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## COALITION FOR MIGRATION AND REFUGEES ALTERNATIVE REPORT CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION

The Coalition for Migration and Refugees - a network of organizations and individuals associated with the promotion and protection of human rights of people on the move (migrants, immigrants, displaced, refugees) in Ecuador, as part of the report to be submitted by the Ecuadorian government on the implementation of the Convention on the Elimination of Racial discrimination (CERD) to the relevant UN Committee, addresses this alternative report, which aims at making visible the discrimination based on national origin against immigrants and refugees living in Ecuador, and provide information to the Committee so that its recommendations help the Ecuadorian government in improving standards and policies to combat discrimination and xenophobia.

### **Context of immigrant and refugee population**

Ecuador is a country with high human mobility flow, made up of emigrants, immigrants, refugees, internal migrants, and other types of mobility. People of other nationalities who come to Ecuador are mostly from neighboring countries (Colombia and Peru) however, the presence of other nationalities has demonstrated the existence of new migration flows to Ecuador, which not come exclusively from countries in the region but also from other continents, whose dynamics are unique in each case. Despite this, there are no statistics to accurately account the number of people of other nationalities who are in Ecuador.

However, according to the Population and Housing Census of 2010, there is a total of 194,398 people of other nationalities, most of which come from Colombia (93,237) and a significant number from Peru (16737). From these, 99,047 people are male and 95,351 female. However, these figures have some limitations mainly because the 2010 Census did not include a specific question about people's nationality.

Moreover, the 2011 Report on Human Mobility of the WRC points, based on the migration balance <sup>1</sup> that in "year 2011 the migration balance was 55,661 persons, which means an increase of 33% compared to 2010." The majority of this population (24,615) is Colombian, followed by a lower number of people from Peru (13,093). However, there are other migratory flows that do not have such high rates but have higher vulnerability conditions, such as those coming from Cuba, Haiti, and African countries like Nigeria and Cameroon, and others from Asia, such as Pakistan or Bangladesh.

<sup>1</sup> Difference between the number of entrances and the number of exits recorded by the National Migration Police.

<sup>2</sup> Coalition for Migrations and Refuge, "Human Mobility Report", Quito, 2012, pg. 25.



In this context, it is noteworthy that Ecuador is the Latin American country with the largest number of refugees (77,791), mainly due to the Colombian conflict<sup>3</sup>, therefore, 98% of refugees are Colombian nationals, although there are smaller groups from Cuba (237), Afghanistan (113), Iraq (36), Russia (32), among others. 28,818 of the refugees are male and 26,274 female. It is further noted that almost a quarter of the refugee population is made up of children and adolescents.

According to a study by the Latin American Faculty of Social Sciences (FLACSO) and the High Commissioner for Refugees (UNHCR) reports that "52% of refugees surveyed feel discriminated against in Ecuador, especially from negative perceptions about the Colombian nationality, gender, sexual orientation, refugee status, ethnicity and socioeconomic status"<sup>4</sup>

### **Adapting legislation to the constitutional principles and international human rights instruments**

*Articles of the Convention: Article 1.1, Article 2-c.*

The Constitution of the Republic of Ecuador (CRE) of 2008 establishes standards for the protection of human rights beyond those established in international human rights instruments, in particular regarding the principle of equality and non discrimination on nationality, immigration or criminal record, which means the deconstruction of citizenship as an impediment to the full exercise of rights. Thus, the Constitution expressly recognizes that people of other nationalities who are in Ecuador have the same rights and duties as Ecuadorians (Art. 9 CRE), it also expressly enshrines the principle of non discrimination on the base of immigration status, place of birth, criminal record, etc. (Art. 11 No. 2 CRE) among the fundamental rights, the Constitution guarantees the right to migrate and the non-criminalization of immigration status (Art. 40 CRE). Finally, with regard to international relations, the principles of universal citizenship, free movement, the progressive end of the condition of foreigner, etc. are enshrined (Art. 416 no. 6 and 7 CRE).

