



**UNHCR**

**United Nations High Commissioner for Refugees**

Haut Commissariat des Nations Unies pour les réfugiés

# **Country Operations Plan 2008-2009**

## **Ecuador**

## **Protection and Durable Solutions for People in Need of International Protection (PNIP) in Ecuador**

### **Part One: Context and Strategy**

#### **Operational Context**

- **Country/Sub-Regional Situation as it relates to the work of UNHCR including as appropriate for your operation:**
  - **Political, Social, Economic, Security, Human Rights and Asylum issues**

President Correa assumed office in early 2007. Correa has shown determination in establishing a National Development Plan and improve the strategic use of bilateral and multilateral development assistance. In relation to asylum issues, there are assurances that an open door policy will prevail in relation to Colombian refugees. The expediency and fairness of the refugee status determination procedure is among the strategic goals in this Government's planning documents.

Among the initiatives that will have an impact on refugee issues, the development of the Northern Border Zone is a priority of Correa's Government. The so called Development, Peace and Social Inclusion Plan aims to bring resources and expand the response of government to an area that has traditionally suffered the neglect of central government. This "Plan Ecuador" is designed to respond to the negative impact of the Colombian conflict in the border areas.

The new administration has dedicated emergency funding to three key areas in the social sector: education, health and the provision of an emergency bonus for the poorest members of the population. While these are positive developments, the high unemployment rates, the scarce resources allocated overall to the social sector, and the growing xenophobic feelings vis-à-vis Colombians are obstacles to the integration of refugees and their access to basic rights.

- **Populations of concern/ themes<sup>1</sup> to be addressed in UNHCR programmes**

The Ecuador operation has a differentiated protection and solutions approach for the two distinct populations of concern within the country.

Population 1, being the registered population that follows individual refugee status determination procedures and who receive, as appropriate, individual or family support to attain one of the three durable solutions. The composition of this population and the corresponding strategy is outlined under the Strategy section below. The protection response to this population requires a significant investment in capacity building and support to the government's institutions in charge of registration and eligibility assessment.

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<sup>1</sup> A "theme" is chosen when several, different populations are covered under one programme (e.g. an urban programme) or when the programme is mainly directed at the capacity building of institutions (e.g. "asylum system development"). Use themes only if you cannot establish a programme around one well defined refugee/returnee/IDP population. A theme is not any crosscutting issue. Crosscutting issues such as HIV/AIDS, environmental management etc. should be included in the programme for the relevant beneficiary populations wherever possible (see Chapter 4, Section 4.2).

The second population segment is made up of non-registered cases that in majority will not follow an individual status determination procedure. The strategy for the protection of this segment (also outlined in the relevant section below) is built upon the results of a Survey conducted throughout eight months in 2007. The survey is thus a tool that will provide valuable information on numbers, location, profiles, situation and protection gaps that should be considered if and when an appropriate protection mechanism is developed and put in place by the authorities. Contrary to an individual approach, the solutions for this group will be sought at the community level and in general will be aimed at promoting the access to rights and enhancing the community's self-reliance.

The attention to both populations requires a strong element of advocacy to promote access to basic rights, and to ensure that public policies and authorities assume their responsibility to ensure access to education, health, employment and valid identity documentation.

The priority areas common for both populations will be the consolidation of the inter-agency initiatives to address HIV/AIDS in the Northern Border Zone with an emphasis in provinces where this inter-agency (UN agencies) cooperation needs to be enhanced. The standard operating procedures to respond to Sexual and Gender Based Violence will be followed for both populations. However a larger involvement of government authorities will be actively sought in order to deal with structural issues such as gaps in the administration of justice.

As for the proactive planning for resettlement, please see "Matrix for Proactive Planning for Resettlement 2008".

- **Summary Results of Assessments including Participatory Assessment with populations of concern, Annual Protection Report, Standards and Indicators, and other assessments undertaken by UNHCR and partners, per programme as defined by population of concern or theme.**

The following needs assessment is based on recent reports, indicators and investigations<sup>2</sup>, participatory assessments carried out and validated in 2006-2007, and meetings with NGOs, authorities and UN agencies. The latter two components were carried out on two different occasions in 2006 (February and September), through comprehensive gender and age sensitive participatory assessments with refugees and asylum seekers in six different locations of Ecuador (Quito, Ibarra, Lago Agrio, Cuenca, Santo Domingo y Esmeraldas), complemented by meetings with national and international NGOs and actors.

Aside from the gender and age division of the population of concern, consultations were also made separately with special needs specific groups, such as single women heads of households and unaccompanied and separated minors. In this manner, UNHCR was able to plan giving due consideration to relevant gender and age factors.

The information gathered in the 2006 participatory assessment processes on needs, problems, and suggestions on specific interventions from the population of concern, was systematized and later validated in February 2007 together with UNHCR strategies proposed to address the different

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<sup>2</sup> See for instance Nidi/CEPAR, 2006: Living conditions of refugees, asylum-seekers and other Colombians in Ecuador: Millennium Development Indicators and Coping Behaviour; UNIFEM 2005, Mujeres al Borde; Refugiadas Colombianas en el Ecuador; WFP, 2007: Informe final Emergency Operation UNHCR/WFP, 2007.

concerns expressed, in the framework of the present COP. This validation process was carried out separately with groups of registered PNIP, and with international, national and local authorities and actors, where the conclusions and recommendations have served as key inputs in the definition of strategies and objectives for the COP, 2008-2009.

Regarding numbers and percentages quoted in the following paragraphs, it should be noted that due to the non-camp context, wide dispersion of the population of concern and general lack of systematic quantitative information, figures are indicative and based on sample groups, rather than statistical data. The operation is currently prioritizing the improvement of information sources<sup>3</sup>.

## a) Protection

### *Legal*

Research efforts and consultancies have highlighted four main challenges related to legal protection and access to rights:

1. The administrative requirements faced by the applicants for accessing the RSD procedure.(documentation, *pasado judicial*, etc)
2. Existent backlogs and need for upgrade the levels of efficiency on part of the national system for refugee protection<sup>4</sup>.
3. Administrative barriers for the recognition of legal and socio-economic rights inherent in the refugee status<sup>5</sup>.
4. A lack of information among Population in Need of International Protection (PNIP) regarding their rights and RSD procedures.

