

REPUBLIC OF ECUADOR | SECOND PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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MIGRATION GOVERNANCE INDICATORS

TABLE OF CONTENTS

OBJECTIVE // 6

INTRODUCTION // 7

CONCEPTUAL FRAMEWORK // 9

KEY FINDINGS // 10

SUMMARY OF UPDATES SINCE 2018 // 12

COVID-19 ANALYSIS // 29

KEY SOURCES // 31

ANNEXES // 36



OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.

The MGI can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

MGI follow-up assessments aim at showing the progress that countries have achieved in their migration governance policies since their first MGI assessment. Concretely, this report presents a summary of the main changes and achievements that have taken place in the migration governance structures of the Republic of Ecuador (hereinafter referred to as Ecuador), since the first assessment in 2018,⁴ as well as the areas with potential for further development, as assessed by the MGI.⁵

Further, in 2020–2021, several local MGI reports were prepared in the municipalities of Quito,⁶ Manta, Cuenca and Tulcán (provinces of Pichincha, Manabí, Azuay and Carchi, respectively).

¹ IOM Standing Committee on Programmes and Finance, Seventeenth Session (S/17/4 of 29 September 2015), Article 2.

² IOM Council, 106th Session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The 2018 Migration Governance Snapshot for the Republic of Ecuador is available at www.migrationdataportal.org/overviews/mgi/ecuador#0.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM. Funding is provided by IOM Member States.

⁶ IOM, *Indicadores de Gobernanza de la Migración a Nivel Local Perfil 2021 – Distrito Metropolitano de Quito 2021* (Geneva, 2021). Available at www.migrationdataportal.org/es/overviews/mgi/ecuador-quito#0.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed** migration policies."



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 17

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 20

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 22

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 24

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 26

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

SUMMARY OF UPDATES SINCE 2018

Migrants' rights

Since the first MGI assessment in 2018, the Organic Law on Human Mobility (*Ley Orgánica de Movilidad Humana, LOMH*) (2017)⁷ has expanded the rights of people in situations of human mobility⁸ in Ecuador and of the diaspora, clarified definitions, improved institutional coherence and increased protection for vulnerable people. In response to the unusual flow of Venezuelan citizens, the Government brought in regulations, policies and projects in order to adapt its migration policy to this phenomenon. These included the Comprehensive Plan to provide assistance and ensure the protection of rights in the context of the increasing flow of Venezuelan migrants into Ecuador (*Plan Integral para la Atención y Protección de Derechos en el Contexto del Incremento del Flujo Migratorio Venezolano en Ecuador*) (2018). In addition, measures were adopted to include the migrant population in the country's response to the COVID-19 pandemic.

Whole-of-government approach

The Government reinforced inter-institutional coordination mechanisms between 2018 and 2021. In 2018, the Ministry of Foreign Affairs and Human Mobility set up the Human Mobility Roundtables, comprising a National Roundtable, Permanent Intersectoral Roundtables and Regional Roundtables, as inter-institutional mechanisms to encourage the participation of international agencies, civil society and local governments. This Roundtable is made up of public institutions that have to do with human mobility, and it operates as a forum for dialogue, cooperation and citizen participation. The Government introduced two public policies on human mobility that contain implementation mechanisms – namely, the National Human Mobility Plan (2018) and the National Agenda for Equality in Human Mobility 2017–2021 (2020). The Gender Equality Policy (2018) of the Ministry of Foreign Relations and Human Mobility mainstreamed the perspective of equality for women and non-discrimination against them in migration services. Since 2021, the Ministry of Internal Affairs (formerly the Ministry of the Interior) has been the body responsible for migration control, border management and the Ecuadorian Migration System (*Sistema Migratorio Ecuatoriano, SIMIEC*).

Partnerships

Since 2018, Ecuador has been a leader and participant in the Quito Process, a forum for coordinating a regional strategy to deal with the flow of migrants from the Bolivarian Republic of Venezuela. Ecuador signed three new memorandums of understanding on migration with Mexico (2018), the United States of America (2018) and Spain (2019). Similarly, through the inter-institutional roundtables, joint undertakings between the various players involved and at different levels of Government have been attempted.

⁷ The Organic Law on Human Mobility was promulgated through Registro Oficial (the official gazette) No. 938 of 6 February 2017 and (partially) amended by Law s/n, published in Registro Oficial No. 386-3S of 5 February 2021; and Law No. 0, published in Registro Oficial No. 452 of 14 May 2021. It is hereinafter called "the LOMH".

⁸ In Ecuador, the concept of "people in human mobility" includes emigrants, immigrants, persons in transit, Ecuadorian returnees, people in need of international protection, victims of the crimes of human trafficking and migrant smuggling, and their families. More information on the LOMH is available at www.ilo.org/dyn/natlex/docs/ELECTRONIC/103681/126081/F-1601695083/ley%2060%202017%20ECUADOR.pdf.

Well-being of migrants

Since the 2018 assessment, the Government has brought in measures to regularize the situation of migrants, especially those from the Bolivarian Republic of Venezuela, and integrate them socially and economically. The LOMH expanded the definitions of temporary residence visas in order to facilitate labour migration, as well as scenarios and mechanisms for the protection of vulnerable migrant workers. Higher-education reforms were introduced to facilitate the registration of national qualifications and the recognition of qualifications obtained abroad. The *National Agenda for Equality for Women and LGBTI Persons 2018–2021* (2018) promoted economic and social protection for women and LGBTI persons in situations of human mobility.

Mobility dimension of crises

Since the first MGI assessment, the Government has issued the National Disaster Response Plan (2018) and the Specific Risk and Emergency Management Plan 2019–2030 (2019), which included human mobility as a central plank of disaster preparedness and management. The LOMH expanded the definition of beneficiaries of humanitarian visas to cover situations beyond disasters stemming from natural hazards. The declaration of an emergency in connection with the mass migration of Venezuelan citizens gave rise to comprehensive plans, including those for regularization, specialized protocols for the care of vulnerable groups such as children and adolescents, and actions for dealing with gender-based violence.

Safe, orderly and regular migration

Since the 2018 MGI assessment, the LOMH has expanded the benefits and rights of returning Ecuadorians. The Government has made progress in digitalizing human migration services and information management systems. The Law granted formal status to the Inter-institutional Coordination Committee for the Prevention of Trafficking in Persons and the Smuggling of Migrants, which, in turn, gave rise to protocols for dealing with such cases and assisting victims of these crimes. The LOMH and the Comprehensive Organic Criminal Code (*Código Orgánico Integral Penal*) of 2014 (amended in 2021) clarified and aligned the definition of “human trafficking” with international standards. The Action Plan against Trafficking in Persons 2019–2030 (2019) laid out intersectoral public policies together with monitoring and evaluation tools. A Framework Agreement for Inter-institutional Cooperation (2020) was signed between the Ministry of Foreign Affairs and Human Mobility, the Ministry of Internal Affairs, and the Ministry of Economic and Social Inclusion for the proper handling of migration flows.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

The 2008 Constitution of the Republic of Ecuador (*Constitución de la República del Ecuador*)⁹ enshrines the principle of universal citizenship and free human mobility. Foreign nationals present in the national territory enjoy the same rights and duties as Ecuadorian nationals, irrespective of their migration status. Similarly, under the Organic Law on Human Mobility (LOMH) (2017), foreigners may access basic social services on the same basis as Ecuadorians. The latest amendment of this law extended the coverage of the rights guaranteed for the immigrant population, Ecuadorians abroad and returnees. It included, for example, new tax, educational and social benefits for returning nationals; clarified definitions regarding human trafficking and migrant smuggling; established, for the first time, an Inter-institutional Committee with the force of law to tackle these crimes; expanded the coverage available in cases of “risky migration”; relaxed the requirements for work and investment visas in Ecuador; and extended protection to groups with priority needs. Further, the LOMH added new naturalization requirements (the procedures for which can take place only in the national territory) and clarified the procedures applicable in cases of marriage or common-law relationships. Foreign nationals in Ecuador are no longer required to have health insurance for the duration of their stay.