Despite this recognition the Ecuadorian State has not adjusted human mobility legislation to the standards of protection of rights established in the CRE and the international human rights instruments. In this sense, the Aliens Act and the Migration Act were issued in year 1971 during periods of dictatorship; they are based on principles of security and sovereignty that result in provisions that highlight the difference with people of other nationalities, and discriminatory and criminalizing treatment towards people of other nationalities. In addition, Executive Order 1182 is especially concerning, which regulates

<sup>3</sup> Figures taken from the web site of the Directorate of Refugees of the Ministry of Foreign Affairs, Trade and Integration: <http://www.mmrree.gob.ec/refugiados/estadisticas/indice.html>

<sup>4</sup> FLACSO – ACNUR, "Urban Refugees in Ecuador. Executive report", Quito, 2011, page. 22



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the right to shelter, as it implies regressivity by: ignoring the definition of refugee of the Declaration of Cartagena and UNHCR guidelines, restricting the rights of non-refoulement, allowing for discretion and affecting due process in the procedure of recognition.

However, the CRE states that constitutional provisions are directly applicable, and under the principle *pro person* or *pro rights*, the standard that ensures greater observance of human rights shall be applied. Institutions related to human mobility such as the Ministry of Foreign Affairs, Trade and Integration, the Ministry of Interior, and the Immigration Police insist on applying the provisions of these laws.

In this sense it is suggested that the Committee recommends the following to the Ecuadorian State:

Repeal rules that violate the rights of people on the move, and that generate discrimination against people of different national origin including refugees and immigrants, and create rules that fit the Constitutional principles and international human rights instruments.

### **Request of criminal records for people from Colombia**

*Articles of the Convention: Article 1.1 and 1.3, Section 2-c.*

In December 2008, Ecuador adopted a measure to require criminal records to all Colombian nationals entering Ecuador, considering that "national security had been severely affected due to the incursion, mainly of Colombian nationals, who in some cases become part of delinquent associations"<sup>5</sup>. This provision has undergone some changes that are not substantial<sup>6</sup>, such as the exception of requesting this requirement to refugees, government officials, and later on the requirement to apostille or legalize it was removed.

Faced with this measure, in January 2009 a motion of unconstitutionality was filed before the Constitutional Court because of its discriminatory nature against the Colombian population. But so far there is no statement on the matter.

Accordingly, this provision remains in force and deepens unfounded stereotypes against people of Colombian nationality which links them with the increase of crime in the country.

In this sense it is suggested that the Committee recommends the Ecuadorian government to repeal the requirement to request criminal record to the people of Colombian nationality to

<sup>5</sup> Considering Decree 1471, of December 3, 2008, Official Gazette 490 of December 17, 2008.

<sup>6</sup> Entered into force through Executive Decree 1471, published in Official Gazette of December 17, 2008, and partially reformed through Executive Decree 1522, published in Official Gazette 509, of January 19, 2009 and Executive Decree 667, of February 17, 2011, eliminating the requirement of having the criminal records apostilled.



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enter Ecuador and adopt measures for the integration of immigrant and refugee population that is in the country.

### **Migratory Control, privation of freedom, and deportation of people of other nationality**

*Articles of the Convention: Article 1.1 and 1.3, Section 2-c, Section 5 - di.*

Despite the constitutional principles, immigration controls and deportation proceedings are severely applied mainly on some nationalities (Colombian, Peruvian, Haitian, and Cuban). For example in 2010 a controversial operation called "Identity" was held, by which mainly Colombian and Cuban nationals were detained in inhumane conditions and subjected to summary proceedings for deportation.<sup>7</sup> A similar incident took place in 2011 in which 67 Asian people were arrested (Pakistan, Iraq, India, Sri Lanka) in an operation performed by the Operations and Rescue Group of the National Police. Over 20 people of this group were released because they were arbitrarily detained, by a writ of habeas corpus filed by the Ombudsman. So far the reasons for their detention are not clarified.<sup>8</sup>

Arrests for immigration status persist and in many cases people are detained indefinitely, unable to be deported to their home. In some cases, despite the actions of habeas corpus filed, these people do not recover their freedom. This applies particularly to persons of Cuban nationality and of African origin. Among other cases we have a 35 year old man from French Guinea who has been detained due to immigration status for over 9 months, and although an application for habeas corpus was filed on his behalf, it was denied, including the appeal<sup>9</sup>.

