



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Ecuador

Planning Year: 2006

OVERVIEW

1. Protection and socio-economic operational environment

The operational plan for UNHCR in Ecuador for 2006 is prepared on the basis of the assumption that a constant flow of asylum-seekers will continue to cross the border from Colombia into Ecuador in search of international protection and that the Ecuadorian Government will continue to demonstrate an open and humanitarian attitude towards refugee issues. For 2006, the operation will aim at strengthening protection mechanisms and at providing specific support to Government initiatives for safeguarding the protection of the population of concern. Similarly, the operation will continue to build upon the successes and achievements of 2004, such as the Programme for Community Support and Local Integration and the Resettlement Program.

In 2004, Ecuador experienced a decline in the number of asylum applications compared to the previous year. In 2001 a total of 3,017 asylum applicants were registered in Ecuador, 6,766 asylum-seekers in 2002, and the caseload registered in 2003 amounted to a total of 11,463 individuals. The number of asylum applicants registered in 2004, however, dropped to 7,853 persons. According to official data, the number of asylum-seekers registered in the period between 1 January 2000 and 31 December 2004 reached 29,533. During 2004, the Eligibility Commission held 52 sessions and decided upon applications from 6,637 individuals, recognizing 2,395 as refugees. Thus a total of 9,039 persons were recognized as refugees between 1 January 2000 and 31 December 2004. The Refugee Office carried out a total of 23 interviewing brigades during which 1,645 cases (2,454 persons) were interviewed. The recognition rate at the first instance amounted to 36.3% during the reporting year. 36 cases were recognized at the appeal stage. Additionally UNHCR recognized 37 cases, 101 persons as refugees under its mandate. These cases were subsequently submitted to third countries for resettlement due to lack of legal protection.

The overwhelming majority of asylum-seekers (97%) originated from Colombia in 2004. However in that same year 222 asylum-seekers of other nationalities were registered. Asylum applications were lodged by 164 Peruvians, 22 Cubans, 15 Haitians, 5 Moroccans, 3 Somalis, 3 Iraqis, 3 Venezuelans and 2 Western Saharans and by persons originating from 15 other countries.

The detention of a high-ranking Colombian guerrilla leader in Quito early in 2004 made headlines in the region and internationally. This event led to an atmosphere of discrimination and mistrust against Colombian citizens. The large presence of Colombian nationals in Ecuador raised security concerns among authorities¹, as well as worries among the host population about the effects of a seemingly uncontrolled migration. The alarm about a possible spill-over of the Colombian conflict has had a strong impact on political opinion. As a consequence, the institution of asylum in Ecuador came under enormous strain, especially when authorities adopted a series of migration control measures, among which the requirement for Colombian nationals to present their police record (*pasado judicial*) upon arrival in Ecuador. Such a document can only be obtained in Colombia, in urban areas. The introduction, since 1 May 2004, of the requirement of the *pasado judicial* is considered to be one of the major causes for the considerable decline in the number of asylum-seekers. For this reason, in discussions with the Ecuadorian Government, UNHCR continues to advocate for mechanisms to prevent migratory measures from undermining protection safeguards for

¹ There is a general perception in Ecuador of imminent and growing danger swing to the impact of its neighbour's armed conflict, not only in the border region with Colombia, which is tense, violent and riddled with crime and poverty, but also in other, more central regions of the country. (ICG Latin America Report no. 3)

persons in need of international protection. The fact that the Ecuadorian Government is increasingly concerned about security in its relations with Colombia was also reflected in the agendas of the two official encounters between the Presidents from both countries in 2004, during which issues related to security, migration and refugees were discussed.

The spill-over effects of the Colombian conflict on Ecuador are further compounded by serious domestic socio-economic difficulties which are reflected by, for example, 36% of all school-age children having no access to education (El Comercio, 6 October, 2004), an unemployment rate of 26.8% and a sub-employment rate of 52.5% among the local population between 18-49 years old (ENEMDU 2002). Furthermore, in the situational analysis on gender and age, socio-economic issues were highlighted by the refugees, such as: difficulty in accessing health and educational facilities, obstacles in access to, and exploitation in, the labour market and problems in finding adequate housing.

UNHCR Ecuador further strengthened its Office and particularly its protection teams, both in UNHCR itself and within the implementing partners (IPs). In 2004 there were eight locations where either UNHCR or IPs had a permanent presence: Quito, Ibarra (FO), Lago Agrio (FO), Tulcán, Esmeraldas, Santo Domingo de los Colorados, San Lorenzo, and Cuenca, while another important location, Guayaquil, was reached through regular missions.

By the end of 2004, the activities of the Resettlement Unit UANEP (Unidad de Análisis de Necesidades Especiales de Protección) were a significant element in the strengthening of the protection capacity of UNHCR in Ecuador. This resettlement program funded by the US Government, allowed the Unit, in the second year of its functioning, to refer a total of 618 refugees for resettlement to third resettlement countries. A total of 125 cases (443 persons) departed to their new resettlement countries in 2004.

The database and countrywide electronic registration system was further consolidated during the reporting period. A total of 17,150 ID cards were issued to asylum-seekers and refugees throughout 2004. The issuance of these documents has considerably enhanced the protection of persons of concern to UNHCR, particularly their freedom of movement, by significantly lowering the risks of arbitrary detention and deportation. The problems resulting in delays in documenting refugees residing in several provinces are expected to be resolved during the next year and throughout 2006.