As of 2018, the Ministry of Public Health began allocating budget funds specifically to meet the growing demand for health services of the migrant population. For example, health posts were set up in the Rumichaca region (border with Colombia) to provide preventive medical attention, vaccination services, and general medical and psychological care for Venezuelan migrants. Care is provided without discrimination, and no identity documents are required. Irregular migrants¹⁰ – in other words, persons who are not in possession of a valid and current visa – are not registered; and when the nationality of the person being treated is recorded, this information is handled confidentially. In the absence of a personal identification number, the Health-care Registration Platform (*Plataforma de Registro de Atención en Salud*, PRAS) assigns the patient a universal code in order to avoid any limitation of access to health services.

Ecuador guarantees the right to primary, secondary and higher education through Articles 26 and 28 of the 2008 Constitution. Since the 2018 assessment, the Organic Law on Intercultural Education (*Ley Orgánica de Educación Intercultural*) (2011),¹¹ which governs preschool, basic and secondary education, has included a human mobility approach (Article 2.5) and classified any form of discrimination based on migration

⁹ The most recent (partial) amendment of the Constitution took place in January 2021.

¹⁰ The Organic Law on Human Mobility (2017, amended in 2021) prescribes that immigration status refers to “a foreign national’s status in terms of their entry and stay in the national territory in accordance with the current regulations in that regard. Compliance or non-compliance with these regulations will determine whether their immigration status is regular or irregular. Regular status may be temporary or permanent. Irregular immigration status shall not entail any restriction of human rights”. Likewise, immigration situation is defined as the “status of temporary resident or visitor accorded by the Ecuadorian State by means of a stay permit, to enable foreign nationals to reside in or travel through Ecuadorian territory”. Likewise, it is stated in the recitals that in order to facilitate access of foreign nationals to regular status, it is necessary to reduce the number of immigration categories, prioritize the principle of family reunification, and introduce visa procedures based on the principles of equality, speed, territorial decentralization, services provided with quality and care, and the simplification of procedures.

¹¹ The most recent (partial) amendment took place in 2021.

status in an educational institution as a “serious offence” (Article 132.1). In the public sector, the 2010 Organic Law on Higher Education (*Ley Orgánica de Educación Superior*), as amended in 2020, ensures equal conditions and access free of cost up to the university level for persons in human mobility contexts (Article 4). This Law guarantees the same opportunities for all stakeholders in the higher education system as regards access, stay, mobility and graduation from the system, free of discrimination based on gender, creed, sexual orientation, ethnic background, culture, political preference, social and economic status, situation of mobility or incapacity (Article 71).

Under Article 51 of the LOMH and Article 9 of the Constitution, resident foreign nationals are entitled to work in Ecuador and to access social security on an equal footing with Ecuadorians. Since the first MGI assessment, the amendment of the LOMH has entailed altering the definition of some temporary residence visas that grant regular migration status for up to two years (Article 60). Under the amendment to the Law, the working visa category was extended to include persons providing consultancy services to an Ecuadorian national or to a foreign national with regular migration status in the country. The visa covering the investor category is once again considered as a temporary residence visa rather than an exceptional visa; legal representatives and other similar figures in Ecuadorian or foreign companies have been included. As of 2021, the duration of student visas must be at least six months and may be extended depending on the duration of the academic programme involved.

Starting in 2018, the greatest influx of migrants witnessed in Ecuador has been from the Bolivarian Republic of Venezuela. Up to July 2021, some 450,000 Venezuelan citizens had been identified in the country, of which 222,588 are found to be regular migrants (*El Comercio*, 2021a). In 2018, the Ministry of Foreign Affairs and Human Mobility drew up the Comprehensive Plan to provide assistance and ensure the protection of rights in the context of the increasing flow of Venezuelan migrants into Ecuador, to pave the way for the fulfilment of rights and for access to basic services and formal employment of the Venezuelan migrant community. In 2019, the Government facilitated their regularization by granting Emergency Visas for Humanitarian Reasons (*Visa de Excepción por Razones Humanitarias*, VERHU). In that same year, the Government issued Executive Decree No. 826 of 2019 granting an amnesty to Venezuelan citizens who had overstayed their time and were therefore irregular migrants. In the context of the country’s response to the COVID-19 pandemic, this amnesty was renewed in March 2020 for a further 60 days through Executive Decree No. 1020. The validity of passports held by Venezuelan citizens for up to five years after the date of expiry was approved for all public and private purposes in Ecuador.

Foreign residents may work as self-employed persons on the same basis as Ecuadorian nationals. The Constitution accords the same rights to foreign nationals as to Ecuadorians (Article 9). Once their migration status has been regularized, persons may access the labour market on an equal-rights basis. Since the first assessment, the Ministry of Labour has stepped up inspections to verify social security membership and access to benefits under the 2005 Labour Code (*Código del Trabajo*) (amended in 2020). As of December 2021, the Implementation Manual for the Inspection Management System was being updated so as to foster greater awareness among labour inspectors and incorporate a human mobility dimension into their activities. Processes have been implemented since 2018 to facilitate and expedite the regularization of Venezuelan citizens in Ecuador, thus paving the way for their effective enjoyment of labour rights.

Since the first assessment, Ecuador has maintained International Social Security agreements with Spain, Peru, Colombia, Chile, the Bolivarian Republic of Venezuela, and Argentina, as well as the Ibero-American Multilateral Social Security Convention. As of 2021, agreements on the portability of social security rights and benefits were being negotiated with Canada, Switzerland and the United States.

Ecuador supports family reunification as a right of all residents, with no unwarranted limitations. Since the first MGI assessment, the LOMH has added the right to family reunification for all Ecuadorian returnees (Article 27(b)). For the purposes of family reunification, “transitional family” is defined as extending to the second degree of consanguinity or affinity.

The Comprehensive Organic Criminal Code of 2014 (amended in 2021) penalizes discrimination (Article 176) and hate crimes (Article 177). The LOMH underlines that no person should be discriminated against due to their migration status, national origin, sex, gender, sexual orientation, or any other social, economic, ethnic or cultural status (Article 2). The National Human Mobility Plan (2018) provides for a policy of cooperation with national and international bodies in campaigns against xenophobia and discrimination towards migrants on the move. The Ministry of Foreign Affairs and Human Mobility has conducted projects in support of inclusion, diversity and the prevention of discrimination, such as the Prevention and Awareness-raising Campaign against All Forms of Discrimination of 2020.

