



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Panama

Planning Year: 2006

OVERVIEW

1. Protection and socio-economic operational environment

There has been a marked improvement in the protection and overall situation of refugees, asylum-seekers and other persons of concern to UNHCR in Panama since April 2003, when UNHCR established a semi-permanent presence in the country, and subsequently in 2004 when UNHCR signed a formal Country Agreement with the Government, thus enabling a permanent presence both in Panama City and at the border. Today, after a 15-month paralysis, the National Refugee Commission has been reactivated. Relations between, on the one hand, the Government and, on the other, UNHCR, the Church and NGOs, have improved significantly. ONPAR, the main Government operational agency involved in refugee affairs has, with the support of UNHCR, set up a permanent presence at the border, giving greater access to (potential) new asylum-seekers as well as Colombian refugees and Colombians under Temporary Protection. Moreover, ONPAR is implementing a part of the UNHCR-financed aid programme, and gradually assuming more responsibility. The Government is also now more open to capacity-building by UNHCR and has recently shown a more positive and open approach vis-à-vis durable solutions. In February 2005, for instance, the National Refugee Commission approved a draft Executive Decree providing permanent residency to the long-term refugee population from El Salvador and Nicaragua (some 400 persons). In March 2004, it also agreed, in principle, to the possibility of changing the migratory status of the group of Colombians under Temporary Protection (829 persons). However, while some preparatory steps have been taken with respect to the latter, this commitment remains largely to be implemented.

Nevertheless, and notwithstanding these positive developments, the asylum regime in Panama remains problematic. Certain key aspects of the National Legal Refugee Framework (Executive Decree N°23 of 1998), such as the refugee definition and the temporary protection regime, are not fully consistent with the 1951 Convention, its Protocol of 1967, and international human rights' standards. Moreover, while ONPAR, in great part as a result of training by UNHCR, has improved its RSD practice, it can still be safely assumed that a significant number of potential asylum-seekers arriving in Panama do not have access to the procedure and, in some cases, suffer subsequent deportation by police or migration officials not familiar with refugee law and the special needs and rights of asylum-seekers. The proposed reform to the new migration law, possibly to be discussed this year, towards introducing some safeguards for refugee protection, would hopefully reduce cases of refoulement due to lack of awareness of migration officials at entry points. Likewise, the material support provided by the Government to recognized refugees is very limited as is that given by UNHCR – due primarily to resource constraints. While Panama, by Latin American standards at least, is relatively well off, unemployment has been climbing and this too complicates the economic integration of refugees. As far as Colombians under Temporary Protection at the border are concerned, while the permanent presence of ONPAR in this region (since early 2004) has been beneficial for them, the still precarious legal status of this population, coupled with the very poor local economy and basic local social services, means that at the time of writing this report, they remain in a vulnerable situation and are too dependent on external protection and aid for their well-being.

Since 2003, UNHCR in Panama has witnessed a change in the dynamics of new arrivals of asylum-seekers in Panama, especially from Colombia. Unlike the situation in the past, the number of persons crossing into the Darién and/or Kuna Yala (the border region with Colombia) has been steadily declining. The assumption is that this is the result of: (1) a deliberate policy adopted by the Panamanian Government in mid-2003 to tighten its side of the border, and (2) the policies and practices of Democratic Security applied by President Uribe on the Colombian side, including the bordering departments of Antioquia and Chocó. In the past two years, Colombia has set up as many as 17 new Police posts along this border,

in an effort to re-establish a state presence in areas where the armed actors had some degree of control, which might have reduced some pressure on individuals (civilians) to flee across to Panama. Nevertheless, it is evident that while the conflict situation is ongoing in Colombia and taking into consideration the internal displacement movements (e.g. the recent displacement situations in Chocó department), the border will remain a very sensitive area and new influxes cannot be ruled out, thus emphasizing the importance of being prepared and alert.

UNHCR has also witnessed a corresponding gradual increase in the number of Colombians needing international protection, arriving in Panama through the urban centres - most notably Panama City (especially through the international airport). The profile of these individuals tends to be rather different to that of those Colombians under Temporary Protection at the border (who are from a rural background). These are mostly of urban origin, are professionals, public servants or small-scale entrepreneurs, and many are fleeing as a result of extortion demands by the armed actors in Colombia. In response to this change in the dynamics of refugee arrivals from Colombia, UNHCR has been giving increasing attention to the situation of urban asylum-seekers, while maintaining a regular presence at the border along with a substantial aid and Quick Impact Project (QIP) programme. Since 2004, UNHCR has also given increasing priority to the search for durable solutions (i.e. both increased legal and economic stability) for those persons of concern to UNHCR in Panama. First, UNHCR has continued to request the Government to provide permanent residency (including a permanent work permit) for long-term refugees (from El Salvador and Nicaragua). A breakthrough in this respect was achieved in February 2005. Second, in 2005 material support is being increased for recognized refugees, in parallel with the activation of a micro-credit scheme (small pilot project). And third, UNHCR has lobbied continuously for the Government to provide a more stable and permanent status to those Colombians under Temporary Protection at the border. These processes are all underway, but their full implementation will likely only be achieved (especially in relation to the latter group) in the second half of 2005 and in early 2006.

