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To:
Ministry of Foreign Affairs,
Directorate for Sub-Saharan Africa
Country of Origin Information Unit (08.D.)
Attn.
PO Box 20061
2500 EB The Hague

Date 25 January 2023
Concerns Terms of Reference for the general country of origin information report
on Yemen

Dear ,

I hereby send to you, with reference to the agreements hereon between the Ministry of Justice and Security and the Ministry of Foreign Affairs, an overview of items for consideration that, with a view to policymaking by the State Secretary of Justice and Security and the implementation practice of the Immigration and Naturalisation Service (IND) and the Repatriation and Departure Service (DT&V) require discussion in the country of origin information report to be issued by you with regard to the general situation in Yemen. This letter was drafted with input from socially relevant organisations.

The current policy on Yemen states that Yemen constitutes an exceptional situation within the meaning of Article 29(1)(b) Vw and Section C2/3.3 Vc. The IND further assumes for asylum seekers originating from Yemen that it is not possible to obtain protection from the authorities or international organisations. In addition, given the exceptional situation within the meaning of Article 29(1)(b) Vw throughout the country, the IND does not adopt an internal protection alternative. Furthermore, the IND identifies individuals belonging to the groups of Muhamasheen, Christians, Jews, Bahá'í and LGBTQI+ as a risk group within the meaning of section C2/3.2 Vc. Finally, with regard to adequate reception within the meaning of B8/6 Vc, no general reception facilities are available and/or adequate, and the authorities do not provide reception.

I ask you to address the issues below and to explicitly mention in your country of origin information report any relevant reports (general or specific) that you have previously written on Yemen. In addition, please cite any recent reports written by/from the EUAA or other authoritative sources on any topic questioned below. References to the country of origin information report on Yemen dated August 2022, with comparison between the situation described there and the situation in the present reporting period, are considered highly useful.

We request that, when describing the various topics, you provide as much as possible a general, synthetic and current view of the situation and, if incidents or risks are mentioned, provide as much context as possible that can place the information in a broader perspective. Where possible, please also describe risks

Services Directorship

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Appendices

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in gradations. If the Ministry of Foreign Affairs deems questions mentioned in the ToR are to be of secondary importance within the context of that specific country, please indicate this according to your expertise. The same applies to any questions that the Ministry deems important, but that are not reflected in the ToR. If certain issues described in a previous general or thematic country of origin information report appear to be unchanged, please suffice by referring to the previous reports.

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Living conditions

1. What are living conditions like for people in the various parts of Yemen? How does access to and the provision of basic services (drinking water, food, electricity, fuel, healthcare, education, housing) differ in the various areas and, if applicable, for various population groups? To what extent is this situation influenced by those in power? For example, do they ever deliberately cut off access to basic services for certain areas or deliberately attack electrical infrastructure and other types of infrastructure and facilities?

Security situation

2. What is the security situation for civilians as they go about their daily lives in the various parts of Yemen?
3. Which actors have had an influence on the day-to-day security situation? How is this influence exercised? What were the interests of the various actors involved?
4. On what scale is there fighting between the various warring parties (please specify which parties)? Where does this fighting occur? What is the nature of the fighting, and what impact has it had on the civilian population? How many people were killed or wounded? Were these civilians or members of the military/other armed fighters? How do these figures relate to the total number of people living in the area in question?
5. How many violent incidents took place in the various regions, apart from the fighting? On what scale did terrorist attacks occur, and who or what were the targets and victims of these attacks?
6. On what scale do disappearances/abductions occur in the various areas of the country controlled by the different parties? How do these figures relate to the overall size of the population and the security situation/factors there? Is there any observable trend in this regard, either positive or negative, since the previous reporting period?
7. On what scale are extrajudicial executions and murders known to occur (in relative numbers) in the various parts of the country? What groups/elements perpetrate extrajudicial executions and murders? Are there any observations that can be made about the motives?
8. What is the situation with regard to crime and impunity in the various parts of Yemen?
9. If a person is under threat, are they offered protection? If so, in what cases, by whom and how?
10. How commonly were civilians arrested and detained in the various parts of the country? What were the main reasons for these arrests and detentions? Can anything be said about the extent of arbitrariness that played a role in this regard?