1.2. Areas with potential for further development

In 2021, there was still a restriction on access to bonuses – temporary cash transfers – for migrants on the move, as such access requires prior verification that the beneficiary possesses Ecuadorian nationality or dual nationality. By way of example, because of the presence of COVID-19 in Ecuador, Executive Decree No. 1022 (2020) created the Emergency Family Protection Bonus (*Bono de Protección Familiar por Emergencia*). Under Ministerial Agreement No. 017, one of the requirements that must be verified for access to this bonus is that “the beneficiary possesses Ecuadorian nationality or dual nationality” (Article 5).

A more effective way to apply the LOMH amendments relating to the recognition of rights and the alteration of definitions that impact migration services would be to enact secondary legislation. The third transitional provision of the LOMH stipulated a period of 90 days (as of 5 February 2021) in which to issue the Regulations implementing the Law. The Regulations issued in August 2020 were not updated until September 2021 owing to structural limitations stemming from the health emergency caused by COVID-19.

Expanding rights, especially for the benefit of Ecuadorian migrants and returnees, poses a challenge in terms of budgetary allocations and the creation of the institutional apparatus capable of responding to the increased demands through plans, programmes and projects.

Implementing the Comprehensive Plan to provide assistance and ensure the protection of rights in the context of the increasing flow of Venezuelan migrants into Ecuador (2020), with the support of international cooperation, is an opportunity for the Government to scale up its response to this influx of migrants and move ahead with regularizing their migration status. This process has been delayed by limitations arising from the health emergency caused by the COVID-19 pandemic. According to surveys of Venezuelan civil society in Ecuador, as of 2020, 82 per cent of Venezuelan citizens had not managed to have their foreign qualifications regularized or accredited, and only 10 per cent were found to be affiliated to the Ecuadorian Institute of Social Security (*Instituto Ecuatoriano de Seguridad Social*, IESS) (Mella, 2021). According to flow monitoring surveys of Venezuelan migrants in Ecuador conducted by IOM (2021a), 94 per cent of economically active persons had not signed a contract or received vouchers for their services; another 94 per cent were found to be receiving a monthly income lower than the unified basic salary (USD 400).



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

Since the first assessment in 2018, the Government of Ecuador has strengthened formal mechanisms for interministerial coordination of migration governance. The Ministry of Foreign Affairs and Human Mobility retained control of human mobility policies. The Organic Law on Human Mobility (LOMH) (2017) designated the Ministry of Internal Affairs (formerly the Ministry of the Interior) as the institution responsible for migration control. Similarly, the National Council for Equality in Human Mobility retained its constitutional responsibility for mainstreaming public policy on migration governance.

Since 2018, the Consortium of Provincial Governments of Ecuador (*Consortio de Gobiernos Autónomos Provinciales del Ecuador*, CONGOPE) has supported the dissemination of the LOMH to the Provincial Decentralized Autonomous Governments (*Gobiernos Autónomos Descentralizados* (GADs) *Provinciales*) and the monitoring of the National Agenda for Equality in Human Mobility 2017–2021 (2020). In cooperation with IOM and five priority GADs in border areas, the Association of Ecuadorian Municipalities (*Asociación de Municipalidades Ecuatorianas*, AME) developed a methodological tool for mainstreaming human mobility in development and land management planning, and informed Ecuador's 221 cantonal GADs of it (IOM, 2021b).

In 2020, the National Council for Equality in Human Mobility developed a strategy for incorporating human mobility into the process of updating development and land management plans and the handling of the COVID-19 health emergency in the GADs. Based on a study of 35 cantons in 16 provinces, this strategy is designed to mainstream the National Agenda for Equality in Human Mobility and feed into the planning, budgeting and management processes of the cantonal GADs, with a focus on looking after people on the move during the humanitarian emergency. Of the 35 cantonal GADs studied in 2021, almost 40 per cent had in some way incorporated the topic of human mobility into their multi-year planning (National Council for Equality in Human Mobility, 2021a). Through the regional coordination offices in the provinces, the Ministry of Foreign Affairs and Human Mobility coordinates specific actions with the cantonal GADs to assist people on the move.

In 2018, the Ministry of Foreign Affairs and Human Mobility set up the National Human Mobility Roundtable as the main inter-institutional forum for analysis, sharing of experiences, and citizen coordination and participation in implementing public policies for the benefit of people in situations of human mobility. The Human Mobility Roundtables exist at three levels: the National Roundtable, the Permanent Intersectoral Roundtables and the Regional Roundtables. The National Roundtable has no permanent members. The Vice Minister of Human Mobility chairs it and, depending on the topics to be discussed, invites government bodies, GADs, diplomatic missions, international organizations, civil society organizations and academia to attend. The National Roundtable meets every two months. Meetings of the Intersectoral Roundtables generally take place in parallel to those of the National Roundtable. Through Ministerial Agreement No. 069 of 2020, the Ministry of Foreign Affairs and Human Mobility issued the Regulations governing the composition and operation of the Human Mobility Roundtables.

In 2020, the Office of the Ombudsperson, working through the Mechanism for prevention and the protection of people in situations of human mobility (*Mecanismo de prevención y protección de personas en situación de movilidad humana*), set up a National Human Mobility Advisory Council (*Consejo Consultivo Nacional Defensorial de Movilidad Humana*), pursuant to Article 80 of the Organic Law on Citizen Participation (*Ley Orgánica de Participación Ciudadana*) (2010). This Council is a place for analysis,

debate and advice on human mobility issues, and brings together public institutions, non-governmental organizations, local leaders and social groups. It comprises 57 permanent members who meet monthly to provide advice on strategies for claiming and enforcing the rights of people in situations of human mobility.

Since the first MGI assessment, Ecuador has issued two public policies on human mobility together with mechanisms to implement them. In 2018, the Ministry of Foreign Affairs and Human Mobility brought in the National Human Mobility Plan (2018). This Plan contains four central policies: promoting universal citizenship and free international movement; enhancing protection of the rights of the migrant population; creating the conditions that favour orderly and safe migration; and protecting the diversity of migrants, their integration and harmonious relations with them. Under the National Human Mobility Plan, each policy contains specific strategies and actions.

In 2020, the National Council for Equality in Human Mobility issued the National Agenda for Equality in Human Mobility. The policy proposals are framed by the goals of the *National Development Plan 2017–2021: A Lifetime* (2017), the Global Compact for Safe, Orderly and Regular Migration (2018), the Global Compact on Refugees (2018) and the 2030 Agenda for Sustainable Development. The National Agenda for Equality in Human Mobility aims to guarantee rights, reduce inequalities and end discrimination against people on the move. It also incorporates a gender-based approach, focused on preventing and tackling gender-based violence against women migrants. This Agenda is designed to undergird policies for intervening to assist groups of people in human mobility contexts: Ecuadorians abroad, foreign nationals in Ecuador and foreign nationals under international protection, and victims of human trafficking and migrant smuggling.