All these factors affect the exercise of rights, protection-related issues, and socio-economic integration of PNIP.<sup>6</sup> There are also indications among PNIP of a fear of being deported when approaching authorities or UNHCR, and of an increasing lack of trust in the protection system, reflected in growing numbers of non-registered population in need of international protection (“invisibles”). Such population prefers not to apply for asylum and thus does not access legal protection or rights in Ecuador (for more detail, see below).

The lack of information about refugee rights and conditions is a cross-cutting issue for all areas of concern, and legal protection in particular. Investigations and focus groups confirmed the multi-level character of this problem, which consists in: a) insufficient statistical data concerning PNIP, b) lack of

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<sup>3</sup> UNHCR is currently reviewing MFA and partners’ database systems, and a survey expected to provide more detailed information on the non-registered PNIP is underway. We are expecting the roll out of ProGress

<sup>4</sup> Ministry of Foreign Affairs, Refugee Office.

<sup>5</sup> Several cases have been reported of a lack of authorities failing to recognize refugee documentation (see Annual Protection Report 2006). Also, the number of digits in national identity documents is incompatible with the number of digits in refugee and asylum-seeker documentation, limiting their access to basic rights (social security, bank accounts, credit, and drivers’ licences, etc.).

<sup>6</sup> Throughout the document the term “PNIP” will refer to the entire Population in Need of International Protection including those registered by the Individual RSD procedures and those who have not accessed them. “Registered PNIP” will refer to asylum-seekers and refugees registered through the existing individual RSD procedures. “Non-registered PNIP” will refer to those in need of international protection that have not been registered by the existing individual RSD procedures.

information among PNIP concerning their rights, options, services available, and the local culture, c) misinformation among Ecuadorian society regarding PNIP, strengthened by xenophobic media discourse<sup>7</sup>, and d) a general reluctance to share information among actors involved and with target population. To help resolve this, focus groups underlined the need for targeted and simple training and information activities at different levels (service providers, authorities, host communities and refugees).

Finally, the irregular legal status of the non-registered PNIP in Ecuador further aggravates their condition since they do not have access to legal and physical protection mechanisms, nor to socio-economic opportunities and rights. In order to improve protection and living conditions of this group, complementary and alternative strategies need to be developed and implemented.

### *Physical*

In general, the information collected in the focal groups regarding security concerns supports the data obtained by CEPAR, indicating that the refugee population most frequently fears persecution by armed groups, violence and sexual abuse, and deportation.<sup>8</sup> Another major security concern for PNIP is dangerous living environments, as the **socio-economic limitations** of most PNIP lead them to live in **precarious neighborhoods**.<sup>9</sup> Data obtained also reflects frequent incidents of **threats, intimidations and corruption**, as well as cases of irregular **detention** and/or **sexual abuse** of women and adolescents.<sup>10</sup>

### **b) Special needs**

As a result of the above-mentioned situation of vulnerability, many women and adolescents also face greater risks of sexual and labour-related exploitation and abuse. Also, due to lack of economic integration opportunities<sup>11</sup>, many women and adolescents resort to prostitution or unequal relationships as a form of income provision<sup>12</sup>.

Since January 2000, 248 un-accompanied or separated minors were registered as asylum-seekers in Ecuador and a significantly high percentage of refugee women are widows, divorced or separated, with an estimated 29 percent of all women asylum-seekers and refugees in Ecuador being single women heads of households<sup>13</sup> figures reflecting the effects of living with and escaping from violence, sometimes losing partners and family members in the process.

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<sup>8</sup> Bilsborrow y CEPAR 2006, p 57.

<sup>9</sup> Groups of youth in Ibarra and Santo Domingo reported that the existence of local bands was a factor of insecurity for men and women; due to racism and forced conscription, and violence and sexual abuse, respectively. They also mentioned the existence of irregular groups from Colombia in Ecuadorian territory made the environment even more insecure.

<sup>10</sup> Especialmente en las áreas de Lago Agrio, Ibarra, Santo Domingo and Quito.

<sup>11</sup> Enhanced in the case of mono-parental households

<sup>12</sup> 12 UNIFEM 2005, Mujeres al Borde; Refugiadas Colombianas en el Ecuador. ILSA, 2005, Colombianas Refugiadas en Lago Agrio: Experiencias de violencia, identidades y resistencias.

<sup>13</sup> In comparison to local population and non-refugee Colombians. The CEPAR survey data for instance suggest that refugee women have suffered more marital disruptions or been less able or interested in forming new relationships than other population groups CEPAR, ch.2.3

Elderly refugees without family support often have difficulties accessing care institutions due to an over-crowding and a lack of means to pay for specialised services.<sup>14</sup> Generally, PNIP have equal access to the public health system,<sup>15</sup> but effective access is severely limited due to economic restraints<sup>16</sup> and inadequate national health services and infrastructure, especially in the marginal areas of the northern border. These limitations also apply to the local population, but conditions are often worse for PNIP, due to their economic situation and lack of social and family support networks.

### c) Local integration

#### *Economical*

The socio-economic situation of PNIP is affecting their local integration prospects in a critical manner. The majority of the PNIP face a precarious and uncertain situation, with 50% living in conditions of extreme poverty, 75% in poverty<sup>17</sup>, and refugee households presenting almost double food insecurity levels compared to Ecuadorian family units.<sup>18</sup>

There are several reasons for this high degree of poverty, such as the emergency situation, the extreme vulnerability of PNIP when they arrive in Ecuador, and the political and socio-economic situation in the country with a very weak social security system and high unemployment rate. There are also, as explained below, a number of structural barriers to accessing services and rights that jeopardize effective durable and sustainable economic integration of refugees.

