



CHALLENGES AND PROPOSALS FOR STRENGTHENING TEMPORARY RELOCATION PROGRAMS FOR DEFENDERS.

A FEMINIST PERSPECTIVE BASED ON THE EXPERIENCE OF SPAIN.¹

¹ Synthesis of the document “Protection of human rights defenders in Latin America from a feminist perspective”.
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INTRODUCTION

Since the adoption of the UN Declaration on Human Rights Defenders 20 years ago, international attention and concern about the increase in attacks against persons, organizations, and communities that defend human rights is on the rise. Protection has become an imperative of local, national, and international organizations and has driven the emergence of numerous initiatives, networks, and mechanisms to increase security and enable an environment conducive to social protest and participation. However, incidents of murders, threats, repression, and criminalization continue to increase.

This hostile context for the defense of human rights and social justice has motivated reflection on the usefulness and relevance of current approaches of protection programs and strategies. In this context, the conference “Challenges and proposals for strengthening temporary relocation programs and cooperation policies for protection in Spain” was held in Barcelona on June 28, 2018.

This conference was convened by Calala Fondo de Mujeres, JASS (Just Associates), Entrepueblos, CEAR-Euskadi, PBI-Spain, Taula per Mexico and Suds, and with the support of the Barcelona Municipal Council and the Catalan Development Cooperation Agency. Representatives from different public institutions and civil society organizations participated, as well as human rights defenders from Mexico, Honduras and Colombia.

This document is a synthesis of the reflections that emerged during the conference. We seek, from a feminist perspective

and based on the experience of women human rights defenders in Mesoamerica, to address some of the main challenges that have been identified in the temporary relocation programs currently operating in Spain and which we believe may also be faced by similar programs in different regions of the world. We further seek to provide some solutions to these challenges as well as concrete proposals that arise from the experience, that we hope will contribute to strengthening the protection of human rights defenders and their collective struggles for a just world.

TEMPORARY RELOCATION PROGRAMS BASED ON THE EXPERIENCE OF SPAIN:

In Spain, there is a wide range of programs and projects meant to protect human rights defenders. Some are unilateral and others include strong participation by Latin American defenders and organizations. For example, the Temporary Protection and Shelter Program for Threatened Human Rights Defenders of the Ministry of Foreign Affairs¹ and a wide range of protection options established in the different regional autonomous territories through processes of dialogue and coordination between state institutions and civil society organizations. The programs that are currently in operation are:

- Programa Asturiano de Atención a Víctimas de la Violencia en Colombia (Asturian Assistance Program for Victims of Violence in Colombia)
- Programa Vasco de Protección Temporal para Defensoras y Defensores de Derechos Humanos (Basque Program of Temporary Protection for Human Rights Defenders)

¹ <http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/DerechosHumanos/Paginas/Prioridades.aspx>

- Programa Català de Protecció de Defensors i Defensores dels Drets Humans (Catalan Program for the Protection of Human Rights Defenders)
- Programa de acogida temporal de la Taula per Mèxic (Taula temporary shelter program for Mexico)
- Programa Escriptor Acollit
- Ciutats Defensores dels Drets Humans (Human Rights Defender Cities)
- Programa de Acogida Temporal de la Ciudad de Madrid (Temporary Shelter Program of the City of Madrid)
- Programa de protecció temporal de defensores de derechos humanos de la Sección Española de Amnistía Internacional (Temporary protection program for human rights defenders of Amnesty International Spain)
- Casa de Respiro de Defenred. (Defenred Resting Place)

Temporary relocation programs are understood to be a complementary protection measure to others, i.e. a component of a broader strategy that seeks to improve the security and wellbeing conditions in which defenders do their jobs. In most cases, it is a final measure taken only after having exhausted other forms of protection at the national level. These are stays that range from three weeks to no more than two years that allow defenders – and in some cases their immediate family – to leave the context of risk to spend time in Spain. During that time, they carry out activities centered on their protection, self-care, and denouncing the human rights violations to which they have been subjected and the context of their country. Many of them also include follow-up actions upon the return of the persons who had been temporarily relocated, such as monitoring missions.

