

COUNTRY OPERATIONS PLAN-2003

Costa Rica

Executive Summary

(a) Context and Beneficiary populations

The largest receiving Country of Colombian refugees in Latin America, though considerable progress attained in 2001, there is a continuous need to protect the rights and meet the needs of this population. Reinforce and in the strengthening local capacities, particularly national protection networks to assume refugee assistance and enhance integration possibilities.

Building with host country the capacity to provide security for Colombian refugees

Legal Unit based in Costa Rica as a technical service provider to support the implementation of the protection and solution strategy of the Americas Bureau. The main inputs are related to promotion and dissemination of refugee law, enhanced co-operation with the organs of the Inter-American system as a means to integrate human rights into refugee protection and the provision of legal advice in the region.

Political context

During the year 2001 and the first quarter of the year 2002, the significant influx of persons in need of protection, coming overwhelmingly from Colombia, continued, in view of which, UNHCR's programmes in Costa Rica have been drastically reoriented. The deterioration of the armed conflict in Colombia (particularly in the aftermath of the September 11th events) and the subsequent increase of forced displacement of populations, is the direct cause that leads to conclude that migration of Colombian asylum seekers will continue towards Costa Rica. Despite the change in the visa policy of the Costa Rican Government in April 2002, the rupture of the peace talks, the discontinuation of the control by the FARC of the distension zone and the predictable hardening of the political line of the new Colombian Government according to all indicators, can only support the idea that the humanitarian impact through continuous trends of Colombian asylum seekers will not change much during the year 2003.

In terms of security, UNHCR's LO in Costa Rica continue closely monitoring some security incidents occurring in Costa Rica linked to, the increasing presence of paramilitaries and *sicarios* arriving from Colombia, through the Atlantic coast, bordering with Panama.

Protection issues

The need to invigorate efforts made over year 2001 and 2002 through the RSD Project, to strength the refugee Status determination procedures in order to grant the proper assessment of refugee claims, within a reasonable time period in agreement with domestic legislation.

UNHCR was requested to provide its technical advice on the chapters related to asylum and to contribute in the drafting of specific provisions on refugee matters of the draft of the new Migration Law. The adoption of the new law and its implementation should be closely followed up by LOCOS.

The National protection networks, involving national NGOs, the Ombudsperson Office and Academic institutions will need to be further strengthened in order for them to contribute more in the actual delivery of material assistance, legal counselling and promotion of the human rights of asylum seekers and refugees. Those sectors will continue to actively participate in migration issues, particularly at advocacy and promotional levels.

As part of the advocacy efforts to integrate human rights into refugee protection, UNHCR has already signed co-operation agreements with all the human rights organs of the Inter-American System. Furthermore, translation and publications services have been consolidated in UNHCR Costa Rica which enabled the Office to launch a new version of the Spanish Web site in March 2002, which constitutes a new protection tool for the advancement of international refugee law in the Latin America and Spain. For year 2003, it is expected to maintain those achievements while focusing more on the strengthening of local capacities, through the development of a training strategy based on regional needs, in co-ordination with external actors.

UNHCR's role.

Based on the above, UNHCR should play a catalytic and political role to strengthen local capacities to enable the national Government institutions and national protection networks to assume a progressive responsibility over refugee issues.

Through the provision of limited emergency humanitarian assistance to new arrivals, UNHCR should move to the active search for durable solutions, particularly the promotion of local integration and self-reliance.

This will demand a close follow up from UNHCR to improve the co-ordination mechanisms with the Costa Rican Government and the national networks assisting migrants and refugees, with a view to continue enhancing the capacity to organise the local resources to better respond to the needs of asylum seekers and refugees. Refugees should also play an active role in the search of solutions to their own problems. In this connection, the results of the Local Integration Survey carried out through the project with the University of Costa Rica, will be the basis of income generating projects and employment promotion activities where the refugees will play a key role.