As indicated by the Human Mobility Report 2011 of the CMR, one hundred more deportations took place than the year before, which accounted to 750 deportations. Additionally, we note that most of the people deported are Colombian (409) and Peruvian (160) and several African and Asian nationalities.<sup>10</sup>

We thus suggest the Committee to recommend the following to Ecuador:

<sup>7</sup> Coalition for Migrations and Refuge, INREDH and Ombudsman, "Verification report on conditions of detention in persons deprived of freedom In the framework of identifying irregular operations in the city of Quito", Quito June 2010.

<sup>8</sup> Coalition for Migrations and Refuge, "Report on Human Movement", Quito, 2012, pg. 56 - 57.

<sup>9</sup> Habeas Corpus Action No. 395 - 2012 First Civil Chamber of the Provincial Court of Pichincha.

<sup>10</sup> Coalition for Migrations and Refuge, "Report on Human Movement (CMR), Ecuador, 2011, pg. 52.



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- a) Adapt the rules relating to treatment of foreign nationals in an irregular situation to the Constitution and international human rights instruments. Avoid all forms of criminalization of people of other nationalities regardless of their immigration status, in particular afro-descendants.
- b) Train immigration authorities, particularly the members of the Immigration Police, judges and Police mayors on human rights, discrimination and rights of people on the move, in order not to engage in discriminatory acts against people of other nationalities.
- c) Determine actions to indemnify the restoration of rights of people of other nationalities who have been detained arbitrarily.
- d) Provide alternatives to people who remain arbitrarily detained because of their immigration status to regain their freedom, particularly in the case of Cubans, Haitians and Africans.

### Registration of children of foreigners

*Article of the Convention: Article 1 - d, Article 5 - d - iii.*

The Ecuadorian Constitution expressly recognizes the right to identity, which includes nationality (art. 66 no. 28), but for immigrants and refugees the exercise of this right was restricted because of the administrative decisions made by the General Directorate of Civil Records and Identification, which established specific requirements for registration and recognition of children of foreigners born in Ecuador.

According to the Annual Report on Human Mobility of the Coalition for Migration and Refugees, on decisions made by the Civil Registry, it states that<sup>11</sup>

The first two resolutions imposed as a condition for inscription and recognition requested by people of other nationalities who were not regularized, the *updated immigration record*. The third resolution extends this requirement, regardless of immigration status, to all people of other nationalities, requiring to complete the process of recognition of children. As stated in the text of these documents, the purpose of this requirement is "to compare the time of conception", which suggests that the Civil Record has sought to verify that the child, whose registration or recognition is demanded by non Ecuadorian parents, was conceived in Ecuadorian territory.<sup>12</sup>

<sup>11</sup> In July 2010, the Directorate General of Civil Records, Identification and Documentation, issued resolutions DIGERCIC---DAJ---2010---000213 and DIGERCIC--- DAJ---2010--- 000214. In March 2011, was issued resolution DIGERCIC---DAJ---2011--00014, derogating DIGERCIC---DAJ---2010--- 000213

<sup>12</sup> Idem, pg. 61



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Faced with these facts the persons concerned, civil society organizations, human rights advocates, carried out various types of actions such as filing complaints with the Ombudsman and the activation of judicial guarantees<sup>13</sup>, which were favorable to the persons affected. It should be noted that the Ombudsman's Office issued several resolutions<sup>14</sup>, including one case where enforcement action was issued to achieve the child's inscription.

Finally, in December 2011, a new resolution was adopted to remove the requirement for submission of migratory records for inscription. However, there are still cases where the authorities, at their discretion, apply the provisions impeding the exercise of this right. It also should be noted that the provisions relating to recognition have not been repealed for people of other nationalities and therefore they have to complete this process in Quito or Guayaquil.

The result of these provisions that discriminate people of other nationalities is an undetermined number of children who have been registered under the name of the Ecuadorian parent, seriously affecting the right to identity and nationality<sup>15</sup> as they do not have the names of their parents in the records.