CHALLENGES OF TEMPORARY RELOCATION PROGRAMS

1) CHALLENGES TO THE APPROACH OF PROTECTION:

APPROACH TO THE STRUCTURAL CAUSES OF ATTACKS AGAINST DEFENDERS, THEIR ORGANIZATIONS, AND COMMUNITIES: Many of the current protection measures are focused on alleviating or addressing the impacts and consequences of the attacks suffered by defenders. This reactive and short-term support can be the difference between life and death. However, the systemic and systematic nature of violence requires responses that address the causes – rather than just the consequences – of the attacks. Some of the causes that should be addressed as a priority, due to the impact they have on the increase in attacks, threats, and murders, are:

- **Greater influence and power of non-state actors in state institutions and structures in order to benefit their private interests at the cost of public interest:** This pressure includes the use of state security forces and the criminal justice system to repress and silence those who question or denounce abuses by these groups. This co-optation of state institutions by legal and illegal non-state actors intensifies the risk to defenders and weakens democracy and the rule of law.
- **Investment and international aid policies that promote or tolerate human rights violations:** An example of this is the promotion of extractive companies, which

cause conflicts due to their adverse effects on society and the environment. Governments and private companies ignore their infringement of rights as they promote their investments and even take advantage of it as a comparative advantage to avoid any opposition. This has led to widespread killings of those who denounce and fight extraction industries worldwide.

- **Impunity and non-compliance of State obligations on protection:** Attacks against defenders often remain in impunity, fueling repeat attacks, plus government-implemented protection mechanisms have limited impact and effectiveness. Defenders who have left their homes due to violence are hard pressed to return until they have access to justice and authorities can guarantee their protection.

- **Closure of space for civil society participation:** As a consequence of the corporate seizure of States and the latter's progressive resignation to be guarantors of human rights, there are greater restrictions on social participation and freedom of expression, as well as greater criminalization of social protests. To justify the narrowing of democratic spaces, a narrative is used that delegitimizes the defense of human rights and reinforces historical structures of discrimination such as classism, racism, or misogyny.

IMPACT OF VIOLENCE AND GENDER DISCRIMINATION:

Participation of women human rights defenders in protection programs has increased, and key elements of a feminist approach to protection are being incorporated. These include the recognition of the differentiated impacts and specific violence suffered by women defenders, the importance of including children in protection processes, and the incorporation of wellbeing and self-care measures. However, a deeper understanding of the close link between

sociopolitical violence and patriarchal violence is needed to guide protection programs. Likewise, there are still challenges to providing consistent attention to the specific violence that affects women defenders, and there is inadequate support for protection strategies led by the defenders themselves and their communities.

INDIVIDUAL FOCUS¹ : An individual approach has been key for safeguarding the lives of many people and for creating guidelines from paradigmatic cases. However, this approach has limitations:

- When protection focuses solely on individual needs, one can **lose sight of the collective impact of violence and have an extremely limited scope**, which is particularly worrying when entire communities are attacked for defending their rights.

- In some cases, **conflicts may happen within organizations and communities given the prioritization of some defenders over others** when accessing protection measures.

- Narratives that are often **used that present activists as “heroes” who act individually or even exalt risk as a positive value**. This approach can cause overexposure and impede defenders’ protection.

1 JASS. Rethinking Protection, Power and Movements (<https://justassociates.org/en/resources/mch-6-rethinking-protection-power-movements>).

2) CHALLENGES IN THE IMPLEMENTATION OF RELOCATION PROGRAMS:

GENERAL:

- **Scope:** The number of people who can participate in this type of program is limited (an average of three people per year). This is a particularly significant challenge, since the number of persons, organizations and communities that are at-risk and could benefit from temporary relocation is on the rise.

- **Inclusion and care of families:** Most programs either do not include immediate family or have restrictions to do so. This constraint affects women defenders directly, who tend to be responsible for family care. Their inability to participate in shelter programs together with their families is one of the factors that inhibits and limits their access to protection strategy.