The Regional Legal Unit of UNHCR Costa Rica will continue to provide technical support in areas related to protection and human rights in the Americas, giving priority to advocacy and capacity building efforts, in close co-ordination with external actors in the region for both the strengthening of the legal refugee framework in the Americas, and for UNHCR to concentrate more on its supervisory responsibility.

Overview of each beneficiary population.

For planning purpose, UNHCR main beneficiary populations in Costa Rica could be summarised as follows:

- 1) Some 2500 long staying Nicaraguan and Salvadorian refugees. It should be borne in mind however, that the cessation clause is expected to be applied in the second semester of year 2002 for this caseload.
- 2) New asylum seekers and refugees, mainly Colombian nationals, involving some 8.600 persons.
- 3) The beneficiaries of the legal and protection activities to be implemented by the Regional Legal Unit of UNHCR Costa Rica will be UNHCR offices in the Americas, as well as governmental and non governmental counterparts. Because of its capacity building focus, by supporting local capacities, UNHCR will continue to strengthen the legal framework for the protection and assistance of refugees and other persons of concern in the Americas.

Based on the provision of assistance to refugees under UNHCR programmes, by nationality, the beneficiary caseload is currently composed as follows: 95% of the assistance is given to Colombians refugees, 3% to Extracontinentals refugees, 2% is given to the rest of the refugee population (Cubans, Peruvians, etc.).

Regarding the profile of the beneficiary population, it is relevant to mention that:

- The majority of the population is composed by individual cases
- Adults represent 70% of the population, 30% are minors.
- Women heads of households represent 25% of the family groups.
- 52% of the total population is men, and 48% women

Capacity and presence of implementing partners

UNHCR main implementing partner for the provision of assistance and legal counselling will remain CAI (Consultores y Asesores Internacionales), which is an NGO dedicated to refugee issues for more than 10 years already. It is based in San Jose, and has an important outreach over the metropolitan area, where the major part of the beneficiary population is concentrated. However, they have proved to have capacity to perform at field level, when requested and needed. It is foreseen however, that other well-experienced agencies yet to be selected, could play an important role in the reorientation of the programme in which the refugees skills and capacities will be reinforced in order to empower them in the search of solutions for their problems and the development of income generation activities.

Because of the capacity building focus of the activities undertaken by the Regional Legal Unit, UNHCR professional staff, in conjunction will directly undertake the implementation of the project with the human rights organs of the Inter-American System.

Presence and roles of other UN agencies and international organisations

Following a decision of the new UN Resident Coordinator in Costa Rica, the *Inter Agency Thematic Groups* where UNHCR was coordinating some points of interest were abolished. Nonetheless, the increasing presence of Colombians in Costa Rica has become an issue of interest and concern not only for UNHCR in reason of its mandate, but also to some other international organizations like the International Organization for Migrations (IOM) and the International Committee of the Red Cross (ICRC). UNHCR, IOM and the ICRC continued to have coordination and information-sharing meetings about the Colombian situation and the effects this situation is having in the country.

As part of the provision of technical services by the Regional Legal Unit of UNHCR Costa Rica, strategic alliances will be maintained with the organs of the Inter-American system for the implementation and further development of the co-operation agreements signed and other capacity building projects related to promotion of human rights and refugee law, advocacy efforts and training.

(b) Selected Programme Goals and Objectives

Main Objective:

To preserve a humanitarian space in the country through the advancement of the legal framework for the protection of asylum seekers and refugees and the strengthening of local Government and civil Society capacities to deal with this population.

- Strengthening /Adjustment of national protection mechanism for asylum seekers and refugees with a view to improve local capacities in a sustainable manner.
- Involvement of refugees in the development of self-reliance activities
- Continue to provide legal advice and technical support to UNHCR offices in the region for the achievement of the protection and solutions objectives in the Americas, taking due account of the different protection needs of women and men, the children and the elderly.