Therefore we suggest the Committee to recommend the Ecuadorian State to reform the Civil Registration Act in order to guarantee the right to identity and nationality of the sons and daughters of immigrants and refugees.

In cases of children whose right to identity was affected because of the discriminatory provisions issued by the Directorate of Civil Records, we suggest the Committee to recommend to the Ecuadorian government to take compensatory measures such as exceptional processes for rectification of inscriptions, recognizing the parents where these restrictions forced them to recognize only one of them.

Similarly, it is suggested that the Committee recommends the Ecuadorian government to allow people of other nationalities to recognize their children in any of the Provincial Civil Records and to repeal the provisions requiring to make this process only in the cities of Quito and Guayaquil.

<sup>13</sup> Trial No. 17132-2011-0824, Provincial Court of Justice of Pichincha, Second labor, childhood and adolescence Chamber, Sentence of Friday November 11, 2011. "Accepting the appeal presented by the plaintiff HFPR, reverses the decision made and provides that the General Directorate of Civil Records and Identification proceed to the immediate registration of the plaintiff's child in the Civil Records who together with his mother IVÑM, they have called SKPÑ. (...)".

<sup>14</sup> Resolution No.037-DDP-2010 File no. 49689-2010

<sup>15</sup> Cases of children who had the right to dual citizenship would be limited.



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## Provisions for exercising the right to work for immigrants and refugees

*Article of the Convention: Article 1 - d, Article 5 - e – i*

The right to work is guaranteed in the Constitution broadly and is part of the rights of Good Living. Under the principle of equal rights between Ecuadorians and other nationalities and the principle of non discrimination on immigrant status and place of birth, the right to work should be exercised by emigrants and refugees in the same terms as Ecuadorians.

However, Article 560 of the Labor Code contravenes the principles enshrined in the Constitution by requiring exclusive work permits for foreign spouses, which are difficult to obtain because of the cost and difficulty of the requirements<sup>16</sup>. Making it difficult to people of other nationalities to exercise the right to work and causing unbalanced working conditions for these people, putting them in risk of becoming victims of labor exploitation.

Similarly, the regulations issued by the Ministry of Labor stated that for refugees to exercise the right to work as employees they had the obligation to obtain a work permit, which was temporary and had to be renewed every 90 days. This measure is inadequate for the reality of refugees living in Ecuador because of their socioeconomic conditions, and ends up being discriminatory on the grounds that it prevents the exercise of this right under the same conditions as Ecuadorians, as stated in the Constitution. For people who are applicants for refugee status, this difference was more concerning, as the possibility of obtaining this authorization was not even considered.

While this provision was repealed recently by the Ministry of Labor<sup>17</sup>, it prevented the formal recruitment of an unknown number of refugees who in some cases requested such labor authorization, but due to the cumbersome process they never got them or were delayed and upon receipt they were no longer in force.<sup>18</sup>

Moreover, some local governments show practices of informal sale control that focus on controlling informal vendors of other nationalities. There are several cases of confiscation of goods and merchandise by the metropolitan police, mainly in the cities of Quito and Ibarra, even though the Constitution expressly forbids such practices<sup>19</sup>. In the city of Ibarra complaints to the Delegation of the Ombudsman were presented by Colombian people to whom the Commissioner of Health of the Municipality confiscated their goods.

<sup>16</sup> Ministerial Agreement 206, of the Labor Ministry issued on October 21, 2010.

<sup>17</sup> Ministerial Agreement 118 of the Labor Ministry, issued on July 12, 2012.

<sup>18</sup> Interview to the Legal Attention Team, Scalabriniana Mission, Ibarra June 14, 2012.

<sup>19</sup> Article 329 Ecuadorian Constitution.



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In this context discrimination is persistent against immigrants and refugees seeking work, which is particularly the case of Colombians, Cuban, Haitian and African people. To the discrimination on grounds of nationality, adds the discrimination for ethnicity, especially in the case of afro-descendants. In this sense, there are recurrent cases of people who felt they were denied a job because of their national origin, ethnicity and immigration status. In addition, there are cases of people of other nationalities who have been threatened with being reported to immigration authorities if they reported non-compliance with labor obligations by the employers.