Within the sample analyzed in the CEPAR study, refugees' unemployment rates almost double those of the local population.<sup>19</sup> Legal impediments further hinder access to the labor market, particularly the fact that asylum seekers do not have the legal right to work, and refugees lack access to the banking system and micro-finance programs.<sup>20</sup> Also, even though refugees seem to have slightly higher levels of education than Ecuadorians in general,<sup>21</sup> access to employment, housing and other socio-economic integration facilities is frequently denied due to discrimination.<sup>22</sup> According to the CEPAR study, refugees overall have lower-paid jobs, and the majority work within the informal sector. This in turn leads to income instability<sup>23</sup> and a general lack of access to labor rights. Finally, refugees report episodes of sexual abuse and exploitation related to acquiring or maintaining a job, thus making it

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<sup>14</sup> This also applies to other cases with special needs that require protection and care in specialized shelters and institutions (younger separated minors, single women, and cases with physical protection needs).

<sup>15</sup> In compliance with Ministerial Agreement 1187 of the Ministry of Health, 2004

<sup>16</sup> There is no basic universal health insurance in Ecuador; while services are free, all basic implements, medicines, and treatments, have to be paid by the client..

<sup>17</sup> Bilsborrow and CEPAR, 2006, p.29. Poverty definitions: Extreme poverty: less than 1 USD per day and person; Poverty: less than 2 USD per day and person.

<sup>18</sup> Nidi/CEPAR (2006), p. 60.

<sup>19</sup> CEPAR, 2006, ch. 10.1

<sup>20</sup> Including micro-credit, savings and insurance schemes. This also limits refugees' access to formal jobs, as employers require personal bank accounts for salary payments.

<sup>21</sup> CEPAR 2006

<sup>22</sup> For instance, Colombian citizens are often charged double deposits for acceding house rental and IPs have received reports of violations of labor rights.

<sup>23</sup> The majority of PNIP find employment in hawking (especially men) and domestic activities (especially women), remaining in the informal – and often illegal – job sector. High costs of documentation and registration prevent them from accessing the formal job market as well as from claiming labour rights.

even more difficult to secure a job that provides them economic stability while also guaranteeing their safety and integrity.

### *Social*

The majority of PNIP face dramatic conditions when entering Ecuador. After being forced to leave their country of origin, they often arrive in a state of trauma or shock, and with no means of subsistence. They are often in need of psychological support and of primary material assistance, such as food, shelter/housing, health care, and basic hygiene implements.<sup>24</sup> (According to the CEPAR study,<sup>25</sup> 92.5% of PNIP who have received assistance obtained it from UNHCR, where the majority was satisfied with existing emergency and assistance mechanisms and procedures).<sup>26</sup> However, while UNHCR provides individual support for health, education and specialised services, the operational resources only allow for the support of a restricted number of cases during a limited period of time. Meanwhile, refugees do not have access to social support programs provided by the government within national poverty reduction strategies to Ecuadorians.<sup>27</sup> It is neither possible nor sustainable for UNHCR to substitute the national welfare support system in the long run. Therefore the rights-based focus for integration and special needs support needs to be further strengthened.

PNIP<sup>28</sup> suffer emotional trauma from the violence they experienced or witnessed, and due to the social and cultural uprooting inherent in the flight. As noted above, as a result of the violent and chaotic context in their country of origin many **families are divided and separated**, which results in an increased vulnerability of their members. In particular, this separation can have grave and in some situations dangerous effects upon refugee women and girls.

As regards education, focal groups mentioned economic limitations and documentation requirements<sup>29</sup> as the major impediments to refugees' access to education. Discriminatory tendencies within the school system and adaptability problems among refugee children constitute other major impediments and cause attendance and high school dropout rates<sup>30</sup>. Finally, the lack of access to effective integration opportunities and the inability to exercise their rights results in an increased mobility of the refugee population in search of work opportunities and better living conditions. This phenomenon, in turn, leads to a further exclusion from social and economic integration mechanisms, such as social networks, housing, and credit-schemes.

Overall, discrimination, physical insecurity, and lack of access to the social spaces in schooling and the workplace, tend to result in social isolation. As a possible solution, practically all groups within

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<sup>25</sup> Bilsborrow and CEPAR, 2006

<sup>26</sup> Focal groups raised concerns regarding food ration distribution, their quality and their content. There are occasional delays in transportation of food and non-food items to field offices, while many PNIP live in remote areas, with limited possibilities of transportation to HCR/IP offices. UNHCR is permanently discussing and implementing ways to address these problems with the WFP

<sup>27</sup> Particularly the "Solidary Bonus" financial supports to low-income groups, and special benefit programs for elderly and disabled people, provided by the Ministry of Social Welfare.

<sup>28</sup> Particularly separated minors and victims of sexual and gender-based violence and/or violence and torture.

<sup>29</sup> These requirements are expected to decrease as consistent lobbying efforts from UNHCR and civil society resulted in a Ministry of Education Decree (September 2006) guaranteeing leveling exams for refugees and asylum seekers.

<sup>30</sup> Catholic Relief Service, Comité Pro Refugiados, Pastoral Migratoria de Tulcán e Ibarra, 2006: "*Condiciones en que se encuentran los niños, niñas y jóvenes colombianos en Situación de Refugio, dentro del sistema fiscal escolar fiscal de las ciudades de Ibarra y Tulcán*". (Tendencies also confirmed by UNHCR IPs and Field Offices).

the participatory assessments<sup>31</sup> highlighted a need for associative processes, a community-based strategic approach,<sup>32</sup> and an active and continuous participation of PNIP within common spaces of dialogue for the planning and implementation of the operation. On the other hand, authorities and UNHCR partners underlined the importance of taking into account host communities' socio-economic conditions and priorities in refugee integration projects. However, local authorities also agreed on the need to create community-based support networks and provide integrated local responses.

During the validation process the following areas were stressed as priority for the UNHCR operation 2008-2009 in order to adequately respond to the problems and needs of PNIP:

- Strengthening the national capacity to respond to the needs of PNIP, through **capacity building** and joint efforts to **reduce structural barriers** concerning access to rights and services.
- **Strengthened coordination and integrated planning mechanisms** among all actors..
- Development and **articulation of protection networks** with a specific need to define clear responsibilities, roles and functions for each actor involved, in order to maximize synergies, optimize resource and achieve better results.
- Development and improvement of mechanisms that can effectively address **discrimination** and **xenophobia** in relevant sectors.
- Focus on **income generation** and access to labor market as crucial factors that would permit durable solutions and long-term **sustainable socio-economic integration**.
- **Community-based strategic approach** and development of **shared spaces** for dialogue and mutual support.