11. How common is it for Yemenis to have to pay bribes or ransoms in the case of arrest, detention or abduction involving the *de-facto* rulers in the area in question?

12. How common are checkpoints in Yemen's major cities and the various parts of the country? What are the procedures at checkpoints in different parts of the country? What irregularities occur at these checkpoints in the various areas if the procedures cannot be followed? What does this mean for the freedom of movement for ordinary civilians or for certain specific groups?

13. How easy (or difficult) is it for ordinary civilians or certain groups of people to travel within and between the various areas of Yemen controlled by the different parties? What documents are needed to travel between different areas controlled by various parties?

14. What significant changes have there been since the previous reporting period with respect to the security situation, as covered by the previous questions, in the various regions of Yemen (as you define them)? Were there any places where there were no significant changes in the security situation?

15. What truces (if any) are currently in force between which parties, and to what extent are truces (if any) complied with?

16. What has been the impact of the ceasefire from April 2022 to October 2022 on security conditions in Yemen, and how has this situation evolved since the ceasefire ended in October 2022? Why was the ceasefire not extended, and what impact did its ending in October 2022 have on security conditions in Yemen?

Political situation

17. Can you provide a brief description of the main political developments in Yemen after July 2022 and update the information from the previous general country of origin information report?

Human rights

Religious and ethnic groups

18. To what extent do Yemenis in different areas experience obstacles and/or severe discrimination in daily life relating to their observance of their religious or philosophical beliefs? What does this look like in which areas?

19. What specific issues of interest and/or developments therein can be reported with regard to religious minorities in Yemen – including non-Sunni Muslims (Zaidites, Ismailites), Jews, Christians and Bahá'ís – in which areas controlled by various parties are these issues at play, and in which areas are they not at play?

20. What specific issues of interest and/or developments therein can be reported with regard to certain specific ethnic groups in Yemen (e.g. Muhamasheen and Muwaladin), in which areas controlled by various parties are these issues at play, and in which areas are they not at play?

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Marriage, birth, legal custody

21. How does marriage involving a minor (under the age of 15 years) generally proceed in Yemen, up to and including registration in the Civil Registry?

22. Are traditional marriages in Yemen concluded by an Islamic judge (*qadi*) without being registered in the Civil Registry legally valid? Does this also apply to traditional marriages concluded by an Islamic cleric or other official who does not bear the title *qadi*?

23. What options are available for registering a birth with the Yemeni authorities if the birth took place outside a hospital? What options are available for registering a birth with the Yemeni authorities if the birth took place outside the area under the control of the internationally recognised government in Yemen?

24. In which cases do women, in relation to their children, need permission from someone else with legal custody for certain acts (for instance, exit for women who are divorced, widowed or whose husbands are missing)?

Legal protection

25. How does the justice system function in the various fields of law in Yemen?

26. What legal protections exist in areas of Yemen controlled by the internationally recognised government and those controlled by other groups? In what ways is it possible to report a crime, and how are such criminal complaints dealt with in different types of cases? What factors does this depend on? If the police fail to act adequately, is there another, possibly higher authority to which people can apply for protection? What practical or other obstacles and consequences exist? What factors can play a role in this?

27. Are perpetrators punished for acts classified as crimes in Yemen? If yes, by which body/bodies and in which cases/for which offences, and in which cases/for which offences is this not done?

28. How does an arrest generally go in Yemen: what is generally the treatment and procedure at arrest, and is it influenced by such factors as origin, criminal actions for which a person has been arrested, suspected opposition, acts regarded as sex offences?

29. What are conditions in detention like, and what factors can influence this?

Freedom of expression and other freedoms

30. To what extent are people permitted to express dissenting views on social issues in the various areas of the country controlled by the different parties, and when can this lead to repercussions from security elements within these areas? Are civilians able to estimate this?

31. Are family members of political opponents/opponents or individuals who are otherwise critical of social issues at risk simply because of their family relationships?

32. What can be said about the regime's monitoring of social media at home and abroad of Yemenis, whether this takes place systematically and to what extent prosecution and conviction takes place as a result of this or other measures? Are there any differences in this regard in parts of Yemen controlled by parties other than the official authorities?