In May 2021, the National Council for Equality in Human Mobility released the study titled *La movilidad humana en los sistemas de protección integral de derechos* (Human mobility in systems for the comprehensive protection of rights), and in June 2021, a follow-up report on the National Agenda for Equality in Human Mobility. In these reports, the mainstreaming of human mobility is closely bound with the force and effectiveness of systems of public policy and the comprehensive protection of rights. The Organic Code of Territorial Organization, Autonomy and Decentralization (2010) (Articles 54 and 84) requires GADs to implement comprehensive rights protection systems, including the creation of Cantonal Councils for the Protection of Rights (*Consejo Cantonal de Protección de Derechos*, CCPDs), Cantonal Boards for the Protection of Rights (*Junta Cantonal de Protección de Derechos*, JCPDs) and networks for protecting the rights of groups with priority needs.

The CCPDs comprise equal numbers of civil society and public sector representatives. By 2021, 211 GADs (95.47%) had set up these entities; and in 75 of the 211 instances, this collegial body included a civil society representative. At the national level, 72 CCPDs take part in formulating public policies on human mobility, 99 are involved in the process of updating the development and land management plans of GADs, 109 are engaged in activities to promote rights, and 95 are active in participatory processes with people in human mobility contexts (National Council for Equality in Human Mobility, 2021b:40).

The JCPDs are bodies dedicated to the protection, defence and enforcement of human rights, including those of migrants on the move. Created initially under the Organic Code for Children and Adolescents (2002), these bodies report to the GADs (GIZ, 2021:35). By June 2021, 185 GADs (83.7%) had set up the JCPDs (National Council for Equality in Human Mobility, 2021c). In 2019, 85 JCPDs dealt with cases of human mobility and issued 842 measures to protect people in situations of human mobility along with their families, whose rights were under threat of violation or were being violated, mainly in the cross-border provinces of El Oro and Carchi. At the territorial level, the Advisory Councils are consultation and advisory mechanisms comprising civil society representatives and organizations concerned with equality issues. As things stand, 25 GADs (11% of the total) have set up Cantonal Consultative Councils on Human Mobility.

The Ministry of Foreign Affairs and Human Mobility issued the Gender Equality Policy (2018) with a view to intensifying efforts to combat violence and discrimination against migrant women. Since the MGI assessment of 2018, the National Agenda for Equality in Human Mobility and the National Human Mobility Plan have laid out actions designed to include all categories of people in situations of human mobility in Ecuador's social and economic life.

Just as in the 2018 MGI assessment, Ecuador maintains a body of clear and transparent rules and regulations on migration. The rules on human mobility can be accessed via the Virtual Consulate¹² of the Ministry of Foreign Affairs and Human Mobility, a platform through which it is also possible to submit applications and conduct migration-related and consular procedures online.

Ecuador utilizes research variables to gather migration-related information. The information is gathered by the migration control headquarters operating across the national territory through the Under-secretariat for Migration of the Ministry of Internal Affairs. Through the Statistical Register of International Arrivals and Departures, the National Institute of Statistics and Census processes and publishes data each year on arrivals and departures of Ecuadorians and foreigners. There is also the Migration Register for Venezuelan Citizens in Ecuador, where Venezuelans must begin the process of applying for a temporary residence permit from the Ministry of Foreign Affairs. Venezuelan citizens present in Ecuador may apply to be inscribed in the aforementioned Migration Register.

2.2. Areas with potential for further development

Vertical coordination with the GADs through the National Human Mobility Roundtable is an area that can be further developed as a means through which to plan or monitor policies at the local level. Because the Regional Roundtables on human mobility have no permanent members, coordination with local governments is sporadic, ad hoc and poorly structured. The Regional Roundtables in provinces and cities have no set schedule but are convened as current circumstances dictate.

Limitations on the mainstreaming and monitoring of human mobility policies are evident in that these activities are not expressly contemplated in institutional planning. Government bodies need to take much greater account of indicators regarding equality for and non-discrimination against persons in situations of human mobility. Data systems do not provide details as to the status of persons in human mobility contexts, being served by government agencies. The strengthening of multilevel coordination mechanisms for policy implementation at the central and decentralized levels is another area with potential for further development. This would enhance government management and the rights protection system, thereby improving the conditions for protecting the rights of persons in human mobility situations (National Council for Equality in Human Mobility, 2021d). The LOMH therefore provides for the creation of the Integrated National Human Mobility Information System, but up to the date of publication of this report, this system had yet not become operational.

The National Human Mobility Plan does not have its own budget allocation, nor does it have evaluation and monitoring mechanisms. Although the National Agenda for Equality in Human Mobility was unveiled in January 2020, the COVID-19 pandemic has limited its implementation as part of the Government's multi-year planning.

Under the National Agenda for Equality in Human Mobility and the National Human Mobility Plan, the gender-based approach revolved around actions to prevent and respond to gender-based violence. This approach is limited in that, beyond violence, it fails to address all the gender gaps affecting people in human mobility contexts (e.g. aspects such as productivity, the job market, social protection, health, unpaid work, and sexual and reproductive rights) or the needs of the LGBTIQ+ population.

¹² More information is available at www.consuladovirtual.gob.ec/web/guest/inicio.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Ecuador continues to participate in regional consultative processes on human mobility through the South American Conference on Migration (*Conferencia Sudamericana sobre Migraciones*, CSM), as an observer at the Regional Conference on Migration (Puebla Process), an associate member of the Southern Common Market (*Mercado Común del Sur*, MERCOSUR) and a member of the Andean Community of Nations. Since September 2018, Ecuador has been a participant and leader of the Quito Process. This mechanism has 14 member countries from Latin America and the Caribbean and a “Group of Friends” comprising other States and international organizations.¹³ It is a forum where information and good practices are shared in order to coordinate a regional strategy in response to the mass migration of citizens from the Bolivarian Republic of Venezuela. This Process led to the signing of a bilateral cooperation agreement between the Ministries of Labour of Ecuador and Colombia in September 2021, with a view to boosting international cooperation on labour matters. Similarly, a memorandum of understanding was signed to integrate public employment services between both countries and further standardize processes and exchanges regarding a joint employment agency so as to expand it to include foreign nationals.

Since the first assessment, Ecuador has signed four memorandums of understanding on migration: with Mexico (2018), to ensure the assisted, dignified, orderly and safe return of people; with the United States (2018), in order to exchange and provide information to Ecuadorian nationals in that country; with Spain (2019), under the Country Partnership Framework, laying out guidelines that include human mobility components as part of other strategic sectors; and with Colombia (2020), to facilitate the equitable, orderly, safe and transparent movement of labour. Ecuador engages in negotiations, bilateral meetings and regular exchanges on human mobility matters with Chile, Colombia, Peru, Spain and the United States.

The formulation of the National Human Mobility Plan (2018) entailed ad hoc consultations with the migrant Ecuadorian community. There are six members of the National Assembly from this community, representing the constituency abroad. The Intersectoral Roundtable on Ecuadorians in Human Mobility: Returnees and Emigrants (*Mesa Intersectorial sobre Personas Ecuatorianas en Movilidad Humana: Retornados y Emigrantes*) is a new body set up in 2020 by the Ministry of Foreign Affairs and Human Mobility. It is a forum for dialogue and allows civil society organizations from the Ecuadorian community abroad to participate as observers. The aim of this Roundtable is to facilitate social and economic inclusion for returnees and protect Ecuadorians abroad (Ministry of Foreign Affairs and Human Mobility, 2020a). Through the Under-secretariat for the Ecuadorian Migrant Community, the Ministry of Foreign Affairs and Human Mobility maintains a constant, semi-formal dialogue with the diaspora by means of communications and meetings.