This can be verified in the study "Health and living conditions of Colombian refugees in Quito" which shows that most respondents felt discriminated on the grounds of their Colombian nationality and skin color. One of the persons within the study when interviewed stated: "when we are of color people avoid us. I've been to places where there are signs, like bakeries, where they need a baker, but when I ask them they say they already hired someone. I mean if you already have workers remove the sign, they say yes, I'll take it off, but I pass by a thousand times and there is the sign, then one suffers a lot from that..." Another participant in the interview said: "I have no job, I have no money, I have no good food, and when it comes to housing, people hear your accent and they say they do not rent to Colombians, if one is black it is worse."<sup>20</sup>

Linked to this problem is that people of other nationalities, particularly Colombian refugees or refugee applicants have difficulty to access banking services and cash their salaries. This is mainly due to bank policies that are considered discriminatory as they prevent people from other nationalities, particularly Colombian refugee, to open accounts or perform transactions such as check cashing, which in most cases correspond to the payment of wages.

In this regard the Human Mobility Report of WRC identified a case where a private bank refused to open an account on the grounds that its representative was a Colombian refugee. On which the Ombudsman's Office issued a statement<sup>21</sup> in which it determined the discriminatory nature of this decision by the bank. As a result of this and other cases, the Banks Superintendence addressed an official circular to all institutions providing the financial system to allow access to banking services to refugees.<sup>22</sup> However, despite these provisions of the inspection bodies, various banks still resist to allow access to people of other nationalities to banking services.

<sup>20</sup> Health Report: Health and living conditions of Colombian refugees in Quito, University of New York, Health Environment and Development Foundation (FUNSAD) and Jesuit Service for Refugees and Migrants (JRMS), 2012

<sup>21</sup> Ombudsman Statement 005-Dnprf-20 file-50256-Dnprt~2011-Jlgm, May 31, 2011.

<sup>22</sup> Banks Superintendence, letter No. PJ-2011-342, of June 29, 2011.





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Facing these situations we suggest the Committee to recommend the following to the Ecuadorian State:

- a) To repeal Article 560 of the Labor Code and adapt labor law principles and constitutional rights referred to in international human rights instruments to ensure the full and equal exercise of rights for immigrants and refugees.
- b) Take affirmative action for refugees and asylum seekers to exercise their right to work as a way to improve access to services and the full exercise of other rights. Allow afro-descendants of other nationalities who are in Ecuador, in particular, Colombian, Haitian and African nationals, to have access to state programs for pioneering work in the same conditions as Afro Ecuadorians.
- c) Through controlling institutions take more effective measures for people of other nationalities, whatever their immigration status, to have access to banking services, establishing sanctions in cases of discrimination and xenophobia and appropriate remedies.

### **Discrimination and xenophobia in the media**

*Articles of the Convention: Article 1 - d, Article 7,*

It is noted with concern that some media report news that strengthens such unfounded stereotypes linking the presence of people of other nationalities with rising crime, deepening rejection and xenophobia. For example, the newspaper La Hora said that the participation of people of other nationalities in crimes increased by 12.8% from January to August 2011<sup>23</sup>, but according to statistics from the website of the National Directorate of Judicial Police (DNPJ)<sup>24</sup> the participation of people of other nationalities in criminal acts had increased 0.08% in that period.<sup>25</sup> There are also other media which published similar

<sup>23</sup> Web site La Hora: <http://www.lahora.com.ec/index.php/noticias/show/1101240312/-1/Crece%20la%20participaci%C3%B3n%20de%20extranjeros%20en%20delitos.html#.UBKqFGFNUqM>

<sup>24</sup> Web site DNPJ: (<http://www.dnpj.gob.ec/portal/estadisticas/estadistica-anual-ene-a-dic-2010.html>).