### UNHCR Strategy

- **Achievements to date per programme as defined by population of concern or theme PROGR**

### **Population #1- Registered population- Individual RSD**

The refugee operation in Ecuador has reached a special momentum. The number of asylum-seekers registered in the period between 1 January 2000 and 31 December 2006 reached 44,451. With a total of 13,448 recognized refugees during these seven years, Ecuador continues to be the asylum country with the largest refugee population in Latin America.

Eligibility-related activities are extremely intensive in Ecuador, with UNHCR participating in an advisory capacity in the Eligibility Commission. UNHCR's involvement in the RSD procedure is giving rise to a constructive form of collaboration with its major Government counterparts, which does not only directly benefit the adjudication of asylum applications, but also significantly contributes to the achievement of the wider objectives of the Office and consolidate a collaborative relationship with the Government.

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<sup>31</sup> Men, women, adolescents, children and elderly people.

<sup>32</sup> In the development of associative mechanisms, UNHCR should promote the insertion of refugees and asylum seekers within existing national organizations and not the auto-exclusion of refugee population.



Against this background, UNHCR Ecuador has elaborated a protection strategy that focuses on the enhancement of the RSD procedures, in particular aiming at strengthening operational capacity and expanding coverage to the provinces. This strategy contains the following four main elements:

- a) **The gradual and progressive transfer of responsibilities in the field of registration and eligibility to the Government:** As of January 2007, the responsibilities related to registration and eligibility interviews with asylum-seekers were completely transferred to the authorities in the two locations where Refugee Offices are established (Quito and Cuenca). The transition process is closely being accompanied by UNHCR. It is however important that the Government also increasingly assumes its financial obligations.
- b) **The decentralization of the asylum system:** Despite the opening of a branch of the Refugee Office in Cuenca (in March 2005), the Ecuadorian asylum system continues to be fairly centralized. Delays in the issuance of documentation and processing of cases in the provinces motivated the promotion of a further decentralized Refugee Office. UNHCR advocates for an opening of new branches of the Refugee Office in Ibarra and Lago Agrio (scheduled for 2008).
- c) **The promotion of more efficiency in the RSD procedures:** The acceleration of decision-making and elimination of the growing backlog by increasing staff resources, reducing bureaucracy and gaining overall efficiency in the RSD process are urgent priorities. Efforts are underway to develop mechanisms that allow for effective determination of refugee status of groups in need of international protection in a more accelerated manner.
- d) **The consolidation of the asylum system:** UNHCR is making special advocacy efforts with the Government in the process of developing procedural guidelines and eligibility standards for the Refugee Office and the Eligibility Commission which could provide a basis for legislative reform. This legislative revision will most likely take place during the next couple of years. The reinforcement of the Refugee Office as the Secretariat of the Eligibility Commission should also be institutionalized.

UNHCR's aim in Ecuador is to strengthen the asylum system and to promote local integration (bearing in mind that the overwhelming majority of refugees are from Colombia). Therefore, the preferred durable solution in Ecuador, in the absence of the possibility to repatriate refugees to their country of origin in safety and dignity, will continue to be local integration together with the use of resettlement as a protection tool and effective durable solution for those refugees with special protection needs and vulnerabilities.

The local integration strategy will be separated into three main areas of intervention: income generation and self-sufficiency projects, community organization and rights empowerment projects, and community development projects.

The first seeks to strengthen existing and new initiatives for production, commercialization and service provision in order to offer sustainable options for self-sufficiency and durable local integration solutions for refugees and asylum-seekers. The interventions can be individual or associative and will be supported with financing, training and technical assistance.

The second area, Community Organization and Rights Enforcement, seeks to strengthen the protection mechanisms for the population of concern as well as the promotion of their rights, especially for PNIP

with special needs. The projects will support legal assistance projects, cultural, sport and recreational initiatives as well as awareness and tolerance campaigns.

Finally the third area, that of Community Development, seeks to support hosting communities in order to mitigate negative effects of refugee influxes to communities that often already have scarce resources. The projects focus on strengthening public services and utilities for improving the infrastructure, provision of materials and training of the human and social capital. Especially the health and education sectors will benefit from this category.

## **Population #2- Non-registered persons in need of international protection (“invisible population”)**

One of the innovative elements of the revised protection strategy in Ecuador is its focus on addressing the protection needs of the non-registered Colombian population in need of international protection, which has been estimated to amount to some 250.000 persons.

In order to validate estimations regarding the “invisible population” and obtain specific data, such as their location and profiles, which could guide the operation, UNHCR is currently conducting a mapping exercise and a survey in coordination with CEPAR. This organization is also collecting and analyzing information contained in diverse studies, reports, surveys and projects, on the basis of which protection needs of the invisible population will be identified and systematized.

UNHCR Ecuador has developed several other initiatives to reach non-registered persons in need of international protection. UNHCR has intensified its border monitoring activities to identify hosting communities and to systematize profiles of the non-registered population in these communities. Joint border missions and integrated brigades with partner agencies facilitated the registration of “invisible persons”, distribution of food rations and provision of psychological and medical assistance to isolated communities in the provinces along the northern border.

UNHCR will further consolidate and enlarge its protection networks throughout the country, strengthening its relations with a variety of government institutions and civil society organizations. In the event of a migratory regularisation (as announced by the Government earlier this year) of the Colombian population irregularly living in Ecuador, UNHCR will advocate that the measures taken by the authorities will meet the protection needs of non-registered PNIP. In the meantime rather than promoting an amnesty for Colombians living in an irregular situation in Ecuador as there are no clear prospects that this regularization/amnesty will materialize, UNHCR tries to promote a differentiated group-based approach responding directly to the specific profiles and needs of the invisible population. An important aspect of this approach is the inclusion of children born in Ecuador as beneficiaries of the Registration Brigades performed by the Civil Registration Office countrywide. Other groups, such as indigenous people in need of international protection have also benefited from this differentiated strategy.