3.2. Areas with potential for further development

Despite the leading role played by Ecuador in regional mechanisms concerned with migration, especially in the Quito Process, there has been no significant increase in the number of bilateral agreements on human mobility signed since the initial assessment of 2018.

There is no formal structure or set operating schedule for forums that enable two-way dialogue and alliances for civil society and private sector involvement in migration governance. Interactions with civil society take place mainly through direct coordination with the Decentralized Autonomous Governments, generally based on a request or on specific projects, and in the absence of any permanent mechanism or

¹³ More information is available at procesodequito.org/es/miembros.

pre-established structure. Private sector involvement in human mobility policies at the national and local levels is sporadic and informal. Despite being represented in the National Assembly and having channels for communicating with the Ministry of Foreign Affairs and Human Mobility, there is no permanent and structured mechanism for interaction when it comes to the design and assessment of public policies on matters of interest to the migrant Ecuadorian community.



4

ADVANCES THE SOCIOECONOMIC
WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

Article 9 of the Constitution (2008) guarantees equality of rights and duties between Ecuadorians and foreign nationals in the country. Article 132 of the Organic Law on Human Mobility (LOMH) (2017) promotes the monitoring of compliance with the labour rights of foreign nationals.

The LOMH provides for different visas designed to attract specific skills. The updating of Article 60 of the LOMH in 2021 altered the definition of some temporary residence visas that confer regular immigration status for up to two years. The work visa category was reformed to add, not only persons working under an employment contract, but also persons providing consulting services to an Ecuadorian national or to a foreign national with regular residence status in the country. The investor category is again considered as a temporary residence visa and not an exceptional one; legal representatives and other similar corporate figures were placed in this category. Foreign nationals belonging to government partner institutions, non-governmental organizations and the foreign press may now apply for this type of visa.

Since the first MGI assessment in 2018, the Government has strived towards gender equality for people in human mobility contexts in the labour force and has brought in a *National Agenda for Equality for Women and LGBTI People 2018–2021* (2018). The aforementioned Agenda promotes economic and social protection for women and LGBTI groups in situations of human mobility. It also seeks to create mechanisms to promote and monitor the achievement of equal pay for women and men.

The Organic Law on Higher Education (2010)¹⁴ broadened the principle of equal opportunities to benefit people in human mobility contexts, including Ecuadorians abroad or returnees. Through Resolution No. RPC-SO-42-777-2019, the Council of Higher Education issued the Regulations governing degrees and diplomas obtained at foreign institutions (2019), together with the requirements and procedures for the registration of foreign qualifications. These Regulations included a fast-track recognition mechanism, relaxed formal requirements and improved online processing.

The Government has endeavoured to promote the ethical recruitment of migrant workers. Since 2018, the Ministry of Labour has stepped up labour inspections in respect of foreign nationals (mainly in the private sector) in order to verify and monitor affiliation to the Ecuadorian Institute of Social Security (IESS), access to benefits available under the Labour Code (2005), and the regularization of those workers, with special emphasis on Venezuelan migrants. In 2018, the Ministry of Labour issued Ministerial Agreement No. MDT-2018-0006 adopting the Instructions for Monitoring Fulfilment of the Labour Rights of Foreign Workers in Ecuador (*Instructivo para el Control del Ejercicio de los Derechos Laborales de Trabajadores Extranjeros de la Republica del Ecuador*), which is mandatory for all employers in the public sector, the private sector, and organizations in the grass-roots and solidarity-based economy. One of the aims of the Plan of Action against Trafficking in Persons 2019–2030 (*Plan de Acción contra la Trata de Personas*) issued by the Ministry of Internal Affairs in 2019 is to regularize and monitor employment agencies so that they do not become recruiting grounds for human trafficking for labour exploitation purposes.

Through the LOHM, Ecuador operates a mechanism to safeguard the rights of its citizens working abroad. Under this Law and its Regulations (2020), the Ministry of Foreign Affairs and Human Mobility is tasked with managing the mechanism for declaring the vulnerability of migrant workers in situations of labour exploitation and who may be eligible for priority attention from consular services (Article 21).

¹⁴ Revised in 2020.

The LOMH guarantees the right to send and receive remittances. Responding to the COVID-19 pandemic, in 2020 the Government joined the call to action “Remittances in Crisis: How to Keep Them Flowing” (*Remesas en Crisis: Cómo mantenerlas en circulación*), and agreed to work with the remittances sector to buttress the mechanisms that provide physical and electronic access to financial services. In 2020, the Central Bank of Ecuador signed a cooperation agreement with United States agencies in order to promote financial inclusion for vulnerable people in situations of human mobility, especially those from the Bolivarian Republic of Venezuela. The National Strategy for Financial Inclusion (2021) brought in by the Central Bank of Ecuador promotes regulatory reform designed to enhance the due diligence process, to improve the handling of the problems of access and fees associated with processing of payments, and to facilitate the use of electronic means of payment by people in human mobility contexts.

4.2. Areas with potential for further development

Ecuador has no national processes for managing labour immigration or the impact of that migration on the availability of employment in the domestic labour market. The monthly National Survey of Employment, Unemployment and Underemployment (*Encuesta Nacional de Empleo, Desempleo y Subempleo*, ENEMDU) does not provide data broken down by migration status.

Although Ecuador does have formal criteria for recognizing and registering foreign qualifications – and despite the fact that in 2019 the Council of Higher Education issued regulations laying out the requirements and procedures for recognizing, registering and accrediting foreign qualifications – the country is not part of any international scheme with common qualification frameworks.

There are no gender equality policies for persons in human mobility situations in the workforce. Actions in this regard take place on an ad hoc basis, in the absence of any action plan, specific budget allocation or evaluation mechanisms.

Public policies and practices relating to the ethical recruitment of migrant workers make no provision for preventive action in coordination with the private sector. Given the substantial percentage of people on the move as irregular migrants, the efficiency of labour inspections would be enhanced by an analysis and a migration-related approach that generates warnings about sectors of the economy that are prone to violating the rights of persons in positions of vulnerability.

The National Human Mobility Plan (2018) aims to implement a system for the sending of remittances that is accessible and secure, and to include people in situations of human mobility in the national financial system. By promoting remittance schemes, it is hoped that financial inclusion for migrants will be improved. However, there has been no evidence of any specific programmes to expand financial services, enhance inclusiveness and speed, or significantly reduce the costs for sending and/or receiving persons.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

Since the first assessment of 2018, the National Risk and Emergency Management Service has brought in the National Disaster Response Plan (2018), under which people in situations of human mobility constitute a cross-cutting priority and “must always be taken into consideration in all components of disaster and response management”.

