



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2008-2009

Panama

PANAMA
Country Operations Plan
2008-2009

Part One: Context and Strategy

Operational context

- o Political, Social, Economic, Security, Human Rights and Asylum issues

Panama, with an estimated population of 3.2 million people, has one of the fastest growing economies but is also among the countries with the **worst wealth distribution in Latin America. Poverty rates in Panama are particularly high in rural indigenous communities in the Darien Province and impoverished urban areas. Due to the lack of financial resources, poor opportunities for employment and kinship ties, the majority of UNHCR's persons of concern settle in these areas of concentrated poverty. Indigenous Colombian arrivals that enter the territory by land often settle in communities with the highest poverty rate in the country.**¹

The limited provision of basic services to persons of concern in geographically isolated areas, strongly impacts those under Temporary Humanitarian Protection (THP), as due to their limited freedom of movement they cannot access basic services like health care and post-primary education.

The years 2008 and 2009 will be significant for Panama as the expansion of the Canal and the major development of the real estate market, construction and service sectors, could serve as pull factors for economic migrants. However, the focus on security concerns about increased rates of criminality in urban settings and a general public perception that foreigners, specifically Colombians, are in large part responsible for this increase, warrants a migration reform as part of the political agenda of the country. Therefore, a reform of the migratory regime that differentiates between economic migrants and refugees through a clear mechanism that recognizes the latter's need for international protection is crucial.

Panama's international visibility has increased, due to its election as a member of the United Nations Security Council, as the *de facto* Regional hub for the UN system, and because of the economic expansion expected from the Canal project. A more international profile and the opening of the UN Regional Office of the Human Rights Commissioner may strengthen the human rights agenda in Panama.

Consequently, **there must be equilibrium between** security concerns linked to migration and the promotion of human rights. The effects that this balance will have on persons of concern to UNHCR will be crucial in the period covered by this Country Operations Plan.

- o Populations of concern/ themes to be addressed in UNHCR programmes

The populations of concerns are refugees, asylum seekers, persons under THP, particularly vulnerable host communities and persons in need of international protection who have not yet approached the local authorities or UNHCR seeking assistance (so called "invisibles").

Panama City is the largest metropolitan area and hosts the majority of the refugees and asylum seekers, as well as a relatively large number of "invisibles". Single women and single female headed-households are of particular concern to the Office, given that in the urban context they are especially vulnerable to SGBV and other forms of sexual exploitation.

As mentioned above, the Darien is among the poorest and least developed regions in Panama. Therefore, indigenous persons arriving to this region face economic and access difficulties and place extra burden on

¹ *Cerrando Las Brechas*, UNDAF Panamá 2007-2011

the already impoverished host communities. The pressure of additional arrivals, as noted by the end of 2006, requires infrastructural support and assistance to the communities. The basic needs faced by both the indigenous new arrivals as well as the host communities have been clearly expressed during the participatory assessment exercises conducted in early 2007. The Office will address these needs under the framework of the Mexico Plan of Action and the concept of “*Fronteras Solidarias*” through continued support of projects that benefit both the local and refugee population facilitating integration and enabling communities to sustain the strain on resources of new arrivals, as both populations are in need.

The Darien also hosts the first ever recognized indigenous refugees in Panama. This small group and its vulnerable host community are of particular concern to UNHCR, as their protection needs are acute.

Finally, less than one thousand persons under **THP regime**, live in some of the most vulnerable places in the country. It should be noted that the government has included under this regime Colombians, as well as their Panamanian children and spouses, as family members are equally affected by the status assigned to the head of family.

○ 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.

In the months of February and March 2007, a country-wide participatory assessment was conducted based on an AGDM approach with the active contribution of IPs, government officials, donors and UNHCR. In the preliminary phase, meetings were held to introduce methods to be utilized and plan the logistics of the exercise. After all focus groups were completed, two meetings were held with representatives of each thematic group to systematize information obtained on identified protection risks, as well as prioritize and analyze protection responses. Finally, at a workshop, representatives shared immediate actions taken in response to assessment results, activities to plan in 2007, and those of the 2008/09 programme were consolidated.

Due to the dispersion of UNHCR’s persons of concern in Panama, focus groups were held in both Panama City as well as rural areas, including small afro-Panamanian border receiving communities and rural indigenous settlements. Groups were formed based upon gender and age, as well as legal status and location within the country. There were a total of 29 focus groups held.