PRIOR TO THE SHELTER PERIOD:

- **Lack of collective agreement of temporary leave:** When the decision to leave temporarily is individual without considering the defender's organization and/or reference network, tensions or confusions can arise that limit the support and accompaniment from the group during the departure, stay, and return. In addition, participation in the program can result in an individual experience that does not benefit the group. Women defenders tend to face greater resistance and greater lack of family, organizational, and community support when contemplating a temporary exit and relocation.

- **Immigration procedures and exit restrictions:**

There is a contradiction between the time needed for immigration procedures and States' commitment to provide timely protection options to defenders suffering high levels of risk. Defenders who require an emergency exit cannot turn to a program that requires standard immigration procedures. Access is also difficult for defenders who have arrest warrants or other legal cases against them that prevent them from leaving the country. Those who leave with their families – mainly women defenders – also face restraints in their families' immigration procedures. Although the embassies in the defenders' countries of origin can play a fundamental role in both access to shelter programs and the exit process (facilitating immigration proceedings, establishing links with authorities of the host country, etc.), they do not always have enough experience or apply the caution needed to ensure their support is well received.

- **Secure communication between in-country organizations and defenders and relocation programs:**

Care is not always taken to maintain safe channels of communication with at-risk defenders who will be beneficiaries of the program and the organizations that accompany them locally. Exchanging sensitive information about security issues in ways that put that information at risk can increase the risk to defenders and their organizations.

DURING TIME AT THE SHELTER:

- **Monitor risks:** The risk faced by defenders at shelters does not always end upon exiting their places of origin. Some programs have documented suspicious activities against sheltered defenders, from following them at the relocation site to defamation campaigns that misrepresent the motivations

and purpose of their temporary relocation. Other programs have warned of new security incidents that affect the defenders' organizations and/or family members who have stayed behind in the country of origin and which have a particularly adverse impact when the defenders are far from their loved ones. Risks can also arise from within immediate family accompanying the defender during temporary relocation; these range from family problems and tensions to domestic violence.

- **Uprooting and cultural relevance:** A challenge repeatedly mentioned by people who have participated in these programs is difficulty dealing with feelings of displacement that occurs when they leave the territory where they live and work due to risks. The feeling of being uprooted can be worse when there are significant cultural differences in the host country, from different foods to forms of communication, and behavior, or lack of conditions to practice their spirituality.

- **Self-care and psychosocial care.** The development of measures to cope with the impacts of violence, and to support self-care and health care are considered in all relocation programs; however they are not always used in selecting participants (since level of risk is prioritized), nor are they always considered an agenda priority during the shelter stay. The overburden of activities that the defender has during his/her stay makes it difficult to comply with the measures planned in these areas. On the other hand, new needs may arise that are not always identified or there may be pre-existing conditions that, due to the length of the stay, cannot be addressed. Women defenders face particular psychosocial impacts that are not always considered, often as a result from violence and discrimination.

- **Relationship with reference community during shelter stay:** Defenders may face diverse challenges in maintaining a connection with their reference environment (organization, collective, community, family, etc.). These may be related to distance, lack of communication, tensions that their departure may have generated, constraints in their ability to respond to the needs and demands of this reference environment, among others. Maintaining fluid communication and links between the defender, the shelter program, and his/her reference community is essential to ensuring support and accompaniment during both the shelter stay and the return process.

- **Public over-exposure during the shelter stay:** The majority of defenders who participate in relocation programs express interest in taking advantage of this period to denounce violence against them and human rights violations in their countries of origin. Yet a public agenda that does not meet the needs of the sheltered person can generate: exhaustion, attrition, re-victimization (in some cases the defenders have to relive again and again their at-risk experience that led them to leave their territory), risk (sharing sensitive information, impact on the country of origin, family, or organization), and/or limited impact.

- **Return plan:** Defining a return plan that ensures minimum conditions of safety and well-being for defenders on temporary leave is one of the main challenges identified by both the programs and the defenders. Since the context of the place of origin does not usually change during the shelter stay, it is common for defenders to continue to face a high level of risk upon return. On the other hand, defenders often lose their livelihoods and their support networks can be weakened, especially when they depart in a rush. For these

and other reasons, people in shelter stays feel they do not have adequate conditions to return and even consider whether a more permanent relocation would be the best decision for their safety.