The more proactive protection strategy developed by UNHCR, involving close coordination with FOs in Colombia and follow-up by protection teams on early warnings about potential refugee influxes, has to some extent allowed UNHCR to prevent newly arrived persons in need of international protection from becoming invisible. More intensive border monitoring, integral brigades, participatory

assessments and other community-based initiatives will all contribute to create a climate of confidence and to raise the visibility of UNHCR.

Once more in depth information is available about the specific profiles of the “invisible population”, UNHCR will develop “protection projects” targeting non-registered persons in need of international protection who will not be channeled through RSD procedures. The design of such projects very much depends on the findings of the mapping exercise and survey as regards size, needs and characteristics of the invisible population.

Due to the many constraints of the RSD procedures the asylum system in its current form cannot respond to considerable increase in the number of asylum-seekers.<sup>33</sup> In any case, UNHCR will encourage the Government to improve eligibility practices and develop new and more flexible procedures, which would contribute to achieving one of the main protection objectives in Ecuador.

As regards the regularization of Colombian nationals living in Ecuador announced by the current administration. UNHCR will make special efforts in advocacy (through the creation and use of strategic alliances with Civil Society organizations) and awareness raising with all stakeholders (Government and Civil Society) in order to support and ensure that the regularization process will take into account the protection needs of the non-registered persons in need of international protection in Ecuador.

- **Protection and Solutions Strategy for 2008-2009 per programme as defined by population of concern or theme**
  - **Overall Objectives and their Links to GSOs/ RSOs**

**UNHCR’s overall goal in Ecuador** is to strengthen the international protection regime for all persons in need of protection (PNIP), to ensure adequate emergency response mechanisms for refugee influxes, and to provide assistance and durable solutions focusing on long-term social and economic integration processes.

UNHCR Ecuador implements thoroughly the two strands of the Mexico Plan of Action (MPA)- the protection strand and the three solidarities (cities, borders and resettlement)-. This implies the need for a comprehensive/holistic strategy in a wide range of different activities as well as efforts to identify and address the protection needs of non-registered PNIP in a pragmatic manner.

Within this framework and with due reference to the Global Priorities, the Bureau for the Americas Strategic Objectives 2007-2009, the Mexico Plan of Action, and the Agenda for Protection (AfP), UNHCR will pursue the following specific goals:

- A. Ensure that legal and institutional frameworks respond to the growing protection needs of asylum seekers and refugees, and that refugee issues are adequately anchored in development agendas and public policy making. These issues should be considered in a gender and age sensitive manner and with due consideration to the community development priorities, thus guaranteeing that they can

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<sup>33</sup> The proactive protection strategy implemented by FO Lago Agrio has already led to a doubling in the number of asylum-seekers registered in the province of Sucumbíos during 2006.

freely exercise their rights, have access to self-sufficiency and income generation options, and have access without obstacles to basic services. (*GSO/RSO: 3.1, 3.2, 3.3, 5.2,6.1, 7.1; cities and borders of solidarity and protection strand of the MPA; AfP Goal 1 obj. 8; Goal 5, obj. 1, 4, 7; Goal 6*).

- B. Support legal and institutional national frameworks in order to respond to the growing protection needs of registered PNIP guaranteeing that this population has access to a fair and efficient refugee status determination procedure, through advocacy and consolidation of existing structures. (*GSO/RSO: 1.1, 1.2, 2.1, 2.2; borders of solidarity and protection strand of the MPA; AfP Goal 1 and 6*).
- C. Make more efficient use of resettlement both as a protection tool and as a durable solution, ensuring that opportunities for resettlement are adapted to the real protection needs of refugees in Ecuador and anticipating the resettlement needs of the population. (*GSO/RSO: 1.2, 5.3 and “solidarity resettlement” of the MPA; AfP Goal 5, obj. 5 and 6; Goal 6*).
- D. Enhance the registration and documentation tools of registered PNIP and obtain objective information about the situation and protection needs of the non-registered PNIP. Such results will improve the base line information available to UNHCR’s programmes, public policies created and implemented by the Government, and better coordinate actions with protection network actors. (*GSO/RSO: 1.1, 1.2, 1.5, 2.2, 6.2, 7.1, 7.3, 10.1; borders of solidarity and protection strand of the MPA; AfP Goal 1 and 6*).
- E. Strengthen and institutionalize operational frameworks for needs mapping as an integrated part of registration and reporting systems of Government counterparts and IPs, integrate participatory assessments with PNIP and the use of up-to-date baseline information, in order to better measure results, and impact of activities. Establish, in a gender and age sensitive manner, appropriate spaces for participation, evaluation and feed-back (accountability) of the PNIP to facilitate the assessment of the changing needs to be addressed by the UNHCR operation in coordination with Governmental public policy-makers and Civil Society organizations. (*GSO/RSO: 6.2, 7.1, 7.3, 7.4, 10.1; protection strand of the MPA; AfP Goal 1, objectives 8 and 11, Goal 2, objectives 2 to 5, Goal 5, objectives 1 and 7, Goal 6*).
- F. Expand and consolidate protection networks, through capacity building and awareness, at national and regional levels to: achieve better operational protection and integration tools, improve advocacy capacity, ensure an effective response to protection needs in cases of group influxes at the borders, and provide access to protection within the broader context of migration management. (*GSO/RSO: 1.1, 1.2, 1.3, 2.1, 2.2, 3.3, 4, 5.2, 6.1; cities and borders of solidarity and protection strand of the MPA; AfP Goal 1 obj.5, 8, 9, 10; Goal 2 obj. 1; Goal 3*).
- G. Establish adequate mechanisms of protection for non-registered PNIP through community development processes, strategic alliances with governmental and non-governmental actors, and advocacy efforts before the national and local authorities to develop a protection regime for those who cannot be processed through the individual RSD process.

In particular, UNHCR will pay special attention to the likely migratory regularization of Colombian nationals living in Ecuador, in order to advocate for (using strategic alliances with Civil Society organizations) the inclusion of the non-registered PNIP protection needs at stake.