Article 58 of the Organic Law on Human Mobility (LOMH) (2017) broadened the definition of beneficiaries of the humanitarian visa to include persons in need of protection for humanitarian reasons. Besides the exceptional humanitarian reasons that arise when people are impacted by natural or environmental disasters, the category of “victim of human trafficking” was added, as was the option for the Ministry of Foreign Affairs and Human Mobility to determine other unforeseen grounds for according this visa.

The *Operational Guide for the Management of Temporary Shelters in Ecuador* (*Guía Operacional para la Gestión de Alojamientos Temporales en Ecuador*) (2017), prepared jointly by the Risk Management Secretariat and IOM, set out guidelines based on international humanitarian aid standards in order to ensure the comprehensive care and well-being of people affected by emergency situations and disasters.

Since the initial assessment, the National Disaster Response Plan has included provision for a humanitarian response to population displacements before a natural or human-induced event or as a result of it. This coordination is spearheaded by the National Risk and Emergency Management Service. “Forced displacement” is specifically defined as a situation in which a person or groups of persons are compelled to leave their place of residence and become recipients of humanitarian aid coordinated by the aforementioned National Service. The National Disaster Response Plan also includes a human mobility approach whereby the humanitarian response is guided by the principle of impartiality – in other words, without regard to the nationality of the beneficiaries. Since 2021, the National Risk and Emergency Management Service has been endeavouring to analyse the risk of displacement in order to draw up risk reduction strategies that include preparations for and responses to these displacements in disaster situations, in coordination with IOM.

The ECU 911 Integrated Security Service operates the natural disaster Early Warning System (*Sistema de Alerta Temprana*, SAT). This Service uses the radio spectrum (cell phones, television and radio) to provide advance warning of and a coordinated response to disaster situations. The Specific Risk and Emergency Management Plan 2019–2030 (2019) provides for a tsunami or volcano SAT, which is activated in keeping with established protocols, as well as other warning mechanisms such as SMSs that are sent via community warning systems to people in a danger zone ahead of an impending and dangerous event.

The LOMH provides consular assistance for Ecuadorians abroad in cases of vulnerability, natural disasters, armed conflicts or other crises. This Law lays down general parameters for identifying Ecuadorians abroad in vulnerable positions (Article 21). Article 3 of the LOMH Regulations (2020) lays out the procedure for the declaration of vulnerability. In 2021, the Ministry of Foreign Affairs and Human Mobility published a Protocol for Processes to Protect Vulnerable Ecuadorians Abroad (*Protocolo para Procesos de Protección a Ecuatorianos en Condición de Vulnerabilidad en el Exterior*), setting forth a procedure for taking account of, managing and coordinating the various bodies that provide protection and assistance in cases affecting Ecuadorian migrants and their families.

5.2. Areas with potential for further development

Although human mobility represents a cross-cutting element of the National Disaster Response Plan, both in managing and responding to disasters, this is not translating into indicators and concrete actions that can be evaluated. Similarly, the National Agenda for Equality in Human Mobility 2017–2021 (2020) and the National Climate Change Adaptation Plan (2020) recognize the link between human mobility, climate change and vulnerable groups, but there is no evidence of strategies or specific plans for mitigating climate change-related migration. One challenge is that of creating information systems through which to obtain initial reports on assistance for people in human mobility situations being affected by disasters.

The *National Development Plan 2017–2021: A Lifetime* (2017) refers to human mobility as a cross-cutting issue but contains no concrete measures or a specific action plan for reintegrating returning migrants. The *National Plan* makes no reference to mitigation and response in contexts involving internally displaced persons. While the National Disaster Response Plan provides for assistance to evacuees, there has been no in-depth analysis of scenarios relating to mass displacements, especially in terms of a contingency plan in which human mobility in crisis contexts is a key component.

The natural disaster SAT involves one-way transmission of information, but there is no evidence of a mechanism for attending to the needs of people in human mobility contexts. Sangolquí (north-east of Quito) is an example of a place where large numbers of migrants gather, putting themselves at risk as they are unaware of the danger posed to the area by volcanic activity. Without effective communication, this risk warning does not always reach people in situations of human mobility. Further, the communication takes place in Spanish, which could exclude some people.

There has been no evidence of consideration being given to the particular vulnerabilities of persons in human mobility contexts and of appropriate actions being envisaged under the National Disaster Response Plan or the Specific Risk and Emergency Management Plan.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Organic Law on Human Mobility (LOMH) (2017) identifies the Ministry of Internal Affairs as the body in charge of migration control, border management and the Ecuadorian Migration System (SIMIEC). Under the responsibility of the Ministry of Foreign Affairs and Human Mobility, visa processing has evolved from the face-to-face procedure it was in 2018 to being partially face to face in 2021 – and this was in order to improve the services provided. The Virtual Consulate hosted on the website of the Ministry of Foreign Affairs and Human Mobility has made more information available on consular services, and has boosted the capacity for visa processing and the completion of migration-related formalities via the Internet, both prior to arrival in the country and in the national territory.

Since the 2018 MGI assessment, policies to encourage and reintegrate returning migrants have been enhanced through the granting of additional rights. The 2021 amendment of the LOMH brought in the rights to housing, family reunification, employment and tax benefits. It also added obligations. The aims of the National Human Mobility Plan (2018) include promoting entrepreneurship and business venture schemes for returning Ecuadorians, harnessing the competencies and skills they have acquired abroad, and further developing mechanisms for access to lending. The Returning Migrant Certificate (*Certificado de Migrante Retornado*) falls under Article 38 of the LOMH and Article 5 of the LOMH implementing Regulations (2020) and accords the aforementioned rights of social and economic inclusion to its recipients and their families.

The LOMH established the Inter-institutional Coordination Committee for the Prevention of Trafficking in Persons and the Smuggling of Migrants, and the Protection of Victims (*Comité Interinstitucional de Coordinación para la Prevención de la Trata de Personas y el Tráfico Ilícito de Migrantes, y Protección a sus Víctimas*). It consists of public institutions and has the option of involving civil society and international bodies. As the lead agency and chair of the aforementioned Committee, the Ministry of Internal Affairs drew up the Action Plan against Trafficking in Persons 2019–2030 (2019), which promotes coordinated actions to prevent human trafficking, investigate and punish the crime, protect victims, and buttress the mechanisms for implementing, monitoring and assessing public policy.

The Ministry of Internal Affairs has reinforced the Computerized System for the Registration of Victims of Human Trafficking and Migrant Smuggling (*Sistema Informático de Registro de Víctimas de Trata de Personas y Tráfico Ilícito de Migrantes*). An Interactive Map of Human Trafficking and Migrant Smuggling (*Mapa Interactivo de Trata de Personas y Tráfico Ilícito de Migrantes*, MITT) was unveiled in 2021, allowing for real-time access to information on the handling of and trends in cases of people trafficking. The LOMH provided separate definitions of “victim of trafficking in persons” and “victim of migrant smuggling”. A description of the means used to commit the crime was added to the characterization of trafficking in persons in the Comprehensive Organic Criminal Code (2021) and to the definition of “victim” in the LOMH. Furthermore, 13 State institutions agreed to put out the Inter-institutional Protocol on Action to Assist and Comprehensively Protect Victims of Human Trafficking (*Protocolo de Actuación Interinstitucional para la Atención y Protección Integral a Víctimas de Trata de Personas*) (2019). The intention was to generate a coordinated response for assisting and comprehensively protecting victims of people trafficking and to restore their rights, following a differentiated approach for children and adolescents, as well as a gender-based approach.