Protection priorities for 2005 aim at ensuring that refugees are granted asylum in Ecuador in conformity with the 1951 Geneva Convention, the 1984 Cartagena Declaration, the national refugee legislation and with due consideration of relevant international and regional human rights standards. The fruitful cooperation between authorities and refugee-assisting implementing agencies will be further promoted by UNHCR Ecuador.

The activities planned by UNHCR Ecuador for 2005 and beyond will also contribute to the implementation of the Agenda for Protection. UNHCR Ecuador will be using the *Agenda for Protection* as a guide in setting its priorities in close cooperation with its Government counterparts. Additionally, the Mexico Plan of Action, which was adopted on the occasion of the celebration of the 20th Anniversary of the Cartagena Declaration in Mexico (November 2004), will also be a useful tool in improving local reception and integration conditions through the concepts of *Ciudades Solidarias* and *Fronteras Solidarias* in coordination with UN agencies. Through the implementation of Community Support and Integration Projects (CSIP) and the promotion of shared responsibilities with Government institutions and UN agencies, UNHCR will promote the two concepts from the Mexico Plan, *Ciudades Solidarias* and *Fronteras Solidarias*. Also the concept of “Reasentamiento solidario” will be enhanced and constitutes a substantial part of the strategy deployed as a responsibility-sharing

mechanism. As mentioned above, the number of persons resettled by UANEP² in other countries has increased to 11.3% of the total number of refugees accepted by the Ecuadorian Government during 2004. This strand of the Mexico Plan of Action is expected to be enhanced during 2005 and 2006, where the quota will be increased with up to 650 persons effectively being resettled in third countries.

For 2005 and 2006, the protection strategy will also be defined with a view to applying the concept of DAR (Development Assistance for Refugees), for which Ecuador has been chosen as a pilot country in 2005. UNHCR introduced the DAR concept to promote self-reliance and co-habitation between the national and refugee population. The DAR approach is built on broad-based partnerships between governments, humanitarian and multi- and bilateral development agencies. The objective of the strategy will be to include the refugee issue into the development plans on both a national and local level. In carrying out its activities, UNHCR Ecuador will also seek to promote inclusion of refugee issues under relevant Millennium Development Goals and implement these in partnership with other UN agencies. Objective 5 “Refugee issues anchored within national, regional and multilateral development agendas” of Goal 3 of the Agenda for Protection (Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees) will be applicable.

UNHCR will closely follow-up on legislative developments in the field of asylum. It is expected that the draft organic refugee law will be discussed in Congress in the first semester of 2005. UNHCR has participated actively in the discussions regarding this new piece of legislation and its recommendations were almost completely retained in the concluding documents of the NGO forum. Nevertheless, it is highly unlikely that this draft law (including its proposed amendments) will be adopted by Parliament given the current political realities. Moreover, it is regrettable that the Refugee Office authorities and other relevant authorities were excluded from the consultation process. Under these conditions, UNHCR is not proactively promoting any legislative changes.

In 2004 the main Minimum Operating Security Standards (MOSS) for Ecuador were satisfied. It should also be noted that in 2004 Lago Agrio was classified as “D” duty station. Security planning for 2006 is based upon the assumptions that security phases throughout Ecuador will remain the same. However, factors to be taken into account are: a) the closeness of the field office of Lago Agrio to the Department of Putumayo in Colombia which is considered a hot-spot in the region in terms of security, and b) the potential security threats that can come from cases denied by the resettlement unit.

2. Operational goals and potential for durable solutions

Derived from UNHCR’s Global strategic objectives, the priorities of the America’s Bureau and the results of the joint (UNHCR, Government and IPs) planning exercise, the following are the overall strategic goals of the 2006 Ecuador refugee programme:

Goal 1 To ensure that, through a community development and a gender and age-sensitive approach, persons of UNHCR’s concern have access to protection, local integration alternatives and humanitarian assistance, country-wide.

Protection and assistance for urban refugees and asylum-seekers will be supported through several activities with the overall objective of ensuring that the established protection standards of treatment for refugees, especially women, girls and children, are secured and critically needed services provided. It would include provisions for protection delivery in exceptional security cases, including accommodation, and also cater for medical referrals. Primary and other education for refugees would be provided.

² See reference regarding UANEP in previous page.

Goal 2: Legal and institutional frameworks strengthened to respond to evolving protection needs, ensuring persons in need of international protection fair access to RSD procedures and the enjoyment of their civil rights.

UNHCR will follow-up on legislative developments and promote institutionalization of Government protection and management structures and will consolidate the Government database system for reception of asylum-seekers, their registration, refugee status determination and issuance of documentation, ensuring protective actions to stem abusive arrests and detention. Activities will be carried out to disseminate refugee rights and ensure their application.

Goal 3 Partnerships are strengthened to enhance protection and attention to persons of UNHCR concern, building and improving strategic alliances with Government, UN Agencies and NGOs to support UNHCR Mandate and operations.

Enhance UNHCR IPs operational frameworks to focus on self-reliance of refugees. This activity will directly contribute to the objectives of the DAR strategy and will enhance structures that will be needed in the near future.

Strengthen internal and external relations to raise awareness about the Ecuador refugee programme among the public at large, civil society and special constituencies, such as the donor community.