

Final Report
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A report submitted by GHK
Consulting
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HTSPE



Mapping of temporary shelter initiatives for Human Rights Defenders in danger in and outside the EU

Executive summary

In May 2011, GHK Consulting Ltd, in association with HTSPE, was commissioned by the European Commission (EC) to undertake a 'mapping of temporary shelter initiatives for Human Rights Defenders in danger in and outside the EU'.

The objective and purpose of the study is to provide an overview of the existing shelter programmes with a focus on shelter initiatives in the EU and to identify their strengths, weaknesses, gaps and constraints. Furthermore, the study explores recommended options for how to encourage synergies and coordination to better respond to future needs for temporary shelter for human rights defenders (HRDs) in need of urgent relocation in and outside the EU.

The methodology was based on primary and secondary research. From May to September 2011, the consultant carried out nine country visits to the following countries within the EU: Denmark, France, Ireland, the Netherlands, Spain and the United Kingdom and the following countries outside the EU: Canada, Norway and the United States. The countries were selected in close consultation with the EC and based on lessons learnt with existing shelter and temporary relocation programmes, emergency visa processing and numbers of HRD relocation requests. Data was gathered through stakeholder interviews in Brussels, via telephone and e-mail questionnaires.

The overall *key findings and conclusions* with regard to the existing shelter initiatives are presented as follows:

1 Diversity Shelter initiatives are tailored according to the different individual needs of HRDs and thus need to be flexible in order to provide a best-fit, tailored and comprehensive response. One shelter model may not fit all EU Member States, due to political and legal needs and constraints and the varying involvement of governments, regions, cities, NGOs and universities. Most shelters are provided through fellowship and *ad hoc* relief grants, the latter often in the country of origin or sub-region. In the EU, the most structured city shelter model is the ICORN model (Annex 10).

2 Shelter as a last resort Support to HRDs in their country of origin or sub-region is the preferred option as the vast majority of HRDs wish to stay there if they can. This is an economical option and regarded by most human rights civil society organisations (CSOs) as the most durable, given that HRDs want to stay close to their activities, if possible. However, it is clear that many sub-regions do not have readily available solutions for HRDs requiring urgent relocation.

3 Magnitude and need The current supply structure for shelter for HRDs across the EU Member States, whether city shelters, fellowships, NGO relief grants or government financial schemes, is limited and currently represents fewer than 200 temporary shelters a year in the

entire EU 27. However, there are many examples of unmet demand (identified HRDs in need of relocation on waiting lists).

4 Categories of HRDs Across the EU and at the global level, there are far more shelter programmes for writers-at-risk, journalists and scholars, compared with shelters for other categories of HRDs such as women HRDs, artists and activists in general. This is an inherent weakness and shelter programmes targeting all categories of HRDs would add value.

5 Identification, access and procedures Across the EU, the identification of HRDs and access to a shelter programme varies from individual applications to pro-active monitoring of HRDs in their country and sub-region. Getting a visa or a residence permit in an accelerated manner is a major challenge for many existing shelter programmes. There are interesting visa practices to learn from here in other Member States, such as Ireland.

6 Admission and duration of stay The duration of temporary relocation during the stay varies greatly, from three months to two years. Visas for short-term stays are mainly useful for HRDs who need rest and respite. For HRDs with urgent protection needs, a three-month visa is generally too short. Such HRDs have longer-term temporary needs, and require an entry permit with acquired rights and obligations to continue their activities and build their capacity while in exile.

7 Rights and support during stay Some shelter initiatives (e.g. fellowships, ICORN city shelter programmes) allow the HRD to carry out research or other work within their profession. Most current shelter initiatives in the EU are *de facto* only open to single HRDs, often due to administrative costs or in the case of short-term stays.

8 Return Generally speaking, the longer the HRD stays in a Member State or country far from their own country or sub-region, the greater the likelihood they will not return immediately after the end of the temporary stay, mostly due to their continued protection needs. However, the study also shows that some are forced into applying for asylum although they prefer not to, and the 'return' picture is more nuanced if continued relocation support is given or a new programme is identified. For short-term rest and respite stays, almost all return to their country or sub-region.

9 Average costs Globally, and across the initiatives implemented in the EU Member States, the costs vary greatly. The costs for relocating a HRD to an EU city shelter programme or a fellowship are high. The total costs for hosting a HRD and his/her family in a city annually can come to EUR 150,000 (including all administrative costs). Emergency and relief grants and NGO shelters are often cheaper using a variety of pro bono services. Temporary relocation in the country or sub-region is by far the cheapest relocation solution.

10 Synergies There are several interesting examples of synergies to learn from, with regard to instances of both short-term, medium-term and long-term stays, resource mapping and use of databases. The constraints regarding available resources and funding can lead to the risk of duplication of efforts and poor practice.

Based on the key findings and conclusions, the study *recommends* the establishment of a stable structure, such as an EU HRD platform/coordination entity and/or programme. The description of a possible structure of a platform/programme, in the form of a secretariat, is provided in Annex 11.