(*GSO/RSO: 1.1, 1.2, 1.5, 2.1, 2.2, 5.2, 6.1; cities and borders of solidarity and protection strand of the MPA; AfP Goal 1 obj.3; Goal 2; Goal 3 obj. 2, 3, 4; Goal 5 obj.1*).

○ **Planning Figure Table**

<b>Planning Figures<sup>34</sup></b>				
<b>Population</b>	<b>Dec. 2006</b>	<b>Dec. 2007</b>	<b>Dec. 2008</b>	<b>Dec. 2009</b>
Asylum seekers	5,521	7,634	10,127	13,068
Recognized refugees	11,789	14,728	18,197	22,289
Non registered persons in need of international protection	250,000	250,000	250,000	250,000
<b>Total</b>	<b>267,310</b>	<b>272,362</b>	<b>278,324</b>	<b>285,357</b>

○ **Partnership and Collaboration**

The following is the distribution of responsibilities within the Ecuador operation expected for 2008 – 2009.

**Government:**

<b>Institution</b>	<b>Roles</b>
<ul style="list-style-type: none"> <li>Ministry of Foreign Affairs</li> </ul>	<ul style="list-style-type: none"> <li>Official counterpart of UNHCR</li> <li>Coordination of refugee policies</li> <li>Processing of asylum claims (RSD)</li> <li>Refugee documentation.</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of Interior</li> <li>Migration Police</li> </ul>	<ul style="list-style-type: none"> <li>Member of the National Eligibility Commission.</li> <li>Issuance of TAM (Andean Migration card).</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of Health / Public Health centres in Imbabura, Esmeraldas, Pichincha, Azuay, Sucumbíos, Orellana and Carchi provinces.</li> </ul>	<ul style="list-style-type: none"> <li>Provide medical attention and medicines for asylum-seekers and refugees.</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of Education / Public schools in Sucumbíos, Orellana, Carchi, Esmeraldas, Azuay, Pichincha, and Imbabura provinces.</li> </ul>	<ul style="list-style-type: none"> <li>Developing mechanisms for the efficient and effective implementation of ministerial agreement, guaranteeing the right of refugee and asylum seeker children to access education</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of Labour</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of ministerial agreement providing refugees with work permits free of charge.</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of Social Welfare</li> </ul>	<ul style="list-style-type: none"> <li>Inclusion of PNIP into national social welfare programs, including networks for child protection coordinated through the National Council of Children and Adolescents (CNNA), headed by the MBS.</li> </ul>

<sup>34</sup> These planning figures should summarize Annex 3 of the 2007 COP/ROP.

**UN Agencies:**

<b>Institution</b>	<b>Roles</b>
<ul style="list-style-type: none"> <li>• WFP</li> </ul>	<ul style="list-style-type: none"> <li>• Provide at least 8,000 food rations during 2007 and 8,500 food rations during 2009 on a monthly basis for all asylum-seekers and vulnerable refugees</li> <li>• Food provision to refugee camps in case of mass influx (Contingency Plan)</li> <li>• Provide purchase expertise and processing for all Non-food-items</li> </ul>
<ul style="list-style-type: none"> <li>• UNICEF</li> </ul>	<ul style="list-style-type: none"> <li>• Advise IPs on assistance to refugee children (registered and non-registered)</li> <li>• Training for UNHCR's IPs on child development and reproductive health</li> <li>• Advocacy on education activities for refugee children</li> <li>• Counterpart, along with WFP, in the UNHSTF joint project in the northern border provinces</li> </ul>
<ul style="list-style-type: none"> <li>• PAHO</li> </ul>	<ul style="list-style-type: none"> <li>• Technical support to public health centres in the border provinces</li> <li>• Continuation of the "Strengthening of the Health Sector for the Attention of the Refugee Population in the Northern Border Provinces" programme</li> </ul>
<ul style="list-style-type: none"> <li>• UNDP</li> </ul>	<ul style="list-style-type: none"> <li>• Political support for UNHCR's operation</li> <li>• Funding for Northern Border Consultant</li> </ul>
<ul style="list-style-type: none"> <li>• UNV</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of services of international and national UNVs</li> </ul>
<ul style="list-style-type: none"> <li>• UNIFEM</li> </ul>	<ul style="list-style-type: none"> <li>• Provide training to national law enforcement authorities on legal framework, adequate response mechanisms and responsibilities related to cases of SGBV</li> <li>• Provide support to UNHCR in the training of UNHCR and IP staff on gender and SGBV issues</li> <li>• Disseminate topics related to SGBV widely</li> </ul>
<ul style="list-style-type: none"> <li>• UNFPA</li> </ul>	<ul style="list-style-type: none"> <li>• Training on HIV/AIDS, STDs and Sexual and reproductive health to various actors, including refugee population</li> </ul>
<ul style="list-style-type: none"> <li>• UNAIDS</li> </ul>	<ul style="list-style-type: none"> <li>• Provide an interagency framework for, and strengthening the reach of UNHCR interventions targeting refugee population in the field of HIV/AIDS</li> </ul>
Interagency Thematic Group on Gender Issues	<ul style="list-style-type: none"> <li>• Provide an interagency framework for, and strengthening the reach of UNHCR interventions and mainstreaming of gender-related issues</li> </ul>
<ul style="list-style-type: none"> <li>• Interagency Thematic Group on the Northern Border</li> </ul>	<ul style="list-style-type: none"> <li>• Joint programming on Northern Border Provinces</li> <li>• Joint assessment on Northern Border Provinces needs</li> <li>• Joint execution of two interagency projects</li> </ul>

**Implementing Partners:**

<b>Implementing Agency</b>	<b>Roles</b>
<ul style="list-style-type: none"> <li>• HIAS (Hebrew Immigrant Aid Society)</li> </ul>	Humanitarian <ul style="list-style-type: none"> <li>• Counselling / Humanitarian assistance for cases in Quito, Quito, Santo Domingo, Ibarra, San Lorenzo, Tulcán and Esmeraldas</li> <li>• Identify and support resettlement cases with shelter,</li> </ul>