FOLLOWING THE SHELTER STAY:

- **Accompaniment of persons after shelter stay:**

The program often encounters constraints in time, resources, and institutional capacity to follow up and monitor the risks of the person who stayed in their program. While missions that accompany his/her return are highly valued by defenders, it is not always possible for programs to continue monitoring or to organize subsequent visits. Some people who have participated in these shelter programs have been threatened or assaulted again, and some have even been killed. While it is beyond the mandate of relocation programs to maintain sustained support for the defender post-stay, the level of risk to which many of these people return demands a reflection on how to maintain some form of support following the relocation period.

RECOMMENDATIONS TO STRENGTHEN SHELTER PROGRAMS AND IMPROVE THE PROTECTION OF DEFENDERS

THE RECOMMENDATIONS BELOW ARE THE RESULT OF THE EXPERIENCES AND KNOWLEDGE OF ORGANIZATIONS THAT WORK IN HRD/WHRD PROTECTION AS WELL AS WHRDS WHO HAVE PARTICIPATED IN DIFFERENT RELOCATION PROGRAMS IN SPAIN.

1) ADOPT A COMPREHENSIVE AND COLLECTIVE PROTECTION APPROACH THAT STRENGTHENS THE SOCIAL FABRIC AND PROTECTION CAPACITIES OF DEFENDERS, THEIR ORGANIZATIONS, AND COMMUNITIES.

A basic question that every protection strategy and process should ask is: To what extent does it strengthen and to what extent does it weaken the networks, cohesion, and political practice of defenders, their organizations, and movements? Based on experience, the answer to this question implies prioritizing the promotion of programs and initiatives that strengthen the power and collective protection of social movements and communities in their local contexts and that are grounded in the recognition of their capacities and experience, so that they can confront the structural causes of the attacks and continue their human rights work.

Deep territorial roots and the ability to mobilize and build a social fabric supportive of the struggles of social movements and communities is one of the most effective protection strategies. When there is an at-risk situation, the most effective protection is that which is closest, so defenders must have safe spaces, shelters, and rapid response networks that are in the territories where they work or that are territorially and culturally close to them.

Beyond the reactive action, conditions for preventing attacks must be created. This means **investing in the internal strengthening of organizations and communities to prevent and address risk**: strengthening capacity for political analysis of threats and the ability to collectively assume responsibility for protection and mutual care; furthering organizing that collectivize power; addressing the fatigue and need for self-care, and coping with the psychosocial impact of violence; and addressing internal conflicts including sexual harassment and discriminatory practices, etc.

Effective protection must have an **intersectional feminist approach**: recognize how political violence uses gender violence and discrimination; promote safe spaces so that women defenders can recognize their specific protection needs; and support self-protection processes created by women defenders themselves. Relocation programs and other protection strategies should improve family integration into their processes. In addition, they should pay special attention to addressing the impact of discrimination and gender-based violence, and avoid re-victimization during the protection process (timeless measures, separation from their families, harassment during the relocation stay, etc.).

In addition, a more robust effort is needed to **counteract narratives that delegitimize** human rights work and to increase support and social appreciation of activists and movements. It's a narrative that does not present defenders as "super heroines" but as examples of collective struggles, that places greater emphasis on the perpetrators of violence and avoids victimization.

Based on this approach, temporary protection programs should review the extent to which they are contributing to building a safer environment for the defense of human rights. Some questions that can guide this analysis are:

- Is the program sufficiently articulated with the strategies, organizations, and protection networks from the territories from which the people come? Do actions contribute to recognizing and utilizing existing personal, local, and community protection capacities?
- Is the shelter stay part of a broader protection strategy that contemplates and/or aims to strengthen the capacity for collective protection?
- Is there a risk analysis that recognizes and addresses the collective impact of violence? Is it possible to expand the radius to accommodate a greater number of people affected by the same risks?
- How are specific protection needs of women defenders being addressed? Does the program include their families?
- Are public actions helping to create a legitimizing narrative that impacts the contexts where defenders work?