The following summarises the *added value* that such a platform or programme could provide in terms of i) improving synergies among existing and future programmes run by NGOs, universities and cities and their partnerships; ii) ways in which the EU might contribute to overcoming identified constraints on the actors running such programmes; and iii) the feasibility of setting up a structure and network of local cities and NGOs to ensure a stable and coordinated response by the EU to the need to temporarily shelter for HRDs at risk, whether in a EU Member State or outside the EU.

▪ By enhancing synergies, coordination efforts and response mechanisms, the EU can take a leading and strategic role in supporting HRDs as drivers of change and future human rights

leaders in developing countries. Similarly, governments and local cities, which are part of the platform, will be able to 'label' their initiatives and utilise the platform strategically.

- An EU programme and/or platform will increase the HRD network across the EU and globally and establish a broad network of HRD partners down to the grassroots level. It will also strengthen the connection with EU delegations in the work of monitoring HRDs and providing them with support.
- The platform/programme will add value not only in the EU but also globally, as it will be open to all HRD categories and enhance the synergies and global network in terms of resource mapping and processing of best-fit responses, such as providing shelter for HRDs inside and outside the EU. It will build on existing support mechanisms and support new initiatives, including city and NGO shelter partnerships.
- It will also add value as a centre where best practices and lessons learnt are identified and formulated. The platform/programme should establish a working group for city shelters. Such a working group should invite focal points from existing shelter initiatives and their close partners (NGOs, government) to meet and share best practices and lessons learnt in hosting HRDs. This will provide practical recommendations on how to host an HRD, how a city/authority or other partner can ensure the best support for the HRD, and the potential benefits for the hosting city.
- The platform/programme will add value by reducing overall constraints. It will also assist shelter initiatives in giving advice on difficult cases and following up with immigration authorities, consular services and international organisations in cases related to travel documents and visas, and provide advice on legal entry conditions in EU Member States. When fast-track or emergency visas are not available, it is important to understand other entry admission avenues (visas and residence permits).
- Finally, it should be relatively feasible to set up a single platform/programme under the EIDHR budget, and options for co-funding could also be explored.

On 16 February 2012 an EC temporary relocation workshop was held to triangulate the overall findings and recommendations of the Report. The workshop participants views broadly reflect the above findings and conclusions and find that an EU loosely structured flexible single coordination entity would add value for similar reasons as outlined in the Report.

The EU policy background

Human rights and protection of HRDs are an integral part of the EU's external relations policy. The EU human rights policy framework is founded on the key principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, in keeping with fundamental principles enshrined in the 'Bill of rights' (the UDHR, 1948; the ICCPR, 1966; and the ICESCR, 1966). Moreover, EU policies in support of democracy and human rights in third countries have been articulated and developed in Commission Communications, European Parliament Resolutions and Council Conclusions over the years, including through specific EU Guidelines on human rights issues.

When it comes to the protection of HRDs, the EU Guidelines on HRDs of June 2004, updated in 2008, are specially designed to provide assistance to the embassies and consulates of Member States of the Union and the delegations of the EU to third countries in their policies relating to human rights, including HRDs monitoring. They provide guidance to EU diplomats on how to provide practical support to HRDs in third countries. The EU definition of HRDs is based on the UN Declaration on HRDs – Article 3 of the EU Guidelines defines HRDs as *'...individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms ...'* While the definition of HRDs used in the guidelines is broad, it excludes those individuals or groups who commit or propagate violence or those who seek to destroy the rights of others. Similar to the UN Declaration on Human Rights Defenders, the EU Guidelines are not legally binding, yet they represent a strong political commitment for EU Member States.

The European Council Working Group on Human Rights (COHOM) Task Force on HRDs keeps the EU Guidelines under review. COHOM may consider possible EU actions where HRDs are at immediate or serious risk.

The EU's political commitment to promote the work of HRDs is completed by the financial support it provides under the European Instrument for Democracy and Human Rights (EIDHR) created by the EP and the Council in December 2006 and is managed by the EC. The EIDHR allows financial support to be provided for activities aiming to strengthen democracy and human rights around the world. While the EIDHR is global in scope and supports actions carried out in third countries throughout the world, actions in Member States may also be supported if they are relevant to needs in third countries.

The EIDHR Strategy Paper identifies within its objective 3 the support to human rights defenders and allocates approximately EUR 40 million to this objective for the period 2007-2013 to provide urgent protection and support to human rights defenders, particularly to those at risk, and to reinforce their capacities to do their work in the short and long-term. CSOs, public and private sector non-profit organisations, national, regional and international parliamentary bodies; international and regional inter-governmental organisations and, in some cases, natural persons are eligible for EIDHR funding.

Finally, the European Parliament plays a key role in the support of HRDs' work and protection, especially in third countries, through diplomacy and during hearings at the Parliamentary Sub-Committee on Human Rights, whose role is to ensure that the EU Guidelines on HRDs are implemented and to deepen cooperation with European institutions, as well as with international partners, such as the UN and its Human Rights Council, the Council of Europe and NGOs.