By location and population of concern, the following sectors for intervention were identified:

➤ *Panama City (Refugees and Asylum Seekers)*

The protection risks identified as priority by urban persons of concern are: lack of documentation (identification, work permits, **recognition by authorities to avoid detentions**), **limited access to the RSD procedure and the lack of income generating opportunities**.

➤ *Rural indigenous and afro communities (Refugees and Asylum Seekers)*

The principal protection risk identified in rural communities is lack of access to basic services; i.e. potable water, food and health care. Additionally, persons of concern have limited access to education, especially post primary schooling, due to geographical isolation and lack of financial resources. Protection risks related to SBGV, specifically intra-familial violence, adolescent pregnancies were also identified.

➤ *Rural indigenous, mestizos and afro communities (Persons Temporary Humanitarian Protection)*

Persons under THP encounter similar protection risks as refugees and asylum seekers in rural and border communities as they are impacted by the same economic and social conditions. However, their integration is additionally burdened by the restriction to their freedom of movement and uncertainty about their future legal status. Consequently, a priority identified by this group is the regularization of their protracted situation.

UNHCR Strategy

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

- *Panama City (Refugees and Asylum Seekers)*

The recognition rate of the National Eligibility Commission increased in 2006 from 45% to 73%. However, in 2006 only 135 persons in total were recognized as refugees. It is worth noting that only a small number of persons seeking asylum are admitted by ONPAR to the RSD procedure during a *de facto* screening of cases.

During the second half of 2006 the protection network expanded through the transfer of the administrative responsibility of the humanitarian assistance programme to urban asylum seekers and refugees from ONPAR to the Panamanian Red Cross. This new IP has proved rapid and effective in service delivery to persons in need, especially vulnerable new arrivals. The comprehensive services provided by the programme include provision of household and hygiene supplies and rent allowances for the most vulnerable new arrivals. This material assistance is vital as asylum seekers are not allowed to work. Informal counseling from a social worker and basic legal orientation are also provided. Despite these advances in humanitarian service delivery, remaining needs identified in the Participatory Assessment, such as formal mental health services for children and adult asylum seekers and refugees will be a priority for the 2008/09 programme.

The strengthening of the legal aid component in the project has improved the capacity of UNHCR to identify, register, and analyze case information on issues of documentation, detention and socio-economic integration problems. Visits to detention centres also allowed for the detection of cases in need of assistance to avoid *refoulement*.

- *Rural indigenous and afro communities (Refugees and Asylum Seekers)*

UNHCR's close work and capacity building initiatives with ONPAR and the NEC contributed to the recognition of 47 indigenous in December 2006, which was the first indigenous group that entered by land from Colombia to be recognized as refugees. UNHCR provided the group with household materials, vocational training and seven months of food sustainability while they waited for their case to be decided.

- *Rural indigenous, mestizo and afro communities (Persons Temporary Humanitarian Protection)*

To reduce the negative impact of the restrictive THP regime, UNHCR supported projects aimed at facilitating integration. Water systems in Riocito and Tortuga were renovated positively impacting the community, especially female members, as prior to the women and girls were responsible for transporting water from its natural source to the settlement. Furthermore, 58 houses were built or renovated for persons under the THP regime in Jaqué and Puerto Obaldía.

Advocacy towards the stabilization of the migratory status of people under THP continued with the Ministry of Government and Justice. **However, little progress has been achieved and the regularization of persons under THP remains a priority.**

- Protection and Solutions Strategy for 2008-2009 per programme as defined by population of concern or theme

The priority areas for protection outlined in the Protection Strategy assessment are legal reform, improvement to the RSD procedure and quality of asylum, the establishment of a Protection network and the prioritization of groups of special concern.

The need to adapt the legal framework to international standards involves the reform of the Decree 23/1998 as the main refugee related legal instrument. The regularization of the legal status of long term refugees, primarily Nicaraguans and Salvadorians, as well as the resolution of the protracted situation of persons under THP to enable them to opt for naturalization as a durable solution are both high priorities. Additionally, UNHCR will promote the ratification of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

The main difficulty to the protection of persons of concern identified in the Protection Strategy is the access to the RSD procedure. Currently, there are no established criteria for admissibility to the procedure by ONPAR and the agency does not maintain comprehensive statistics on cases and the decisions. It is estimated that only 10% of all asylum seekers are admitted to RSD. The procedural and institutional shortcomings in the RSD process warrant reform.