The Comprehensive Plan to provide assistance to and protect the rights of Venezuelans (2018) identifies situations of vulnerability with respect to children and gender, among other factors. Given the risks attendant

on migration, the Plan puts forward strategies for protection and humanitarian assistance. The Protocol on Special Protection for Children and Adolescents in Human Mobility Contexts (*Protocolo de Protección Especial de Niñas, Niños y Adolescentes en Contextos de Movilidad Humana*) (2019) was drawn up by the Ministry of Economic and Social Inclusion. An Inter-institutional Protocol of Procedure for the Reporting of Cases of Gender Violence against Migrants at Borders (*Protocolo Interinstitucional de Procedimiento ante Denuncias de Casos de Violencia de Género en Migrantes en las Fronteras*) was approved in 2020 – the outcome of a joint endeavour by the Office of the United Nations High Commissioner for Refugees, the United Nations Children’s Fund, the Ministry of Internal Affairs, and the Ministry of Foreign Affairs and Human Mobility. A Framework Agreement for Inter-institutional Cooperation (2020) was signed between the Ministry of Foreign Affairs and Human Mobility, the Ministry of Internal Affairs, and the Ministry of Economic and Social Inclusion on the proper handling of migration flows. This agreement is designed to ensure that all persons in human mobility contexts are treated in accordance with the principles enshrined in the regulations in force in the country, that there is constant monitoring of migrant flows, a smooth exchange of information, and oversight of the application of established procedures.

In March 2021, the Ministry of Economic and Social Inclusion published Ministerial Agreement No. 018 adopting and issuing the Technical Standard for Assistance to Vulnerable People of Another Nationality in Human Mobility Contexts in Host Cities (*Norma Técnica de Atención a la Población en Contexto de Movilidad Humana de otro Origen Nacional en Situación de Vulnerabilidad en Ciudades de Acogida*). It constitutes a step towards the sustainability of the processes of assisting people in human mobility contexts. Mainly, this Standard aims to promote access to public or private social protection services and to comprehensive protection services, especially for children and adolescents, their families, and groups with priority needs; inform people in human mobility contexts about the host country; and offer them assistance in regularizing their migration status.

6.2. Areas with potential for further development

The granting of additional rights to Ecuadorian returnees is not translating systematically into coordinated actions and the creation of projects and programmes for their effective social and economic reintegration and inclusion. Up to October 2021, the LOMH Regulations had not been updated to regulate the enjoyment of these new benefits.

The past three years have witnessed improvements to the regulations, public policies and institutional machinery for preventing and dealing with human trafficking. Among the areas with potential for further development are formulating harmonious and all-encompassing regulations, including protocols for case referrals in human mobility contexts, in response to labour exploitation, and buttressing institutional capacities for the care of victims so as to cope with the complexity and constant evolution of the crimes of people trafficking. Incorporating a description of the means used to commit the crime of trafficking in persons (threat or use of force or other forms of coercion) into the criminal classification contained in Article 91 of the Comprehensive Organic Criminal Code aligns it with the definition of the crime of trafficking in persons given in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. However, the amendment to Article 91 fails to include a provision which makes clear that the crimes of child trafficking for the purposes of sexual exploitation need not involve any of the means mentioned above.

In 2020, the Ministry of Internal Affairs issued a Protocol for Inter-institutional Action in Cases of Migrant Smuggling. In the first half of 2021, a total of 54,365 Ecuadorians entered Mexico and did not return to Ecuador (*El Comercio*, 2021b). This flow of migrants represents potentially “risky migration” towards the United States and is thought to indicate the presence of networks linked to migrant smuggling. Other areas with potential for further development include the buttressing of mechanisms for orderly, dignified

and safe migration (including circular migration); the signing of bilateral agreements and the sharing of migration-related information with other countries; the scaling up of prevention campaigns; and the care of victims, especially unaccompanied children and adolescents.

The Comprehensive Plan to provide assistance and ensure the protection of rights in the context of the increasing flow of Venezuelan migrants into Ecuador was introduced in 2018 and is updated periodically. The same Comprehensive Plan for 2020–2021 does not evaluate the milestones reached, quantify the budgets required or the complementarity of international cooperation, nor assess the goals and indicators set in 2018.

The Organic Law on Action in Cases of Disappeared and Missing Persons (*Ley Orgánica de Actuación en Casos de Personas Desaparecidas y Extraviadas*) (2020) tasks the Ministry of Internal Affairs, as the implementing agency, with drawing up protocols that include procedures for seeking and locating migrants who have disappeared in Ecuador, regardless of their migration status (Article 57). There are no formal cooperation agreements with other countries on seeking and identifying missing persons, despite the mandate to negotiate such agreements given in Article 11 of the said Law.

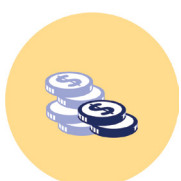


PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

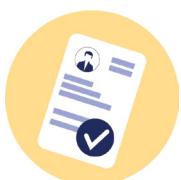
This annex summarizes key national COVID-19 policy responses in Ecuador from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGI)¹ assessment in the country in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



The Constitution (2008)² and the Organic Law on Human Mobility (2017)³ guarantee specialized health care, free of cost, as well as access to medicines, regardless of migration status. The health services may not withhold emergency care on the basis of nationality or immigration status. In the third phase of the national COVID-19 vaccination plan (July 2021),⁴ inoculation of persons in situations of human mobility began, irrespective of their immigration status and without having to present an identity document. To this end, the Ministry of Foreign Affairs and Human Mobility issued the Strategic COVID-19 Vaccination Guidelines for People in Human Mobility in Ecuador (2021).⁵



The financial support and the tax and social security measures provided by the Government in the context of COVID-19 are in part available to persons in human mobility situations. Under the Organic Law on Humanitarian Assistance (2020), unemployment insurance benefits are made available to all members of the Ecuadorian Institute of Social Security, without regard to migration status.⁶ The Emergency Family Protection Bonus owing to the presence of COVID-19,⁷ introduced in 2020 in the form of a cash transfer, requires the beneficiary to provide evidence of Ecuadorian nationality or of dual nationality.



As of March 2020, the Ministry of Foreign Affairs and Human Mobility suspended the deadlines associated with human mobility-related administrative procedures. During the health emergency, the periods for which foreign nationals could remain in the country were extended for the categories of tourists, temporary residents and permanent residents. This suspension was discontinued on 21 January 2021.

¹ More information is available at www.migrationdataportal.org/overviews/mgi#0.

² Government of Ecuador, Constitution of the Republic of Ecuador (2008). Latest amendment: January 2021. Available at www.oas.org/juridico/pdfs/mesicic4_ecu_con st.pdf.

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⁴ More information is available at www.salud.gob.ec/plan-vacunarse-2020-2021/.