The UNHCR operation in Panama is very much part of a broader regional effort centring on Colombia - in this case the primary country of origin - and the other countries of asylum, particularly Ecuador and Venezuela. At the regional level, UNHCR implemented a consultancy on QIP and micro credits in border communities (to be strengthened in 2005 and 2006). Assistance criteria and guidelines are currently being revised for individual cases, in order to ensure a common regional approach (Panama-Ecuador-Venezuela).

UNHCR Panama will therefore continue to liaise closely with the offices in the region, to ensure a coordinated and consistent approach with respect to the protection of those Colombians uprooted by violence and persecution.

2. Operational goals and potential for durable solutions

The operational goals and objectives of UNHCR Panama for 2006 are closely related to the Americas Bureau's Regional Objectives and Priorities, and are listed below. They have also been designed in the context of the Mexico Plan of Action. It is important to note that in many cases the planned activities for 2006 are a consolidation of those implemented in 2005.

Legal: enhancing protection mechanisms

- Improve the National Legal Refugee Framework;
- Conduct increased capacity-building and dissemination of materials for Government officials on refugee law and procedures;
- Continue to enhance the legal capacity of ONPAR, NGOs and academic institutions;
- Ensure greater access to protection for new arrivals in Panama;
- Provide legal assistance and orientation for population of concern;

- Provide individual documentation for refugees and asylum-seekers admitted to the Refugee Commission;
- Support and implement specific programmes targeting Sexual and Gender-Based Violence in border communities.

Provision of Aid and humanitarian assistance

- Support the Government in addressing the basic needs of refugees, asylum-seekers and Colombians (currently under Temporary Protection) at the border, especially in the sectors of sanitation, health, education and labour; e.g. through agreements with corresponding line ministries;
- Provide basic assistance to the most vulnerable in the border community;
- Provide basic assistance to the urban refugee population (new arrivals) based on interviews conducted with individual cases;
- Support the Government in enhancing the conditions where undocumented migrants are kept (such as detention centres).

Durable Solutions

- Complete the integration process of the long-term refugee population from El Salvador and Nicaragua;
- Promote the provision by the Government of permanent residency for other long-term refugees (Cuba, Perú, ex-Yugoslavia, etc.);
- Complete the regularization process and change in status for the Colombians currently at the border (under Temporary Protection);
- Promote the socio-economic integration of the refugee population in the border communities and provide support to refugee hosting communities (fronteras solidarias) in Darién and Kuna Yala (e.g. QIPs, microcredit schemes, etc.);
- Promote integration and self-sufficiency of the urban refugee population - recognized refugees - through an increase in micro-credit schemes (ciudades solidarias);
- Facilitate voluntary repatriation movements for individuals or families, according to the internationally-agreed standards, and in close coordination with the country of origin.

Partnerships

- Continue to increase the number of NGO partners collaborating with UNHCR in Panama. In 2005, one local NGO and the office of the Ombudsperson as implementing partners were added. More will follow in 2006 (such as the Panama University);
- Engage State Ministries more actively in the delivery of basic services to UNHCR's population of concern, and most notably the Ministry of Health, Ministry of Education, Ministry of Labour and Ministry of Agriculture;
- Ensure a more active involvement by other UN agencies in targeting UNHCR's population of concern. Today, the only agency actively involved apart from UNHCR is UNICEF;
- Discuss the Code of Conduct with all implementing agencies to ensure adequate attention and protection to the refugee population of concern and to avoid any kind of abuse.

Fundraising

- Secure additional contributions from local embassies for UNHCR activities;
- Engage development-oriented aid agencies such as JICA and Agencia Española de Cooperación in supporting UNHCR activities.

Public Awareness and Support

- Enhance public awareness of the special protection needs of refugees, asylum-seekers and Colombians at the border, their rights and obligations, and UNHCR's work.

