

The Law of Democratic Memory

In 2007 the Law of Historic Memory was passed by the Spanish Government allowing a number of things and for these to be funded following the tragedy of the Spanish Civil War. The major provisions of the Law were that mass graves and unmarked graves could be excavated and the remains of the deceased identified and reburied. This had been the main demand of the Association for the Recovery of Historical Memory which had been raising money and excavating burial sites for at least the previous decade. To have funding for the excavation and the associated DNA testing to identify who was in each grave was a major step forward.

The War graves work included the graves of soldiers killed in combat as well as those suffering extrajudicial killing / behind the lines of battle.

The other provision of the 2007 Law was that those exiles who had lost their nationality or citizenship of Spain could have it reinstated and that the children and grandchildren of these exiles could become Spanish Nationals / Citizens for the first time. Many of the descendants of the *Niños* and the *Maestras* took advantage of this and went onto the second step which was to apply for their Spanish Passports. Not everyone newly entitled did so at the time and the window closed in 2014 after seven years.

At this same time the funding for the exhumations of Civil War deceased ended as well. A third provision of the 2007 Law of Historic Memory was that glorification of the Nationalist / Francoist side was to cease and that *el Valle de los Caídos* was to become a neutral memorial to both sides of the War.

Under the provisions of the 2007 Law in 2020 the Dictator Franco's remains were reburied in their family plot and funding for the exhumations was restored.

The Law of Democratic Memory is being discussed by the Spanish Parliament. If finally approved, it would include provisions that could be useful to the children and grandchildren of the '*Niños Vascos*' in order to claim their Spanish nationality. The Law is especially designed to address the case of the children or grandchildren of those Spanish citizens who went into exile during our 1936-1939 conflict, and other victims of this civil war. According to this project, the following categories of people could thus opt to obtain Spanish citizenship:

1/ Children and grandchildren born outside of Spain, of a Spanish father, mother or grandparent who had to exile or to flee from Spain for their political, ideological or religious beliefs, as well as for their sexual orientation and/or identity; and all those who, for those same reasons, lost or were forced to abandon their Spanish nationality. Their children and grandchildren would be also able to apply for citizenship, in accordance to Article 20 of the Spanish Civil Code.

2/ Children born outside Spain from Spanish women who lost their nationality because of their marriage to foreigners, in the years before the 1978 Constitution.

3/ Children over the age of 18, born from Spanish citizens whose nationality of origin was recognised in accordance to the Historical Memory Law (addition disposition number 7 of the Law 52/2007 on the 26th of December) or the current Democratic Memory Law.

Many descendants of the *Niños* and other Republican Exiles have asked me about the opportunity to become Spanish and I have had to answer that it is not possible at the moment. Times change and this is very much one of the least contentious issues of the Law of Democratic Memory. Please do not miss this opportunity which will become available from the date of the passing by the Senate of this Law. In preparation start now to gather the evidence which must show through birth and marriage certificates unbroken descent from your Spanish father / mother / grandfather / grandmother. The right to obtain Spanish Nationality / Citizenship will again be time limited.