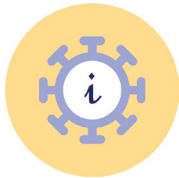
⁵ Ministry of Foreign Affairs and Human Mobility, Plan Integral para la Atención y Protección de la Población Venezolana en Movilidad Humana en Ecuador 2020–2021. Available at www.cancilleria.gob.ec/wp-content/uploads/2020/09/tenci%C3%93n_y_protecci%C3%93n_de_la_poblaci%C3%93n_venezolana_2020_-_2021-16sept20-final0812999001600384661.pdf.

⁶ Government of Ecuador, Organic Law on Humanitarian Assistance (2020). Available at www.emov.gob.ec/sites/default/files/transparencia_2020/a2_41.pdf.

⁷ Ministry of Economic and Social Inclusion, Acuerdo Ministerial No. 018, Norma Técnica de Atención a la Población en Contexto de Movilidad Humana de otro Origen Nacional en Situación de Vulnerabilidad en Ciudades de Acogida (2021). Available at www.inclusion.gob.ec/wp-content/uploads/downloads/2021/04/ACUERDO-MINISTERIAL-Nro.-MIES-2021-018-signed-1.pdf.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



Over the past five years, the main groups of people in situations of human mobility in Ecuador have been Venezuelan and Colombian nationals, and Spanish has therefore been the main language for the dissemination of information on the health emergency, both for nationals and migrants on the move. The Ministry of Public Health disseminates information on access to health services during the pandemic in English and Quechua. The COVID-19 telephone helpline (171) also takes calls in other languages on an ad hoc basis. In August 2020, and with the involvement of civil society, the National Human Mobility Roundtable addressed the impact of COVID-19 on migration⁸ and assessed the actions undertaken to assist the population in human mobility contexts during the health emergency, the opportunities for improving inter-institutional coordination, and international cooperation requirements.



The reports and situation updates issued since February 2020 by the National Risk and Emergency Management Service, based on Ministry of Public Health data, do not take into account the migration status variable in compiling and disseminating statistics on the impact of COVID-19.⁹ The Health-care Registration Platform (PRAS) includes the nationality of the person requiring medical attention in its statistical data, but it does not offer a breakdown by migration status.



Between March 2020 and May 2021, the Government exempted remittance service providers from the restrictions introduced under the state of emergency, as they were deemed to be basic services that require accessibility, regularity and continuity.¹⁰ Over that same period, the Superintendency of Banks adopted measures to ensure the continuity of banking and financial services, which remained open to the public during the state of emergency.¹¹ In May 2020, Ecuador joined other countries and multilateral agencies in the call to action “Remittances in Crisis: How to Keep Them Flowing”.¹² The Government agreed to work with the remittances sector to buttress mechanisms for accessing financial services.

⁸ More information is available at www.youtube.be/ldWIEWfaNbg.

⁹ More information is available at www.gestionderiesgos.gob.ec/informes-de-situacion-covid-19-desde-el-13-de-marzo-del-2020/.

¹⁰ Government of Ecuador, Executive Decree No. 1017. 16 March 2020. Available at www.defensa.gob.ec/wp-content/uploads/downloads/2020/03/Decreto_presidencial_No_1017_17-Marzo-2020.pdf.

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ANNEXES

MiGOF: Migration Governance Framework¹⁵

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.¹⁶ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

¹⁵ IOM Council, Migration Governance Framework, 106th Session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

¹⁶ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



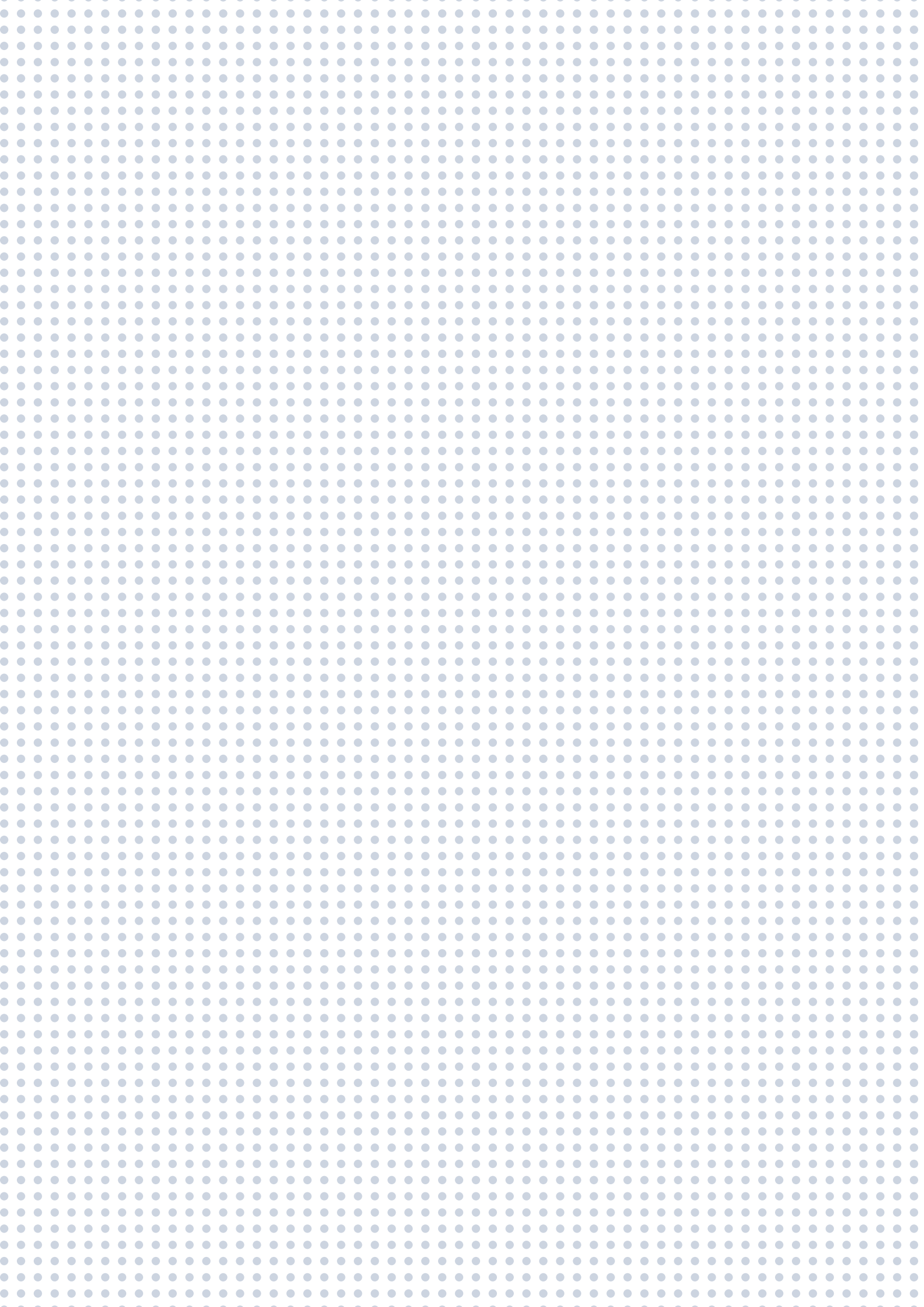
4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal¹⁷ and uploaded on the IOM Publications Platform.¹⁸

¹⁷ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

¹⁸ Please see <https://publications.iom.int/>.





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