Finally, before opening a new program like this, it is essential to assess whether it is more strategic to support local collective protection processes and strengthen programs already underway, or open a new one – of course in view of defenders' protection needs, that of their organizations and communities, and existing temporary relocation programs.

2) GREATER COORDINATION AMONG TEMPORARY RELOCATION PROGRAMS, AND BETWEEN THESE AND PROTECTION PROCESSES IN DEFENDERS' TERRITORIES OF ORIGIN:

Based on the individual and collective needs, experiences, and knowledge of defenders and their organizations, it is important to **better align locally directed strategies and temporary relocation programs**. This alignment determines the ability to respond fully to the needs of the defenders in shelters and their accompanying family members, and to strengthen collective protection processes of their reference networks and territories. Achieving this articulation is a complex process that requires a greater investment of time and resources in coordination and building alliances and protection networks. Concrete ideas for this include:

- **Define agreements and mechanisms for coordinated work between the shelter program, the person or persons who will participate in it and their local networks and reference organizations.** These are agreements and mechanisms that apply before, during, and after the shelter stay.

- Utilize and **improve coordination with existing spaces for refuge and temporary relocation in the places of origin** and nearby territories.

- **Map, leverage, and strengthen protection capacities and experiences that defenders** and their reference environments already have.

DURING THE SHELTER STAY, TEMPORARY RELOCATION PROGRAMS CAN WORK IN COORDINATION in different areas to enhance and improve their assistance and response capacity. Examples of this include:

- **Develop coordinated strategies to improve immigration procedures and other services that host countries must guarantee through their institutions** that: improves coordination with embassies, shortens processing times for visas and other procedures related to health, education and training that people may have, among others.
- **Collectively organize protection-related advocacy actions** to achieve greater impact: make joint statements that emphasize compliance with human rights obligations of the host countries; articulate and organize joint missions; combine efforts and connections to achieve greater media presence; strengthen the building of solidarity networks as part of an advocacy strategy, among others.
- **Develop shared tools and standards** of accompaniment, psychosocial care, self-care, communication, and public presence, based on experience and shared approaches to protection, an intersectional feminist perspective, and cultural relevance.

3) STRENGTHEN TEMPORARY STAY PROGRAMS FOCUSED ON PREVENTIVE, SELF-CARE, AND ADVOCACY ACTIONS

Temporary relocation can be used not only to safeguard physical integrity but to have a period of rest and recuperation and to do advocacy actions. Existing programs could expand access to defenders and their families who would benefit from the program not only because of their situation of risk, but because they need a period of rest and self-care, to strengthen their protection capabilities and / or to organize an advocacy agenda with enough time to have a greater impact.

4) STRENGTHEN THE RETURN STRATEGY

The return strategy can be strengthened to improve security conditions of defenders, their families, and their organizations once the period at the shelter has ended. Ideas for this include:

- **Define an ad-hoc coordination mechanism for return** that includes the defender, the relocation program, and local references (their organization, reference networks, etc.) to define a strategy of return and monitoring of risks.
- Allocate the time and resources necessary **to carry out an adequate analysis of risks and of protection networks and resources** that guide the return strategy.
- **Secure in a timely manner more permanent relocation options** should it not be possible to return to their place of origin due to high risk.

- **Develop a relocation strategy that will contribute to a collective protection process beyond the shelter stay.** This strategy must work to ensure that the temporary relocation experience, the capacities developed during that period, the networks of solidarity built and, the visibility achieved are all maintained beyond the shelter period and can be utilized not only by the defenders, but also by their organizations and communities to strengthen their collective protection and work for human rights.

PREVENTIVE WORK FOR PROTECTING HUMAN RIGHTS DEFENDERS IS AS CRUCIAL
AS THE REACTIVE ACTION WHICH IS NOWADAYS LEADING THE MOST
OF OUR STRATEGIES

A report of:

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