	<ul style="list-style-type: none"> <li>humanitarian assistance and transportation as needed</li> <li>• Implementation of emergency preparedness project</li> <li>• Management of the DAFI project</li> <li>• Management of Orientation and Information Centre in Quito</li> <li>• Psychosocial support to refugees and IP staff in Quito, Ibarra, Lago Agrio on a full time basis and in Cuenca, Tulcán, San Lorenzo, Esmeraldas and Santo Domingo during regular visits</li> <li>• Recreational activities for children</li> <li>• Literacy classes for Ecuadorians and refugees</li> <li>• Provide psycho-social support and follow-up for groups with special needs</li> <li>• Participate in best interest determination procedures for children at risk</li> </ul>
<ul style="list-style-type: none"> <li>• Ecuadorian Red Cross of Sucumbíos and Azuay</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling / Humanitarian assistance for cases in Sucumbíos and Azuay</li> <li>• Identify and support resettlement cases with shelter, humanitarian assistance and transportation as needed</li> <li>• Logistical support during voluntary repatriations</li> <li>• Provide health care and emergency support to refugees in the provinces of Sucumbíos and Azuay.</li> <li>• Storage and distribution of Humanitarian Assistance in the mentioned provinces</li> <li>• Member of the Emergency Response Group</li> <li>• Logistic/operational support in case of larger emergencies</li> <li>• Provide psycho-social support and/or follow-up for groups with special needs</li> <li>• Participate in best interest determination procedures for children at risk</li> </ul>
<ul style="list-style-type: none"> <li>• COOPI (Cooperazione Internazionale, Italy), covering Sucumbíos Province</li> </ul>	<ul style="list-style-type: none"> <li>• Management of APAFANO shelter in Lago Agrio</li> <li>• PACIs implementation in Sucumbios, Imbabura, Carchi and Esmeraldas provinces</li> <li>• Community organisation, particularly in host communities</li> <li>• Implementation and overseeing of Communal Banks</li> <li>• Ensure involvement of persons in need of international protection in project design and implementation</li> </ul>
<ul style="list-style-type: none"> <li>• Fundación Ambiente y Sociedad (FAS), covering Pichincha and Esmeraldas</li> </ul>	<ul style="list-style-type: none"> <li>• PACIs implementation in Pichincha province</li> <li>• Community organising, particularly in host communities</li> <li>• Implementation and oversight of Communal Banks</li> <li>• Ensure involvement of persons in need of international protection in project design and implementation</li> </ul>
<ul style="list-style-type: none"> <li>• Fundación ESQUEL</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops on human rights and refugee rights in different areas of the Northern Border Provinces, targeting both registered and non-registered persons of concern</li> <li>• Vocational trainings to refugees and asylum-seekers</li> <li>• Research on Ethno historical links between Colombians and Ecuadorians in the Northern Border</li> </ul>
<ul style="list-style-type: none"> <li>• New partners to be identified</li> </ul>	<ul style="list-style-type: none"> <li>• Design and implementation of Micro-finance programs</li> <li>• Development of micro and small business sector</li> <li>• Community organisation, particularly in host communities</li> <li>• Development of empowerment mechanisms for PNIP</li> </ul>

**b) Other partners (including those with sectoral responsibilities):**

Institution	Roles
<ul style="list-style-type: none"> <li>• International Organization for Migration (IOM)</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support for the water and sewage systems at the APAFANO compound.</li> <li>• Pre-travel arrangement for resettlement cases</li> <li>• Support with transport for voluntary repatriation operations</li> <li>• Provide emergency response to the displaced population</li> <li>• Strengthen links with local and national authorities regarding the displaced population in the northern border area.</li> <li>• Close collaboration with UNHCR in the development of Contingency Plans for towns and cities along the Northern Border</li> <li>• Participates in the interagency program, implemented by 7 UN agencies including UNHCR, to support a provincial HIV/AIDS response plan in the Province of Sucumbíos.</li> </ul>
<ul style="list-style-type: none"> <li>• Norwegian Refugee Council</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support to Orientation and Information Centres in Quito and Sucumbíos.</li> </ul>

**c) Cooperation within the UN system and with other agencies:**

In addition to the interagency cooperation described in the tables above, 2008 will witness the strengthening and broadening of cooperation with UN and other agencies in a number of activities.

Under UNHCR leadership, the Interagency Thematic Group on the Northern Border, which includes UNICEF, UNESCO, FAO, WFP, WHO/PAHO, UNIFEM, UNDP, UNV, UNFPA, IOM and UNIDO, has strengthened its position and is now considered a “good practice”. Another of the Thematic Group’s initiatives has been participation in the discussions of the Bi-national Integration Plan for the Colombian-Ecuadorian Border, which operates under the umbrella of the Ministry of Foreign Affairs’ Directorate of National Sovereignty. The planned activities fall directly under the DAR Initiative and the Mexico Plan of Action, particularly the “Ciudades Solidarias” and “Fronteras Solidarias” schemes, and their development will continue in 2008 following up on achievements in 2007.

Jointly with UNICEF and WFP, UNHCR presented the “Integrated Approach for the Protection of Vulnerable Populations Affected by the Colombian Conflict on Ecuador’s Northern Border” proposal to the UN Trust Fund for Human Security for a two-year project (2006 – 2008). It is anticipated to be fully operational until its conclusion by June 2008.

A joint program on HIV/AIDS and Sexual and Reproductive Rights will continue to operate in Sucumbíos in 2008 as a continuation of an initiative implemented by UNHCR, UNFPA and UNIFEM in 2005-2007. The project focuses on strengthening state response and NGO support groups, and benefits from an alliance with the Ecuadorian Red Cross to implement HIV testing and counselling facilities in the region.



The WHO/PAHO’s “Emergency Project for Health Emergencies in the Northern Border”, the fifth phase of which was initiated in early 2006, will continue its work of training workers in Public health Centres and hospitals on emergency situations related to humanitarian movements and displacements, particularly refugees. A partnership should also be established to ensure that the registered population is taken into account in any national Avian Flu preparedness.

