

# Human Rights, Racism and Migration: A philosophical approach

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**Abstract:** Today, one in every 50 human beings is a migrant worker, a refugee, asylum seeker, or an immigrant living in a ‘foreign’ country. Current estimates by the United Nations and the International Organization for Migration indicate that some 150 million people live temporarily or permanently outside their countries of origin (2.5% of the world’s population). Many of these, 80-97 million, are estimated to be migrant workers and members of their families. Another 12 million are refugees outside their country of origin. These figures do not include the estimated 20 million Internally Displaced Persons forcibly, displaced within their own country, nor tens of millions of internal migrants, mainly rural to urban, in countries around the world. Throughout centuries, philosophers from Kant to Walzer have debated questions of freedom of movement, state coercion and belonging. As Agnes Woolley has argued, these issues are given a new urgency in the context of climate change and the crisis of global capitalism, requiring us to face them with a ‘planetary consciousness’. Increasing ethnic and racial diversity of societies is the inevitable consequence of migration. Increasing migration means that a growing number of States have become or are becoming more multi-ethnic and are confronted with the challenge of accommodating people of different cultures, races, religions, and languages. Addressing the reality of increased diversity means finding political, legal, social, and economic mechanisms to ensure mutual respect and to mediate relations across

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differences. But xenophobia and racism have become manifest/obvious in some societies which have received substantial numbers of immigrants, as workers or as asylum-seekers. In those countries the migrants have become the targets in internal disputes about national identity. In the last decade, the emergence of new nation states has often been accompanied by ethnic exclusion. Migration in the modern world raises some of the most pressing philosophical questions. Aim of this presentation is to present the relationship between Human Rights, Racism and Migration.

**Key-words:** Education; Human Rights; Migration; Racism;

## **Introduction**

When people cross the borders of their own country, they probably don't know it yet, but the world will no longer look at them in the same way, as they have acquired a new personal status or condition: they are migrants. As a result, they often find themselves in an inferior position compared to those who hold a passport of the country in which they live (Karabelias & Iakovidis, 2021).

Migration and the *multiculturalization* of societies around the world are facts of history as well as increasingly predominant features of this contemporary age of globalization. Increasing migration, for positive and negative reasons, means that nearly all States have become or are becoming more multi-ethnic, multi-cultural, multi-racial, multi-religious, and multi-lingual. Addressing the reality of increasing diversity means finding political, legal, social, and economic mechanisms to ensure mutual respect and to mediate relations across differences (Georgiadis, 2021 & 2022). Regardless of the circumstances in which they travel, those who become migrants typically move into new, unfamiliar, and less safe environments. Whether they have entered legally or are undocumented, migrants will generally find their rights reduced compared to those of citizens of the country in which they are staying (Karabelias & Iakovidis, 2021).

The level of violation of their rights or exclusion of migrants from legal assistance or the possibility of recourse varies considerably from one jurisdiction to another (Georgiadis & Pantazis, 2020).

Discussion of the human rights of migrants requires brief preliminary comment on the factors motivating migration. The question of identifying the causes of human displacement has three fundamental ramifications. First, a key concern is to recognize people who need protection from being forcibly returned to situations in which their lives, physical well-being or human dignity are threatened. Second is the challenge to identify root causes that compel migration to work to alleviate, overcome and eventually prevent them. Third is to ensure that truly voluntary migration can be facilitated and managed to the benefit of the individuals and States concerned.

The decisions made by individuals to uproot, leave their homes homelands, and migrate elsewhere, are based on a number of factors rather than one simple reason. Any discussion of motives for human migration must include consideration of political, economic, social, and environmental factors that shape individuals' decisions to leave. Among the factors that compel migration are increasing armed violence, ethnic and racial conflict, features of globalization, environmental degradation, development-induced displacement, denial of democracy, and large-scale corruption (Bhaba, 2018 · Brock, 2021 · Cross, 2021).

These causal factors condition the need for protection and assistance to persons who, as a result, migrate and require cooperation as well as collective action by States and international institutions to alleviate (Georgiadis & Pantazis, 2020).

## **Migration**

An estimated 281 million people, approximately 3.6% of the world's population, currently live outside their country of origin, many of whose migration is characterized by varying degrees of compulsion.

These immigrants enrich societies in the social, cultural, intellectual, and economic spheres. But there are also negative aspects, such as school failure among young immigrants, unemployment among older ones and, of course, uncontrolled immigration. Such challenges can

turn the social phenomenon of immigration into an intense political debate and confrontation (Ambrosini, 2011, 2014 & 2017).