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33. Can people who occasionally took part in demonstrations in the past still encounter problems as a result?

34. Is the content of mobile phone traffic (including text messages) being monitored in different areas controlled by various parties in Yemen?

35. Are Yemeni SIM cards registered to name?

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Armies and recruitment

36. What changes have taken place since the previous reporting period with regard to legislation and practice concerning the government army in Yemen (e.g. in terms of age, desertion, level of recruitment, consequences of refusing recruitment)?

37. What changes have taken place since the previous reporting period with regard to the modus operandi of other armies/militias in Yemen? What are the consequences for refusing forced recruitment?

38. What is the situation regarding the recruitment of child soldiers in Yemen?

LGBTQI+

39. What changes have taken place since the previous reporting period with regard to the general social situation of homosexuals in Yemen in the different areas controlled by various parties? What impact could homosexuality and/or homosexual acts (or suspicions thereof) have on the social, economic and security situation of the person concerned? What factors do or might play a role in this regard?

40. On what scale does honour-based violence related to sexual orientation or gender identity take place (and in what form)?

Women

41. What changes have taken place since the previous reporting period with regard to the overall social position of girls and women in Yemen?

42. What changes have taken place since the previous reporting period with regard to the possibility of obtaining protection for girls and women who are victims of sexual (or other forms of) violence?

43. Can a marriage (whether forced or voluntary) be dissolved in court at the request of the girl or woman without the husband's consent?

44. What are the travel opportunities for women in the different areas controlled by various parties in Yemen? Can they travel independently, or must they always be accompanied by a man? Are there safety risks for women travelling independently? Are women allowed to drive cars, and is this customary?

45. With which documents can a married woman whose husband is abroad prove her identity, participate in society in Yemen and move about within Yemen?

Unaccompanied foreign minors

46. Have there been relevant developments regarding legislation on minors or on the situation and accommodation of minors since the reporting period for the previous country of origin information report?

Refugees and displaced persons

In answering the following questions, please bear in mind the difference between the term 'refugee' as it is used in everyday conversation and the legal definition of the word.

47. What is the situation of internally displaced persons in Syria, in terms of numbers, general circumstances and new developments in relation to the period covered by the previous reporting period?

48. How common is it for internally displaced persons to return to their original place of residence in Yemen? If so, what is the situation on the ground in these areas? What conditions need to be met before people can return to certain areas? If conditions differ from area to area, please specify these differences.

49. To what extent can individuals originating from an area where a particular actor/tribe has *de-facto* power legally and safely settle in another area? Can you describe whether individuals might be at risk in doing so because of their religious, ethnic, geographical or tribal background?

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Returns

50. On what scale does temporary (or permanent) return to Yemen take place? From which countries do returns to Yemen take place and along which routes?

51. What do sources say about which groups return to Yemen from neighbouring countries and from countries in Europe and America, including their numbers (registered and estimates of unregistered returnees)?

52. How are returnees treated? Are there certain groups that run a heightened security risk upon returning to the country? What factors play a role in this regard? Does departure from Yemen by irregular or regular means, the motive/profile of a person at departure or asylum application play a role in this situation? Does return to specific areas in Yemen play a role in treatment on return (by whom/what)? Have you received reports of post-arrival detention in Yemen? If so, what are the conditions during detention?

53. Are you aware of any lists of persons wanted by the internationally recognised Yemeni government published by the Yemeni authorities themselves? Are there any known lists of persons wanted by the Houthis?

54. What is the situation at border crossings from Yemen to neighbouring countries? More specifically, what is the situation concerning the possibilities and impossibilities of crossing these borders for the purpose of an appointment at a foreign (Dutch) embassy outside Yemen?

55. Are there international or other organisations that are active and provide support to returnees? If so, how does this work in practice?

56. If a man or woman has been living in a Western country, does this have repercussions upon their return for their security or social situation in the various areas of the country controlled by the different parties? If so, please be specific.

If you have any questions about the points for consideration listed above, please contact the Research and Expertise Team for Country and Language.

The State Secretary of Justice and Security,
Represented by

Head of the Research and Expertise Team for Country and Language