○ **Assumptions and Constraints**

<b>Assumptions</b>	<b>Constraints</b>
<ul style="list-style-type: none"> <li>• The Ecuadorian Government continues to comply with its obligations under international refugee law.</li> <li>• Colombian refugees continue to arrive in Ecuador (mainly in small groups all along the border).</li> <li>• There are sufficient national institutions and NGOs interested in and ready to participate in the refugee protection network.</li> <li>• There are host communities in border areas with development plans. Refugees and other persons in need of international protection are included as beneficiaries in these plans.</li> <li>• Refugee Office of the MFA ready to engage in developing RSD alternatives to provide legal protection to large numbers of non-registered population.</li> <li>• New authorities more open to provide support to refugees and asylum seekers</li> <li>• Continuation of the Colombian conflict resulting displacement</li> </ul>	<ul style="list-style-type: none"> <li>• Persons in need of international protection arrive in remote areas of difficult access.</li> <li>• Confrontations between Colombian armed actors in the border provinces increase.</li> <li>• Urban and rural refugees are widely dispersed and highly mobile.</li> <li>• Weak structure/organisation/coordination of the civil society at national level and particularly in border areas.</li> <li>• Increased resentment amongst local population against Colombian citizens</li> <li>• Asylum-Migration nexus not clear for the Ecuadorian authorities or the general public. Asylum and Migration are connected because of the nationality of the main migration fluxes in Ecuador (Colombians), but there is no coherent migration policy, and migration control measures continue to affect persons in need of international protection without special regard to their status as such.</li> </ul>

○ **Potential for Durable Solutions and Phase Out**

The ongoing conflict in Colombia has resulted in an increase in the number of internally displaced persons and refugees in 2006. The continuation of this trend is expected to be maintained for the foreseeable future. Voluntary repatriation will not be the main focus in the identification of suitable durable solutions.

Instead, all efforts will be made to enhance the local, social and economic integration of refugees in Ecuador. While refugees can legally work and integrate, the COP points out the refugees’ perceptions and concerns about the obstacles posed to their integration. Indeed the socio economic situation, the

competition for jobs in urban centres, and the discrimination and abuse that refugees and asylum seekers suffer are issues that must be addressed in order to make local integration a viable and durable solution.

The strategy outlines the need to redouble different interventions and the need to join efforts with civil society and refugee association in advocacy interventions at all levels of line ministries and local administration.

As in the past year, the work begun with the Ministry of Labour, Education and Health as well as Civil Registry will be enhanced to include target interventions with the Ministry of Social Welfare. Access and support to existing micro-credit schemes and an enhancement of partnerships particularly with municipalities.

Likewise, targeted campaigns to inform civil servants of refugee rights and to influence opinion makers in order to address the growing xenophobic feelings will be necessary as part of the local integration efforts.

The Ecuador operation makes use of Resettlement in its strategy as an essential protection tool, and also to alleviate and share the responsibility borne by Ecuador of finding solutions for refugees with regional and traditional resettlement countries.

#### ○ **Summary Management Strategy for UNHCR**

The operation of Ecuador has its Country Office in Quito. There are two Field Offices. Field Office Lago Agrio covers the provinces of Sucumbíos and Orellana and will cover through regular missions some locations in Napo. Field Office Ibarra covers the provinces of Imbabura, Esmeraldas and Carchi, a very wide area of some 20,000sqkm. As of 2007, there is a regular presence (IUNV operating from shared UN premises) in Cuenca. An evaluation of the scope and impact of this presence that is directly supervised by the Representative will permit planning of the needed structure in 2009-2010. In 2008, we are proposing to consolidate and empower the Field Offices through the creation of core posts in programme and protection and by classifying the HOFO to the P3 level. A plan to devolve authority in programming decisions will be implemented in order to enable a fast response and the identification of initiatives and possible partners at the field level.

As regards the senior management structure, the reinforcement by the review of the classification of an existing post and the creation of a Deputy is required given the level of responsibilities, the prospects of increase in operations and resources and the intense level of representational responsibilities with government, partners, donors and the UN system.

The Ecuador team is made up of diverse staffing arrangements. The 2008 - 2009 proposal includes UNHCR regular staff: International professionals (8), JPOs (1). National Professionals (1) and GL staff (20). The contribution of national and international Volunteers is key and they comprise 60% of the total staff arrangements.

With respect to the location of field offices, in 2008 we will pilot a scheme whereby a field location will be placed in Esmeraldas under the coverage and supervision of Field Office Ibarra. Depending on the operational demands, this field unit may be officially established in 2009. At the moment, we will work on the pilot using the available staff and budget resources.

The proposed office and staffing structure responds to the requirements of the strategy whereby there are important components of capacity building, asylum procedures development, and identification of non-registered population and identification of solutions at the urban and rural levels.

Our office plans to train all new UNHCR and IP personnel in the Code of Conduct (COC), and offer refresher courses to all staff in 2008-2009. The COC will be accompanied by a short course on harassment, sexual harassment and abuse of authority.

### **Staff Safety and Security**

The UN system is not a target for crime or terrorism in Ecuador. However, the Northern provinces which border with Colombia are under security phase I and present a volatile security situation and frequent influxes of refugees fleeing confrontations in Colombian territory. UNHCR is the only UN agency with field offices and constant monitoring missions to sensitive areas by the border. Therefore, security measures and communication protocols need to be operational and constantly updated. In Quito, the capital, UNHCR shares premises with other agencies under a UN Common House and therefore benefits from high security standards.

On October 2006, a Compliance, Evaluation and Monitoring Mission from UNDSS rated UNHCR's compliance with MOSS at 74% (Compliance with limitations). Several measures were taken in coordination with UNDSS and the Security Adviser in HQ to ensure full compliance. Special attention was given to deficiencies detected in Lago Agrio. All improvements were duly informed to UNDSS-NY and to UNHCR-Geneva.

UNHCR receives support and advice from UNDSS for security arrangements and training in all duty stations. UNDSS has two staff members posted in Quito. Every month, UNHCR submits to UNDSS a list of staff and an Area Security Clearance Request for all phase I areas of the country.

Management oversees compliance with MOSS and MORSS and the existence of a culture of security in the organization. A security focal point has been appointed for each UNHCR duty station. In 2008, staff will continue receiving training regarding security measures for field operations and communication protocols. Reporting and consultation with the Security Adviser in Headquarters will continue taking place regularly.