<sup>25</sup> When analyzing these statistics we can see that the participation of people of other nationalities in crime is reduced. Thus, in the period January to August 2010 there were 13,454 detainees, of whom 588 were foreigners, 4.37% of the total. In the same period of 2011, the detainees were 14,884, of whom 663 were foreigners, ie foreigners detained this year were 4.45% of all detainees. If we subtract 4.37 from 4.45 it shows without mistake that the increase in "Foreigners participation in criminal acts", is 0.08% of the total.



news, to which are added reader comments that reflect the level of discrimination and xenophobia in the population. (See Annex 1)

In the case of Colombian and Cuban women, besides the stereotypes mentioned, they are also linked to the exercise of sexual work. This deepens discrimination not only because of their national origin, immigration status or ethnicity, but also for the gender factor. This places women and girls in more complex conditions to exercise their rights.<sup>26</sup>

The increase of crime mentioned by the media responds to structural socio-economic situations and also to increased anti crime operations by the National Police, which caused the number of Ecuadorians and people of other nationalities to increase. Therefore, it is not due to a greater presence of refugees, asylum seekers and immigrants in the country. Therefore, the information produced and disseminated aims to link people. In this sense the media monitoring conducted by the Jesuit Refugee and Migration Service in 2011 shows that the majority of comments related to news of refugees, asylum seekers or immigrants, are xenophobic and discriminatory, and mainly linked to crime. In this respect this NGO sent a communication to clarify the news (See Appendix 2).

With this background we suggest the Committee to recommend Ecuador the following:

- a) Adopt measures to promote integration of immigrants and refugees in Ecuadorian society, particularly directed toward the media.
- b) The inspection authorities shall take measures to punish media that promotes discrimination and xenophobia against immigrants and refugees and determine remedies in these cases.

## Right to Education

*Articles of the Convention: Article 1 - d, Art.5-d.-v*

This right is broadly recognized by the Ecuadorian Constitution<sup>27</sup>. However, discriminatory aspects are identified in the exercise of this right, especially in the case of children and young Colombians. Thus, the Report on Human Mobility of the CMR states that:

<sup>26</sup> Web site of the newspaper Crónica in the city of Loja: [http://www.cronica.com.ec/index.php?option=com\\_content&view=article&id=19504:control-migratorio-en-dos-prostibulos-&catid=34:locales&Itemid=56](http://www.cronica.com.ec/index.php?option=com_content&view=article&id=19504:control-migratorio-en-dos-prostibulos-&catid=34:locales&Itemid=56) y [http://www.cronica.com.ec/index.php?option=com\\_content&view=article&id=18832:detenidos-y-deportaciones-en-zona-de-tolerancia&catid=34:locales&Itemid=56](http://www.cronica.com.ec/index.php?option=com_content&view=article&id=18832:detenidos-y-deportaciones-en-zona-de-tolerancia&catid=34:locales&Itemid=56). Ver Página Web Diario La Hora: <http://www.lahora.com.ec/index.php/noticias/show/1101311362#.UBKyRWFNUqM>

<sup>27</sup> Articles 26,27, 28 and 29 of CRE



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[...] in the information collected it appears that discrimination has several expressions and is reproduced both by domestic students and by teachers. Thus, the Delegation of the Ombudsman of Imbabura found various situations of discrimination to students of other nationalities, including by education supervisors. In this sense, organizations providing care services to refugees and immigrants in Quito, Lago Agrio, Esmeraldas and San Lorenzo, consider that discriminatory practices persist in educational establishments, by students and teachers.<sup>28</sup>

The same report further on cited a case handled by the Metropolitan Board for the Protection of Children and Adolescents of the Municipal Administration of la Delicia, who solved a case of violence and discrimination against a teenage refugee who was abused physically and psychologically by a teacher for a discussion regarding the flag of Colombia:

"the record reflects that, although the girl's mother reported the fact to the school principal, he not only failed to punish the teacher's behavior, but justified it. The Protection Board called it an act of discrimination on grounds of student nationality, and stipulated the implementation of a training process in the educational institution, by UNHCR, further ruling that the teenager shall received a public apology and psychological support."<sup>29</sup>

The same report reveals that the Ministry of Education has not adopted measures designed to eliminate discrimination against children and adolescents from other countries in education.

