the signed Memorandum of Understanding between each RUNO and the MPTF Office.

#### **AA Functions**

On behalf of the Recipient Organizations, and in accordance with the UNDG-approved "Protocol on the Administrative Agent for Multi Donor Trust Funds and Joint Programmes, and One UN funds" (2008), the MPTF Office as the AA of the PBF will:

- Disburse funds to each of the RUNO in accordance with instructions from the PBSO. The AA will normally make each disbursement within three (3) to five (5) business days after having received instructions from the PBSO along with the relevant Submission form and Project document signed by all participants concerned;
- Consolidate narrative reports and financial statements (Annual and Final), based on submissions provided to the AA by RUNOS and provide the PBF consolidated progress reports to the donors and the PBSO;
- Proceed with the operational and financial closure of the project in the MPTF Office system once the completion is notified by the RUNO (accompanied by the final narrative report, the final certified financial statement and the balance refund);
- Disburse funds to any RUNO for any costs extension that the PBSO may decide in accordance with the PBF rules & regulations.

#### **Accountability, transparency and reporting of the Recipient United Nations Organizations**

Recipient United Nations Organizations will assume full programmatic and financial accountability for the funds disbursed to them by the Administrative Agent. Such funds will be administered by each RUNO in accordance with its own regulations, rules, directives and procedures.

Each RUNO shall establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent from the PBF account. This separate ledger account shall be administered by each RUNO in accordance with its own regulations, rules, directives and procedures, including those relating to interest. The separate ledger account shall be subject exclusively to the internal and external auditing procedures laid down in the financial regulations, rules, directives and procedures applicable to the RUNO.

Each RUNO will provide the Administrative Agent and the PBSO (for narrative reports only) with:



- Bi-annual progress reports to be provided no later than 15 June;
- Annual progress reports to be provided no later than 15 November;
- Final (end of project) narrative reports, to be provided no later than three months after the operational closure of the project;
- Annual financial statements as of 31 December with respect to the funds disbursed to it from the PBF, to be provided no later than four months (30 April) after the end of the calendar year;
- Certified final financial statements after the completion of the activities in the approved programmatic document, to be provided no later than six months (30 June) of the year following the completion of the activities.
- Unspent Balance at the closure of the project would have to be refunded and a notification sent to the MPTF Office, no later than six months (30 June) of the year following the completion of the activities.

#### **Ownership of Equipment, Supplies and Other Property**

Ownership of equipment, supplies and other property financed from the PBF shall vest in the RUNO undertaking the activities. Matters relating to the transfer of ownership by the RUNO shall be determined in accordance with its own applicable policies and procedures.

#### **Public Disclosure**

The PBSO and Administrative Agent will ensure that operations of the PBF are publicly disclosed on the PBF website (<http://unpbf.org>) and the Administrative Agent's website (<http://mptf.undp.org>).

## 4. ANNEXES