In Panama, asylum and integration policies need to be improved. Urban refugees lack timely and effective enjoyment of social and economic rights due to delayed issuance of work permits, and mistrust towards foreigners, especially Colombians. Those under THP can hardly exercise their rights as their freedom of movement is restricted to a specific geographical area, limiting their access to such basic services as health care and post primary education, as well as employment and other income generating opportunities.

In response to the aforementioned problems of lack of access to RSD and delay in issuance of work permits, UNHCR and partners will provide effective legal counselling to persons of concern in such matters as orientation to the RSD procedure, reconsideration of admissibility decisions and appeals, as well as assistance obtaining work permits. Furthermore, social orientation, job placement support and referrals to social service institutions will be provided.

- o Overall Objectives and their Links to GSOs/ RSOs

Based upon the participatory assessment UNHCR Panama has identified one overall goal for the operation and three specific objectives for the 2008/9 which are linked to the following Global Strategic Objectives

The Overall goal is to ensure effective protection through reform of the national legislation in accord with international legal instruments and standards, as well as the access to social and economic rights, facilitating integration with a focus on "comunidades solidarias", "fronteras solidarias" and the attainment of durable solutions as outlined in the Mexico Plan of Action.

- Affirming and developing an international protection regime, with priority to promoting the full and inclusive application of the 1951 Refugee Convention, through the reform of Decree of 23/1998, improvement of the quality of local asylum legislation, policy and practice.

- Supporting the social and economic well-being of persons of concern, with priority to improving the standards of living, especially in relation to water, shelter, and sanitation in rural indigenous communities, where the addition of refugees and asylum seekers places pressure on the already impoverished living situations. Additionally, activities will focus on enhancing the education and skills training for young people in rural communities (Jaque and Puerto Obaldia), as there is little economic opportunity and low educational attainment levels in these regions. Creating opportunities for self reliance, especially economic empowerment of women of concern, will also be central to the 2008/9 programme. (GSO 3.2, 3.3, 3.4, 3.5)

- Attaining durable solutions, specifically promoting and supporting local integration, with a specific focus on rural indigenous communities. It is expected that the protracted situation of long term refugees, the majority of whom are Central Americans, will have been resolved by 2008, consolidating their legal and social integration.

Objectives described above will address the difficulties and challenges identified by persons of concern in the participatory assessment, however there are an estimated 10,000 Colombians in Panama that may be mixed within the general migratory flow, but are in need of international protection. These persons may have been initially rejected from the RSD procedure or due to lack of information never solicited asylum. The identification of and assistance to these cases will be a priority of the 2008/9 programmes. (GSO 1.1, 1.3)

Planning Figure Table

Planning Figures				
Population	Dec. 2006	Dec. 2007	Dec. 2008	Dec. 2009
Refugees and persons under THP regime	1,848	1,990	2,300	2,750
Asylum seekers admitted to the procedure pending decision	278 ²	450	500	550
Others of concern	13,500	13,500 ³	13,500	13,500
Total	15,626	15,940	16,300	16,800

o Partnership and Collaboration

It is expected that the partnership initiated in March 2007 by UNHCR and UNICEF will be consolidated and the positive impact of the joint projects will benefit refugees and the local population, especially in indigenous settlements. UNIFEM and UNFPA are following the trend and are establishing partnership accords with UNHCR.

Local NGOs that are part of the social network, working for victims of domestic violence, single women headed/households, children and elderly people, open their programmes to vulnerable persons of concern.

o Assumptions and Constraints

Assumptions

UNHCR provides comprehensive legal support, including counseling and orientation.

The protracted situation of long term refugees is resolved in 2007.

The reform of Decree 23/1998 is initiated.

The RSD in Panama continues to be a slow and cumbersome process and **access to the procedure is limited.**

With the opening of the office of the High Commissioner for Human Rights in Panama, the UN Country team strengthens its human rights agenda.

Constraints

Refugees are not seen as persons in need of international protection, but rather as economic migrants and threat to security.

As a response to the perceived increasing insecurity, a more restrictive migratory regime for Colombian nationals is imposed in Panama.

The protracted refugee situation is not fully addressed by the government and does not incorporate those under THP regime.

The needed reform of Decree 23/1998 is stalled.

² Official figure submitted by ONPAR. Note that this figure reflects only asylum seekers who were admitted to the RSD procedure. It is estimated that only 10% of persons approaching ONPAR seeking asylum are admitted.

