

INFORMATION ON THE SPANISH PROGRAM FOR SUPPORT AND PROTECTION FOR HUMAN RIGHTS DEFENDERS AT RISK.

The Spanish Program for Support and Protection of Human Rights Defenders at risk , aimed at providing temporary shelter for Human Rights at risk, as a result of their work in defence of universally recognised Human Rights, was launched in 1998.

Its Geographical scope was originally limited to Colombia, but after a few years it targeted other geographical areas within and outside Latin America.

Spain adheres to the overall accepted premise that shelter given to Human Rights Defenders can only be temporary in order not to contribute to the policy of State or non-State actors to get rid of Human Rights Defenders who play a crucial role in the promotion and protection of Human Rights and are, as a result, a cornerstone for democracy strengthening.

The highly hostile environment for HRD prevailing in Colombia (country of origin of most HRDs) accounts for the specific policy set up within the framework of this Program as to the provision of temporary shelter to HRD.

Practical information on the implementation of the said Program, which is run by the Office of Human Rights within the Ministry of Foreign Affairs of Spain, is to be found below:

1-Elligibility criteria.

- The HRD is at risk (continuous harassment or threats that endanger his/her life).
- Other measures of reallocation to secure his/her life have failed,
- He/she has no link with any organisation that propagates the use of violence.
- He/she is aware that it is a temporal shelter.

2-Identification of HRDs at risk

A-Role of Spanish Diplomatic Missions.

They play a vital role in the implementation of this Program:

- 1- They are approached by local NGOs, and even State actors which request temporary shelter for given HRDs at risk. They can even be approached by the HRDs directly.
- 2-After checking the situation of the HRD in the country, and certifying that he/she is indeed a HRD at risk as a result of his/her work as HRD, the Diplomatic Mission channels to the Office of Human Rights the case of the HRD liable to be included in the said Program.

B-Spanish NGOs and Trade Unions.

They are a valuable source for identification of HRDs at risk.

1-They approach the Office of Human Rights to apply for the inclusion of HRDs at risk in the program of temporary shelter. The information provided by these organisations is checked by our corresponding Diplomatic Missions which gives or denies clearance for the inclusion of the applicants in the said Program.

C- What does the inclusion in this program of temporary shelter entitle to?

1-Once the HRD is included in the program of temporary shelter, he/she is entitled to a special permit of residence of 12 months in Spain with no entitlement to work. Under special circumstances (level of risk is still high), this permit of residence can be extended to another year. After this second year the HRD who still does not feel safe to return is then requested to follow the common procedures to apply for a normal permit of residence.

2- The HRD is granted financial support for a maximum period of 9 months amounting to 1352,28 euros a month.

The Office for Human Rights is responsible for applying for the residence permit and running the financial support scheme.

D- Special case of the Spanish Branch of Amnesty International

-Amnesty International-Spain requests to the Office of Human Rights the inclusion of HRDs in the said Program in view of visa and residence permit issuance. It never applies for financial support in compliance with its policy of safeguarding its independence.

E-Assistance provided by NGOs.

The HRDs who have been given temporary shelter in Spain are provided assistance by those NGOs and other Organisations (Trade Unions) which requested their inclusion in the fore mentioned program.

The assistance includes psychological, and medical support, capacity building activities, networking, etc. Some Local Councils have contributed to the provision of such assistance in coordination with the NGOs.

G- Legal coverage of the Program.

In September 2007 a royal decree was published in the Spanish Official Journal which gave legal coverage to the financial assistance provided by the program to the HRDs sheltered in Spain.

F-Other programs of temporary shelter for HRDs at risk.

A- The Autonomous Government of Asturias launched in 2005 its own program of temporary shelter for HRDs at risk with the aim to provide temporary shelter to 8 HRDs at risk per year for a period of 6 months. It is exclusively targeted to HRDs from Colombia. This program is run in close coordination with the Office of Human Rights

in view of visa and residence permit delivery. The Spanish Diplomatic Mission in Bogota has to certify whether the applicants have been under prosecution and condemned or, currently, are under prosecution, in such case, the applicants will be denied the visa.

The Autonomous Government of Asturias in close collaboration with some NGOs and City Councils of the region provide for accommodation, food, and a range of activities that meet the HRDs needs, psychological and medical assistance, if needed, capacity building, networking, sensitisation programs, etc.(with high or low profile).

B- The Autonomous Government of Cataluña has just launched a similar program and has asked for the assistance of the Office of Human Rights for the same purposes. Their program is, though, not geographically limited. It targets most countries.

E-Outcome

Around 90 HRDs have been provided temporary shelter in Spain since 1998, (between 8 to 10 HRDs per year). Although a great majority of HRDs came from Colombia, they also came from Guatemala, Dominican Republic, Cuba, Brasil, and Liberia. The majority has returned. Around 30 % out of the 90 HRDs temporarily sheltered in Spain have not returned. Two HRDs have sought Asylum.