Moreover, a study sponsored by the Bureau of Education and Migration collected some testimonies that show expressions of discrimination against Colombian children and adolescents such as: "Sometimes it is the parents who promote discrimination in their children ... they tell their children: do not hang out with him because he is related to Colombian drug traffickers and his family is problematic and violent "(professional NGOs) below it states:" Problems due to not allowing a Colombian father with Ecuadorian children into school, the principal argues that the father is irresponsible, conflictive, and not from the area "(social Organization leader)<sup>30</sup>

With this background it is suggested that the Committee recommends to the State of Ecuador:

<sup>28</sup> Coalition for Migrations and Refugees, "Report on Human Movement", Quito, 2011, pgs. 79 – 80.

<sup>29</sup> Coalition for Migrations and Refugees, "Report on Human Mobility", Quito, 2011, pgs. 80.

<sup>30</sup> Board of Education and Migration, Jesuit Refugee and Migrant Service, and Save the Children, "Report on the fulfillment of rights, regulations, and policies relating to education of persons in situations of human mobility." Unpublished paper, February 2011.



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- a) Enter reforms to the Integral Education Act and its regulations so that children and adolescents from other countries can access the education system and stay there free of discrimination and xenophobia.
- b) The Ministry of Education shall implement specific programs to ensure peaceful coexistence between children and adolescents, Ecuadorian and from other nationalities in education. These programs should include training for teachers and educational authorities of public and private schools in order to not engage in discriminatory or xenophobic acts.
- c) The Ministry of Education shall determine penalties for authorities and teachers who engage in discriminatory acts against children and adolescents from other nationalities.



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## Access to notary services

*Articles of the Convention: Article 5-a, Article 6.*

The notaries, in accordance with the Constitution, are subsidiary bodies of the judiciary<sup>31</sup>, and therefore one of their attributions is to legalize unions, public documents and financial guarantees, recognition of signatures for contracts of purchase and sale of goods, legalization of documentation, permits to leave the country for children and/or adolescents, among others. These legal acts are sometimes necessary to define the status or to improve their socio economic condition as immigrants and refugees.

In this sense, the Judicial Council ruled:

A person with refugee status in our country, acquires the same rights of an Ecuadorian, however, to take any action before all state officials or employees, including notaries, they must present their passport or identification provided by the Ministry of Foreign Affairs or both (...)<sup>32</sup>

But according to the Human Mobility Report of 2011, there are still cases of notaries mainly in the cities of Quito and Guayaquil who refuse to serve people because of their nationality, particularly Colombian, Cuban, Haitian, Nigerian among others.<sup>33</sup>

The refusal to serve people due to their nationality is a discriminatory act that contradicts the constitutional principles and international human rights instruments. In this sense it is suggested that the Committee recommends to the State of Ecuador to take supervisory measures to ensure access of immigrants and refugees to notary services, start research processes, and adopt appropriate penalties.

<sup>31</sup> Constitution of Ecuador, 2008, Arts. 179, 180, 181 and 199

<sup>32</sup> Official letter of the Judicial Council No. 75-DNAJ-CJ-2012-OCHG-PT-EMR, Quito, February 22, 2012. Response sent to the consultation made by the Scalabriniana Mission.

<sup>33</sup> Coalition for Migrations and Refugees, "Report on Human Mobility" (CMR), Ecuador, 2011



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Media web pages:



**Pedro Ruiz** desde - Quito

17/Abril/2011 a las 12:42

Ya basta de tanta irresponsabilidad, tenemos a miles de personas en el Ecuador con carnet de refugiados pero en realidad son ex combatientes de las FARC o ex paramilitares y qué vienen a hacer en el Ecuador? aquello que saben hacer delinquir, matar, extorsionar a nuestros compatriotas.

Hasta cuándo vamos a seguir siendo los más grandes giles de América que recogemos lo que nadie quiere. El Ecuador se está convirtiendo en tierra de nadie, todo el mundo entra incluidos los amigos de osama Bin Laden.

• 1 • 19/09/2011 • 8:29:24 AM

+ 4 votos - 2 votos X Reportar

• Kathy Navarrete

Senor refugiado en Europa. Todos los que llegamos a países extranjeros somos refugiados de una u otra manera. Unos políticos y la mayoría economicos. La diferencia es que cuando no encontramos trabajo nadie nos da gratis nada. En nuestro pequeño país, todos los que se refugian encuentran una mina de oro porque nosotros mismos lo permitimos. Si no nos dan trabajo de gerente no trabajamos. Que pena que nos quejemos en vez de hacer algo por nuestro propio beneficio.

• 2 • 19/09/2011 • 8:17:33 AM

+ 7 votos - 3 votos X Reportar

• Carlos Moran

Esto del refugio es una alcahuetearía para extranjeros que no pueden, o no quieren, tramitar papeles legalmente. Yo, por cuestiones de trabajo me he topado con varios señores de un vecino país que son refugiados y lo que me sorprende es que van a su país regularmente, se supone que sus vidas están en peligro y por eso se refugiaron.....pura mentira....lo que han hecho al sacar el carnet de refugiado es tener derecho a trabajar sin tener que hacer ningún papel legal. Y claro ahora están compitiendo con nosotros por los

• 3 • 19/09/2011 • 7:35:33 AM

+ 9 votos - 5 votos X Reportar

• luis sandoval

De donde habrán sacado que hay 54000 refugiados eso serán los que son legales con documentos demostrables, pero de ahí el millón de traficantes, guerrilleros, sicarios, que al llegar y están sin documentar que serán? al menos aquí en Europa todos somos contabilizados, por medio de un empadronamiento municipal. Pero allí en Ecuador no sabemos en realidad cuanto extranjero hay con eso de las fronteras abiertas una belleza de idea del INPRESENTABLE que gobierna ECUADOR, vergüenza debería darnos.



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## Juan Villalobos, Director Adjunto del Servicio Jesuita de Migrantes y Refugiados: Existe un ambiente de discriminación...

**La Hora Nacional**

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**PAÍS**

### Crece la participación de extranjeros en delitos

Miércoles, 23 de Noviembre de 2011

De acuerdo con las últimas estadísticas de la Dirección Nacional de la Policía Judicial (DNPJ), la participación de extranjeros en hechos delictivos, de enero a agosto de 2011, ha incrementado en un 12,8% con relación al mismo periodo del año pasado, puesto que se pasó de 588 personas detenidas a 663.

Según las cifras, el mayor porcentaje de extranjeros detenidos es de colombianos, ya que se han capturado a 442 personas de esa nacionalidad, lo que equivale al 66,6%. A continuación se ubican los peruanos, con 129 (19,3%); le siguen los cubanos, con 33 (4%); los africanos con 13, los asiáticos con 11, los europeos con 10 y otras nacionalidades con 26.



Cifras: 663 foráneos fueron detenidos durante los primeros ocho meses de 2011. (Foto Archivo).

Desde mi Trinchera

Opinión

### La delincuencia y los refugiados

Carlos Escobar, tribuna | 29 junio 2011 | Comentarios (0)

**EL UNIVERSO**

Lunes 27 de junio del 2011

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### Delincuencia motiva depuración del plan de visa de refugiados

QUITO

Un año después de que concluyera el programa de Registro Ampliado, mediante el cual Ecuador otorgó cerca de 28 mil visas de refugio a ciudadanos colombianos, el Gobierno considera la necesidad de revisarlo por motivos de seguridad.

La Cancillería no especifica cuándo arrancará la depuración del plan, pero confirma que la decisión está tomada y que uno de los cambios que adoptará será analizar de forma "metódica" cada una de las solicitudes de visa de refugiado.

El proyecto se inició en marzo del 2009 y concluyó en abril del 2010. Lo implementó el régimen de Rafael Correa. [Ver más noticias a través de eluniverso.com](#)

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### El Ecuador, refugio de 1 500 colombianos cada mes

Publicado el 21/June/2011 | 00:01

Diario internacional del refugiado

Cada mes, 1 500 colombianos entran en Ecuador huyendo de la violencia en su país. lo que hace de la nación andina el principal receptor de refugiados de América Latina, destacan expertos con motivo del Día Mundial del Refugiado, que se celebró ayer.

El director de Refugio de la Cancillería ecuatoriana, José Sandoval, afirmó ayer, para defenderlo, se requiere de una responsabilidad compartida de toda la comunidad internacional para la