States have repeatedly tried to control immigration with laws, and at the level of political debates the issue of immigration and the integration of immigrants is raised extensively. Facts and opinions on the global trends of the migration flow and the issue of asylum are at the forefront of the debates of the member states of the European Union. An important driving force for migration is globalization, the impact of which results in the following facts. First, all states seek to control immigration. The intensity of control varies, and some states are more open to immigration than others. However, the fact remains that no state has an open border policy as its goal (Karabelias & Iakovidis, 2021).

Second, people do not migrate only for economic reasons: refugees are a significant part of global migration. They do not only leave their country primarily for a better life for themselves and their family, but also because they seek protection from oppression and persecution (Ambrosini, 2017).

According to official data, the number of immigrants entering the European Union in recent years reaches hundreds of thousands. However, it is very difficult to clearly calculate their exact number. The factors that cause immigrants to leave their homelands are not only economic; ecological disasters, the absence of the rule of law, the lack of respect for human rights and values, political instability, war, are equally important factors. The term immigrant in the European Union refers to a non-European citizen who is without an entry visa or residence permit in a member state of the Union (Bhaba, 2018 · Brock, 2021 · Cross, 2021).

According to Stanford Encyclopedia of Philosophy Immigration occurs when someone moves to another country to stay indefinitely. Thus, because of the brevity of their visits, tourists, business travelers and foreign students, for example, typically do not qualify as immigrants even though they spend time in a foreign country. There are a variety of important issues surrounding the morality of immigration, including difficult questions regarding the definition and moral status of refugees, the circumstances (if any) in which it is permissible to use guest workers, what obligations a rich country incurs when it actively recruits skilled workers from a poor state, the rights of irregular migrants, and whether there are any limitations on the selection criteria a country may use in

deciding among applicants for immigration. This entry addresses each of these topics below, but first it reviews the most prominent arguments on both sides of the central debate in this area, whether states have the moral right to exclude potential immigrants (Stanford Encyclopedia of Philosophy, 2019).

With the term *refugee*, we intend "any person who is outside his country of origin or place of residence, has a justified fear of persecution for reasons of race, religion, nationality, political beliefs or membership of a social group, and because of the fear of which he cannot or does not wish to enjoy the protection of that country or to return to it". The above reasons may occur either individually or cumulatively. A refugee differs from a legal immigrant, as the latter leaves his country voluntarily to find better living conditions, while continuing to enjoy the protection of his country. On the contrary, the refugee is forced to leave his country of origin or residence, due to the fear of persecution or the fear of suffering serious harm. The asylum seeker who has not yet received refugee status does not have the same rights as those granted by the state to other (legal) foreigners residing within its territory. Once a person receives the status of a recognized refugee, then the receiving state should treat him with equality, equating him with its own nationals, without discrimination that may be due to the refugee's racial or national origin and religion (Georgiadis & Pantazis, 2020).

### **Racism and Discrimination against immigrants**

International treaties expressly recognize that factors such as race, color and national origin often contribute to discrimination, exclusion, and disadvantage. Because of this, special human rights institutions have been drafted to strengthen the protection of these groups. The International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, for example, provides guidance on human rights guarantees relevant to the specific situation of migrant workers and their families (UNCHR, 1990).

Discrimination broadly refers to negative behaviors, actions or practices that exclude or merely differentiate between individuals or groups based on an ascribed or perceived trait (Metzner et al., 2022).

In many cases immigrants integrate well into the economy and society of the destination country. However, those working in informal forms of work and those in an informal situation are often among the most vulnerable. Managing global migration requires a human rights-based approach to ensure the protection of the human rights of all migrants and their families. Issues related to the enjoyment of economic, social, and cultural rights are particularly vital for many immigrants. Very often, they face serious discrimination in terms of housing, education, health, work, or social security. Laws that discriminate against foreigners, along with programs and policies that fail to address their specific needs and vulnerabilities, often result in immigrants and their families not having access to basic services or being only able to do so at levels that do not meet human rights standards. For migrants in an irregular situation, their vulnerability is exacerbated because access to media is often unavailable due to their status (Bhaba, 2018 · Brock, 2021 · Cross, 2021).

Immigrants often face uphill battles in the workplace with challenges in regard to language barriers and mistreatment from coworkers and employers. Additionally, immigrants are often the target of exploitation and wage theft and are often subject to more hazardous working conditions (Metzner et al., 2022).