³ Public awareness campaigns will aim at informing the "invisibles" about their rights consequently it can be expected that the number of asylum seekers will increase. It can be assumed that the figure under "other persons of concerns" will not be reduced as the wider migration flow may also increase in the context of the expansion of the Panama Canal and the restrictive migration measures in the northern countries.

Reform of the Migration legislation will be complex and politically sensitive.
Lack of basic service infrastructure still affects persons of concern in border region.
Lack of resources to meet the identified needs of vulnerable persons of concern.

- Potential for Durable Solutions and Phase Out.

The legal aid component supported by UNHCR, aims at building local capacity in refugee law through practical training of Panamanian lawyers to empower the civil society to take the lead in providing legal assistance to asylum seekers and refugees. Areas of focus will be legal assistance and representation of individual cases from the initial access to the RSD procedure to requests for reconsideration of administrative decisions. Also, the lawyers will assist persons of concern during the administrative proceedings such as issuance of documentation, work permits, etc.

Summary Management Strategy

To provide the best and update information on security to the staff that makes missions to the border, the office will continue to assess with the Regional UNDSS office the security at the border between Panama and Colombia, where UNHCR and its partners most frequently visit. UNHCR will promote first aid training with the Red Cross to all IP and UNHCR staff.

UNHCR together with its partners, other UN agencies and the official counterpart, ONPAR, will organize missions to the most remote receiving communities, with a focus on indigenous communities, where up to 90% of the population live in conditions of extreme poverty.

UNHCR is negotiating an agreement with the Pan American Relief Unit (PADRU), with headquarters in Panama City, of the Red Cross Federation in case of an emergency influx of refugees.

In addition to the partnership agreement with UNICEF, signed in March 2007, UNHCR will seek new partnerships with other UN agencies and international NGOs to join efforts in areas such as job creation and legal representation and orientation. Collaboration and coordination with IOM and other partners must be strengthened to avoid duplication of activities. Furthermore, due to the expansion of the Panama Canal and the expected increase in migration flows, it would be a positive development if IOM focuses on collaborating with the government and other actors on immigration issues, consistent with their mandate.

UNHCR will continue to both be an active member of the UN Country Team and promote the human rights agenda of the Panama Country Team. The latter will be strengthened with the opening of the Office of the High Commissioner for Human Rights in Panama in late 2007. UNHCR will continue to play an active role in the UNDAF process. In 2006, UNHCR was the pioneer in the creation of the Human Rights Thematic Group in Panama and chaired this group during its first year. UNHCR is now the alternate chair of the merged thematic group that addresses both Human Rights and Gender issues.

UNHCR will create awareness and train all IP staff in the Code of Conduct, HIV/AIDS, and confidentiality for all individual cases. Furthermore, UNHCR will continue to support projects related to SGBV and partnerships with local NGOs that serve unaccompanied minors and victims of domestic violence will be strengthened.

The office expects Headquarters will finally authorize the installation of a LAN system, which will increase efficiency, as access of all staff to the UNHCR intranet will improve communication.

The Panama office is confident that the Bureau and Headquarters will support the request for the upgrade and creation of new posts to secure the minimum staff positions necessary for a fully functional UNHCR office. UNHCR will promote, among its partners and within the office, a gender balance in staffing.

It should be acknowledged that the COP 2008/09 is in large part based upon the participatory assessment, completed with the support and commitment of refugees, all partners, donors (BPRM, US and Canadian Embassies), and the government counterpart, ONPAR. Twenty nine focus groups in five receiving,

including indigenous, communities were held and participants consulted about their needs, strengths and solutions.

One of the main challenges of the Office will be to balance the increasing reporting requests from Headquarters and donors, as well as the many meetings of the UNCT and other thematic groups with the duty to make frequent field visits. The office workload and the limited human resources inhibit a consistent field presence, which would build and preserve the confidence of persons of concern, especially those in the most remote areas where their freedom of movement and access to effective protection is greatly restricted. UNHCR must preserve its field oriented work.

Staffing Structure Panama Operation

2008		
Functional Unit	Number of Staff Members	Post Title
Management	1 International	Country Representative
Protection Staff	1 International 1 International (JPO)* 1 National UNV	Protection Officer Assoc. Prot. Officer (JPO) Protection Clerk (NUNV)
Programme Staff	1 General Service	Programme Assistant
Admin./Logistics	1 General Service 1 General Service 1 General Service*	Admin./Finance Assistant Driver Clerk

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* New Post