The underlying assumption for 2006 is that the Government of Panama will continue to increase its openness towards UNHCR, that it will consolidate the functioning of the National Refugee Commission, and that it will fulfil its commitments in terms of the integration of the long-term refugee population as well as the regularization of the Colombian group currently under Temporary Protection at the border. However, given the historical fear of Panama of a large scale migration from Colombia, none of the processes will be achieved without much diplomacy, pressure and follow-up on the part of UNHCR.

The special needs of women and children will be given particular emphasis in UNHCR's strategy and activities in 2006. Every effort will be given to ensuring that they are given priority in the regularization, documentation and registration processes which will be either activated or consolidated. Likewise, some modest support will be given to detention facilities such as that in La Palma, Darién and other detention centres at the northern border with Costa Rica, where undocumented migrants – including potential asylum-seekers – are located, to help ensure that women (and in exceptional circumstances children) have access to separate quarters. With regard to health, the relatively small direct UNHCR funding spent on this sector will aim to target this group particularly (reproductive health services, etc.). In 2005, UNHCR will begin a new strategy of co-funding health brigades by the Ministry of Health to the border communities. This will be intensified in 2006. Likewise, the approach adopted by UNHCR in 2005 to start collaborating with the Ministry of Health in HIV/AIDS awareness campaigns will be consolidated in 2006.

While the actual scale of the HIV/AIDS situation in border communities is unclear at this point, the combination of poverty and frequent casual relationships that are witnessed there are fertile ground for such a problem. UNHCR will also support the Ministry of Health in carrying out activities to provide psychological support, particularly to traumatised children. This programme was implemented through an NGO implementing partner up until 2004 but, in the context of UNHCR's strategy to work increasingly with State entities and thus ensure greater sustainability for UNHCR aid activities, as of 2005 and 2006 this will be done through the Ministry.

With respect to children's education, once again, the aim will be to consolidate the shift from activities such as the distribution of school uniforms and materials, to the granting of scholarships for secondary and university students, and QIPs to support local schools, with the State and the communities taking greater responsibility for meeting the needs of primary school children.

UNHCR-supported agricultural projects in 2006 will continue to be very environmentally-conscious and, in this context, will, for example, only promote organic agriculture. The agricultural aid component of our work will also include sensitization campaigns on protecting the environment.

Security will be an important factor in UNHCR's strategy in 2006. At the urban level (Panama City) we will consolidate the approach started in late 2004/early 2005 to identify particularly sensitive refugee or asylum-seeker cases, especially from Colombia, and assist in their relocation to a third country. In the context of an expanded capacity-building programme in 2006, a component will be included to further sensitize the National Police on the special security needs of a certain profile of persons of concern to UNHCR. Finally, UNHCR will continue to (modestly) support the relocation, away from the border, of sensitive cases, as was done in 2004 and 2005.

In terms of durable solutions, as mentioned above, the aim will be to consolidate the integration of the long-term refugee population from El Salvador and Nicaragua – a maximum of 400 individuals. The draft Executive Decree providing permanent residency to this group was approved by the National Refugee Commission in February 2005. At the time of writing this report it was awaiting signature by the President. Once this is done, the beneficiaries will be contacted, and documented. They will initially receive a one-year temporary resident visa and afterwards a permanent one. This process, therefore, is likely to be completed in the second half of 2006. Likewise, UNHCR will aim to ensure a similar change in status for all refugees of other nationalities who have been living in Panama for more than 10 years. As this is likely to be a relatively small number – not more than 200 – this could be achievable. UNHCR, as it is doing for the group of refugees from El Salvador and Nicaragua, would need to support this process financially – another incentive for the Government to give the green light to this process.

At the same time, effort will be given to ensuring a durable solution for the Colombian refugee population currently under temporary protection in the border region – some 829 individuals. In March 2004, the Government of Panama agreed in principle to regularize the situation of this group, who have been under a very precarious legal regime that gives them very limited human rights protection. Since then, some preparatory steps have been taken, but the Government's commitment remains largely unimplemented. It is UNHCR's hope that, the Government will provide this group with full refugees status – which will ensure them greater legal stability and the right to work – in mid or late 2005. If this is achieved, the actual process of documenting this group (as refugees) will likely be completed in the first half of 2006. In parallel, UNHCR would continue to support, and in fact increase, its income-generation activities, and most notably its microcredit scheme so that this group would have achieved at least a certain degree of self-sufficiency and economic integration by the end of 2006.

Finally, in 2006 more resources and time will be devoted to supporting newly-recognized asylum-seekers and refugees, principally in Panama City, to integrate economically in their new home. This will be done through the consolidation and expansion of the urban micro-credit scheme activated in 2005, and through strengthening relations and contacts with the private sector.