Workplace discrimination against immigrants can be understood as an effect of a larger dynamic sociological pattern in which positive values are attributed to in-groups (i.e., groups we feel that we belong to) and conversely negative values ascribed to out-groups (i.e., groups we feel that we do not belong to) (Allport, 1954). Rejection of out-groups is founded on implicit attitudes and stereotypes that in turn produce discriminatory behavior (Greenwald & Krieger, 2006). The prejudice against immigrants is fueled by broad anti-immigrant sentiment often tied to perceptions of economic and resource scarcity (Andrea & Quijano, 2019).

## **Human Rights**

During the next decade, migration is likely to be a cutting-edge issue in international relations, economics, and social order in many countries. Indeed, during the last few years new items on the impacts of migration have already moved from the back pages to the front pages of news media worldwide.

Trafficking, remittances, the impact of migrants on employment, the spread of HIV/AIDS, crime, and polemic debates on multiculturalism, are now widely covered in policy debates, political speeches and negotiations, local town hall meetings and international conferences (Pantazis, 2011a, 2011b, 2012 & 2018).

However, until quite recently, the treatment of individuals as migrants, immigrants and refugees had been little more than a footnote to many policy debates, governmental consultations, and academic reviews. Perhaps only in the lurid news reports of deaths of migrants in trafficking, and migrant workers treated brutally in fields and sweatshops, was the painful dimension of commonplace denial of the rights and dignity of migrants made visible (Pantazis, 2018).

While Member States may refuse entry to an individual, deport or remove migrants in an irregular situation, everyone residing on a state's territory, regardless of their immigration status, is entitled to the general guarantees of human rights. The state must ensure that all immigrants on its territory are able to exercise their economic, social, and cultural rights (Kapur & McHale, 2006 · Kates & Pevnick, 2014 · Kukathas, 2002 · Song, 2019). The discourse of international human rights has finally extended to migrants and migration. Rather quickly, government officials, policymakers, NGO advocates, academic researchers and international agencies have begun to consider the human rights dimension of contemporary migration. Under the Universal Declaration of Human Rights (created seventy years ago), human rights are universal (they apply everywhere), indivisible (political and civil rights cannot be separated from social and cultural rights); and inalienable (they cannot be denied to any human beings). However, their de facto extension to many vulnerable groups has been a long and difficult process, by no means complete. Migrants and indigenous persons experience strong resistance to recognition of their human rights (Ambrosini, 2007 & 2012b).

When we refer to human rights two concepts are the most important: respect and protection. Respect for our fellow man, of any age, race, color, origin and protection. And active citizens have to observe and protect not only with intentions but also in practice small children, adults who belong to vulnerable social groups, the elderly, the volumes with special educational needs, pregnant women, etc. Respect and protection are first cultivated within the family and then at school in various

experiential ways. The agents of protection of human rights are first the family and then the initiators and transmitters are the teachers, who with their actions, their example and their philosophy of life can transmit the principles of defense and prevention of violations of human rights in collaboration or in addition to family and social institutions (Pantazis, 2011a, 2011b, 2012 & 2018).

Human rights, guaranteed by national and international law, play an essential role to the protection of migrants who are victims of these strong social dynamics. The Global Migration Group recently recalled that "the fundamental rights of all persons, regardless of their legal status as migrants, are: The right to life, liberty and security of person, to be free from arbitrary arrest or detention, and the right to seek and enjoy asylum from persecution; The right to be free from discrimination is based on race, sex, language, religion, social or national origin, or other status; The right to be protected from abuse and exploitation, to be free from slavery and involuntary servitude, and to be free from torture and cruel, inhuman and degrading treatment and punishment; The right to a fair trial and legal remedies; The right to the protection of economic, social and cultural rights, including the right to health, an adequate standard of living, social security, housing, education, as well as just and favorable working conditions; and other human rights guaranteed by international human rights instruments to which the State Party has acceded and by customary international law (ICJ, 2012).

All these rights are recognized as human rights, to which everyone is entitled, without exception. People don't enjoy them because they are citizens, workers, or based on any status. No one can be deprived of their human rights because they have entered or stayed in a country in contravention of national immigration legislation, or because they look like a "foreigner", because they are a woman or a child, or do not speak the local language. The principle of the universality of human rights is precious to migrants (Kapur & McHale, 2006 · