Combating Sexual and Gender Based Violence in Ecuador’s Refugee Population: A Proposal for a Gender-Focused Approach to Local Integration*

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Abstract: A local integration strategy enables refugees and their host communities to collaborate on a legal, economic and social level—what is termed the tripartite process of implementation. However, in order for this type of ‘durable solution’ to truly work, particularly in regions where sexual and gender-based violence is widespread, the strategy must incorporate a gender-focused approach through the legal, economic and social inclusion of women. If the legal framework, local economic market and social fabric of the community do not focus on the inclusion of refugee women with an eye towards ending sexual and gender-based violence, the integration strategy is likely to fail. Through the analysis of the Colombian refugee crisis in Ecuador, this paper aims to show how an approach focused on refugee women during all three dimensions of the tripartite process of implementation serves as a means to reach two important objectives; (1) finding a durable solution for the refugee population and (2) combating sexual and gender-based violence, both at the same time.

Keywords: local integration, refugees, sexual and gender-based violence, United Nations High Commissioner for Refugees, Ecuador, Colombia

1. Introduction

The common English idiom “to kill two birds with one stone” is used to describe achieving two objectives at the same time. Before the advent of the shotgun, slingshots were often used to hunt small birds, requiring excellent aim and control to kill multiple birds with one shot—a task for only the most skilled of hunters. The idiom dates from the 1600s and was used to describe a philosopher’s attempt to prove two arguments with a single solution, the connotation being that such an attempt is extremely challenging just like killing two birds with one stone.¹ This paper rises to such a challenge by calling for the resolution of both the gender-based violence crisis and the displacement crisis in Ecuador with a single solution: implementing a gender-focused approach to local integration as an attempt to achieve two objectives at the same time.

Sexual and gender-based violence (SGBV) refers to any harmful act that is perpetrated against one person’s will and that is based on socially ascribed gender differences. SGBV involves widespread violations to human rights and is often linked to unequal gender relations within communities as well as abuses of power. It can take the form of sexual violence or persecution, or it can be the result of discrimination embedded in legislation or prevailing social norms and practices. In the displacement context, SGBV disproportionately affects refugee women and girls as they are often exposed to human trafficking, sexual exploitation and other forms of gender-based violence. Since SGBV is both a cause of forced displacement and an intolerable part of the displacement experience, refugee women are in an especially vulnerable position that requires the development of innovative strategies to meet their specific needs.

Local integration is one of the three durable solutions developed by the United Nations High Commissioner for Refugees (UNHCR) in which refugees gradually become integrated members of society legally, economically and socially. It is a dynamic and multifaceted two-way process between refugees and their host communities to create a lasting solution to a displacement crisis. In this regard, the process of local integration is well suited to address the SGBV concerns of refugee populations, as the legal, economic and social dimensions of its implementation provide a basis for building a successful SGBV intervention model, thus promoting the achievement two objectives at the same time.

Subsequently, the situation in Ecuador presents policy-makers, the international humanitarian community and the refugee population itself, with a unique opportunity to not only create durable solutions for the refugee population with regards to displacement, but also create durable solutions for the women caught in the horrific cycle of SGBV. Currently, refugee women in Ecuador are forced to flee Colombia, often due to reasons related to SGBV, only to become victims of gender-based violence once again in their country of asylum. Thus, without a local integration strategy that recognizes SGBV as a main concern and that focuses specifically on the legal, economic and social inclusion of Colombian

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4 Supra 2, at 6.
6 Disclaimer: This paper does not attempt to understand the complex, individual and sensitive nature of sexual and gender-based violence that refugee women in Ecuador face. This paper is merely an attempt to present research focused on helping to mitigate the consequences of such violence within the refugee population of the region.
women refugees to combat it, the cycle of SGBV will continue and local integration is likely to fail.

2. Local Integration as a Durable Solution for the Colombian Refugee Crisis in Ecuador

Decades of armed conflict related to the drug war in Colombia have displaced millions of people, both internally and externally. In the past few years, the dynamics of the conflict have shifted the intensity towards the border of the country forcing many Colombians to seek refuge in neighboring countries, namely Ecuador. As a result, Ecuador is home to the largest number of refugees in South America, an overwhelming majority of which are from Colombia (93%). Furthermore, as a key point for policy-makers to realize, the vast majority of these Colombian refugees are women and children (74%).

UNHCR estimates that between 135,000 to 160,000 individuals are in need of international protection in Ecuador, with the number of displaced Colombians seeking refugee status climbing annually. Colombia’s ongoing internal armed conflict and continued displacement of hundreds of thousands of individuals on a yearly basis makes prospects of return for Colombian refugees abysmal. UNHCR has determined that voluntary repatriation of Colombian refugees as a durable solution is not appropriate at this time and has called for local integration and resettlement of the refugee population as the proper alternative.

In many aspects, Ecuador is a model country for local integration. Ecuador has maintained a consistent policy of open borders, despite times of extreme tension between the two countries. In 2009, the Ecuadorian government had the highest refugee recognition rate in the region, granting asylum to 66% of refugees applying through the regular asylum procedures. Furthermore, Colombian refugees do not live in camps; they live among the Ecuadorian population and are allowed access to health care, education and employment. However, there are still many concerns facing the region such as lack of procedural safeguards for the protection of refugees, widespread existence of SGBV, progressively dangerous security conditions and an increasing inflow of persons in need of

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10 *Ibid* at 10.
11 *Ibid* at 8.
12 Supra 6, at 60.
3. The Situation of Colombian Refugee Women: A Proposal for a Gender-Focused Approach to Local Integration

The situation for refugee women in Ecuador is especially concerning, particularly for female heads of households. According to the UNHCR, over fifty percent of women refugees are between 18 and 35 years of age, which means they are particularly susceptible to SGBV. Sexual and gender-based violence is rampant as human trafficking rings prey on refugee women and girls. Furthermore, Colombian women often report being forced into survival sex and prostitution in order to survive once they have been displaced to Ecuador. A recent study from the Women’s Federation of Sucumbíos found that an overwhelming majority of the female population report experiencing SGBV. This fact is further supported by a UNHCR study that revealed that 94.5% of the 700 refugee women surveyed in the Lago Agrio region of Ecuador have experienced SGBV in their lifetime.

In order to effectively address these concerns, the Ecuadorian government, along with the aid of key inter-governmental organizations like the UNHCR and partner non-governmental organizations (NGOs), must implement gender-focused local integration strategies in order to best meet the needs of the refugee population. This does not simply mean the implementation of a strategy that is gender-sensitive; it means the implementation of a plan of action that exclusively focuses on Colombian refugee women in the legal, economic and social dimensions of local integration.

While many recommendations have been made to the Ecuadorian government on local integration strategies, few have focused on solving the SGBV and displacement problems jointly with a comprehensive legal, economic and social strategy specifically targeted at Colombian women refugees. Such a gender-focused strategy is necessary for three interrelated reasons. First, the demographics of the situation necessitate such an approach. Almost three-quarters of the Ecuadorian refugee population is comprised of women and children, with many women as heads of households. Logic implies that policies

13 Supra 9, at 9.
14 Ibid.
related to solving issues regarding this population mean focusing on the women directly impacted by those policies, especially if they comprise the majority of the population affected.

Second, one of the major aspects to the successful integration of refugee populations is fostering self-reliance, but this is highly impaired if the problem of SGBV goes unaddressed. UNHCR highlights the importance of self-reliance from the outset of local integration stating that assistance programs that integrate strategies for self-reliance and develop self-reliance activities based on a participatory and integrated approach—also aimed at reinforcing the capacities of local communities and refugee-hosting areas—are of utmost importance. However, women refugees need assistance programs that foster self-reliance within the context of combating SGBV, as self-reliance and protection from SGBV are directly proportional. In other words, self-reliance for refugee women is dependent on their ability to escape situations of SGBV. Thus, to achieve successful integration through enhancing self-reliance means to empower Colombian women refugees with ways to escape SGBV through legal, economic and social means, so that they can actually be self-reliant.

Finally, implementing a finely balanced set of measures leading to the formal integration of displaced persons, while at the same time mitigating the risks of SGBV, will have positive consequences for Ecuadorian society as a whole. Widespread prevalence of SGBV does not solely affect Colombian refugee women; it affects all women in the region, including the Ecuadorian women with which refugees are integrated. Therefore, policies of integration that focus on combating the common problem of SGBV within local communities will create a net benefit for all.

In conclusion, by focusing the tripartite process of implementation on combating SGBV, a local integration strategy can essentially “kill two birds with one stone.” Thus, this analysis focuses on the legal, economic and social dimensions of local integration and proposes a method of combating SGBV within each. At the same time, given the current conflict dynamics in Ecuador, this proposal considers the main vulnerabilities of refugee women and aims to prove that the direct targeting of ending SGBV on a comprehensive legal, economic and social level is

18 Self-reliance and freedom from SGBV are directly proportional because the more protection a women receives from SGBV, the more self-reliant she can become.
19 The ‘tripartite process of implementation’ refers to a successful local integration strategy that is designed with three core dimensions in mind: legal, economic and social. See The Benefits of Belonging: Local integration options and opportunities for host countries, communities and refugees, 29 July 2011, page 7, available at: http://www.unhcr.org/refworld/docid/4e56170b2.html [accessed 15 October 2011].
the best strategy for the successful local integration of Colombian refugees in Ecuador.

4. The Legal Dimension of Local Integration: Addressing Protection Gaps through Legal Intervention as a Method to Combat SGBV

Perhaps one of the most important aspects of the empowerment of vulnerable populations is the creation of a legal framework that recognizes such vulnerabilities and addresses that population’s specific needs. UNHCR has identified SGBV as a main protection concern, thus a legal framework that recognizes SGBV as a core element of the overall comprehensive protection strategy is the first step to the proper integration of refugees within local communities. In the context of the Colombian refugee population in Ecuador, this means enhanced refugee recognition for women specifically. Thus, the legal dimension to local integration in Ecuador involves the establishment of laws aimed at providing legal documentation to Colombian refugee women.

4.1 Overview of Ecuador’s Existing Legal Framework Regarding Refugees

Ecuador’s legal system regarding refugees, although considered one of the better systems in the world, still falls short in many areas, particularly with regards to the protection of women. Ecuador is a state-party to most of the international and regional human rights instruments for refugees. Ecuador ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (hereinafter collectively referred to as the 1951 Convention) in 1955 and 1967, respectively. The Presidential Decree 3301/92 on the Status of Refugees almost entirely incorporates the rights and safeguards of the 1951 Convention, and includes the extended refugee definition contained in the 1984 Cartagena Declaration. Finally, Ecuador is also party to the Brasilia Declaration on the Protection of Refugees and Stateless Persons, which reinforces the rights of refugees.23

20 Supra 2, at 9.
22 The 1951 Convention defines a refugee as a person outside his/her country of nationality or habitual residence, has a well-founded fear of persecution because of race, religion, nationality, membership of a particular social group or political opinion, is unable or unwilling to avail himself or herself of the protection of that country or to return there for fear of persecution. The Cartagena Declaration broadens the definition of a “refugee” envisaged in the 1951 Convention to include those who have fled to their country because of their lives, safety or freedom and have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.
In 2004, twenty Latin American countries and over 100 local NGOs adopted the Mexico Plan of Action (MPA). This pragmatic humanitarian plan provides operational regional framework focused on the principles of regional solidarity and burden-sharing, international cooperation and local integration and is a practical instrument for the regional protection of refugees.\textsuperscript{24} In 2008, Ecuador adopted a comprehensive refugee policy that incorporates international law and positive protection schemes to address the needs of their refugee population. The Governments of Colombia and Ecuador have agreed to restore relations and normalize diplomatic ties as well as establish a mechanism, along with the help of UNHCR and other key partners, to resolve the refugee crisis in the country.\textsuperscript{25} Collectively, these legal instruments provide the basis for refugee protection in Ecuador and even allow for the protection from SGBV to be recognized within each.

\subsection*{4.2 Addressing the Protection Gaps Adversely Affecting Refugee Women}

According to UNHCR’s Global Needs Assessment (GNA)\textsuperscript{26} launched in early 2009, the top refugee concern is lack of documentation.\textsuperscript{27} Without legal papers, there is limited access to material assistance, education, employment and even protection. Hence the need for a legal framework that focuses on the increased refugee recognition and enhanced registration. In UNHCR’s 2008 survey, there were 130,000 unregistered people living in a ‘refugee-like situation’ in Ecuador, almost six times the number of recognized refugees. Under-registration is a problem because many people are not aware of their right to seek asylum or because they are too scared to come forward and others simply have no means of reaching the nearest registration office as they live in remote jungle locations and must rely on UNHCR visits in order to file asylum claims.\textsuperscript{28} This is especially true for women heads of households who have children to care for and have difficulties in accessing the registration process.

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\textsuperscript{25} Supra 7, at 61.

\textsuperscript{26} Ecuador was one of eight pilot countries in UNHCR’s Global Needs Assessment project (GNA). Piloted in 2008 and launched in 2009, this initiative assessed the unmet needs of refugees, IDPs, returnees, asylum-seekers and stateless people. The project aimed to outline the total needs, the costs of meeting them and the consequences of any gaps in order to assist governments, partners, refugees and people of concern in creating a plan of action to address those needs.


\textsuperscript{28} Supra 6, at 61.

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Legal intervention to increase access to documentation acts as a method for protection from SGBV because single women and girls without documentation are especially at risk of sexual exploitation and abuse. Lack of registration and documentation means no state services and extreme vulnerability, which exposes women, girls and boys with limited resources to higher risks of SGBV and other forms of abuses, as they must look for alternative ways to obtain accommodation and food. Additionally, legal regulations that envisage the right to family reunification and set forth provisions aimed at facilitating the reunification process help to combat the issue of SGBV among unaccompanied minors, especially girls.

A dearth of legal services, a culture of impunity and complicity towards violence on behalf of local authorities all present challenges for the realization of justice regarding SGBV. Additionally, local integration is restricted when asylum-seekers and refugees, as non-nationals, face administrative obstacles to access the benefits available to nationals in similar situations of social vulnerability, such as unreasonable requirements of long periods of legal residence within the territory, which effectively exclude refugees and asylum-seekers from benefiting from social welfare programs. Moreover, the Ecuadorian asylum system is not fully developed in order to respond to the increasing number of persons in need of international protection, particularly women. Cumbersome asylum procedures coupled with the decentralization of the General Directorate for Refugees, which is tasked with processing asylum applications, have created a backlog of close to 20,000 asylum-seekers registered throughout the territory.29

4.3 Conclusion for the Legal Inclusion of Refugee Women

Taking into account all of the legal vulnerabilities previously discussed, the legal dimension of the local integration strategy should focus on the recognition of a proper legal status for refugee women so that they can be properly protected. However, as is often the case, legal intervention is never enough. The creation of a visionary legal framework and strategy for durable solutions is meaningless without access to economic and social benefits for refugee women.

5. The Economic Dimension of Local Integration: Establishing Economic Opportunities for Refugee Women as a Means to Combat SGBV

Another important aspect of the empowerment of vulnerable populations is the creation of economic opportunities that allow for the population to overcome their vulnerabilities and become self-sustaining. Oftentimes, women have fewer employment opportunities, particularly if they are responsible for young

29 Supra 27.
children, and may be compelled to exchange sex for material goods or protection, or sell sex in order to survive. Since UNHCR has identified SGBV as a main protection concern and survival sex is a form of SGBV, an economic framework that recognizes economic escape from SGBV as method of protection will greatly increase the chances of success of the local integration strategies because it provides economic solutions to both issues.

5.1 Overview of Current Economic Opportunities of Refugees in Ecuador

Once Colombians have been granted their legal status as refugees, they have the right to work in Ecuador. However, as foreign nationals, they are required to possess a work permit. In 2006, the Ecuadorian Ministry of Labour issued a Ministerial Agreement exempting refugees from paying the standard $60 work permit fee and are instead charged only $4 per year, which greatly aids refugee women in accessing employment opportunities since $4 is much more manageable than $60.

However, refugees struggle to secure employment in their countries of asylum, even as skilled professionals, as many find themselves without professional documentation and with certain language limitations. For women, this problem is compounded by cultural and gender-based constraints, thus extra attention is needed to support income-generating skills and activities for this vulnerable group. Work guarantees livelihood and if women are excluded from employment, they are excluded from a livelihood. However, if refugee women have money, they can help their children, feed their families and many of the problems faced by the populations can be addressed through one major step: employing refugee women.

5.2 Addressing the Economic Vulnerabilities of Refugee Women

Certain vulnerabilities include: (1) Survival sex is frequently a direct consequence of gaps in assistance, failures of registration systems, or lack of institutional safeguards from family separations. (2) Furthermore, the hardest hit population in an already volatile economic climate is refugee women as they face double discrimination in many areas. (3) The largest obstacle for the integration of Colombian refugees is the perception that Colombians are competing for the limited job opportunities with Ecuadorians and limits refugees from exercising their right to work. Discrimination against Colombian nationals affects refugee

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30 Action against Sexual and Gender-Based Violence: An Updated Strategy, UNHCR Division of International Protection, June 2011, page 16.
31 Supra 2, at 9.
32 Supra 5, at 23.
women disproportionately as there are many single mother heads of households unable to find work. One direct result of this discrimination is forced sex work.

Certain Solutions Include: (1) UNHCR’s microfinance initiative aims to remedy this because having a job enables women to become part of the social fabric of the community in which they live. UNHCR has also signed agreements with the corporate social responsibility departments of a number of significant food-related and fast-food related companies in an effort to increase economic opportunities for refugees. (2) Community microcredit schemes supporting small businesses also enable refugees to become active participants in their new societies and self-reliant members of their new communities.33

Entrepreneurship coincides with a core objective of UNHCR: to empower refugee communities to help themselves via successful projects. (3) Revenue-generating community-based organizations (CBOs) for refugees serve as social support groups for refugees and provide a mechanism to lobby city, regional and national authorities on refugee issues and concerns.34 To help the sustainability of CBOs, Ecuador with the assistance of UNHCR, can launch a national competition to generate community business ideas that provide employment opportunities for both refugees and Ecuadorians alike. Successful business models would be self-sustaining, profit making and cover the costs of running the community and refugee support functions of the organizations.

5.3 Conclusion for the Economic Inclusion of Refugee Women

Accounting for these economic vulnerabilities, the economic dimension of the local integration strategy should focus on the creation of job opportunities for refugee women as a means to protect women refugees from SGBV. However, the outcomes underline the value of the approach, thus equal access to and control of material resources and assistance benefits, as well as women’s equal participation in the decision-making process regarding them, must be reflected in all programs, whether explicitly targeting SGBV or responding to the emergency, recovery or development needs of the population.35

6. The Social Dimension of Local Integration: Increasing Access to Social Services for Refugee Women as a Mode of Combating SGBV

Another major component to the empowerment of vulnerable populations is the ability to access a wide range of social services in order to decrease their vulnerabilities. The social dimension of local integration utilizes social and

33 Ibid at 39.
34 Ibid at 21.
35 Supra 3, at 21.
cultural frameworks to enable refugees to access education and social services as well as participate in the social fabric of the community.\textsuperscript{36} Accessing services helps develop a sense of social and cultural belonging, which is vital for women subjected to SGBV.

\textit{6.1 Overview of Present Social Structure in Ecuador}

Discrimination and xenophobia, as is the case in many refugee situations, directed against Colombians severely limit the possibility of Colombian refugees reaching self-sufficiency in Ecuadorian society. A recent study of Colombian refugees living in urban centers of Ecuador by the Latin American Faculty on Social Sciences in Ecuador (Facultad Latinoamericana de Ciecias Sociales Sede Ecuador, hereinafter FLACSO) found that 97.3% of refugees interviewed have experienced incidents of discrimination due to their country of origin.\textsuperscript{37}

\textit{6.2 Addressing the Social Vulnerabilities of Refugee Women in Ecuador}

Refugees are granted equal access to education in Ecuador. In 2006, the Ministry of Education and Culture adopted Agreement 455, which allows refugee children who do not have proof of prior studies to take an educational placement exam prior to entering the Ecuadorian public school system. This helps relieve the administrative barrier refugee children may face for not having documents certifying their previous level of studies.\textsuperscript{38}

Furthermore, refugees are granted equal access to health services in Ecuador, which is especially important for access to the Free Maternity and Attention to Infants Law. Refugees are also included in the National Strategic Response Plan to HIV/AIDS, launched by the Government in May 2007. Providing language courses taught by former refugees as a way to not only integrate, but also provide economic opportunity to former refugees.

\textit{6.3 Conclusion for the Social Inclusion of Refugee Women}

Considering all of the social vulnerabilities discussed above, the social dimension of the local integration strategy should focus on the creation of leadership opportunities for refugee women. Ecuador has a model system compared to most countries, but like every social system, there are improvements to be made. In order for the smooth integration of Colombian refugees in Ecuadorian society, the social dimension of integration must take the overall positive laws Ecuador possesses and improve upon them with a gender-focused approach. Therefore, if

\textsuperscript{36} Supra 5.
\textsuperscript{37} Supra 9, at 10.
\textsuperscript{38} Ministry of Education and Culture adopted Agreement 455.
Colombian women refugees are the main beneficiaries of these laws, the social integration of the Colombian refugee population in general would collectively benefit.

7. Conclusion

Ultimately, the Government of Ecuador determines how its local integration strategy is designed and implemented, but a successful strategy will focus on ending SGBV towards Colombian refugee women in the legal, economic and social dimensions of integration, bringing clear collective benefits to both the local communities and to the country. With a commitment to international law and an understanding for the importance of solidarity and responsibility sharing to combat SGBV, the outcomes in the integration of the refugee community can be positive. Ecuador must see women refugees not as problematic non-citizens, but as an incredible resource that if nurtured and allowed to integrate, can make a valuable contribution to their new country. Working together with its partners, Ecuador has the potential to be the model for local integration that successfully addresses the specific protection needs of its refugee population, not simply for South America, but for communities across the world.

*This is a working paper; please excuse the parts that are obviously still under construction. Input and critiques can be sent to: gusmanjl@gmail.com*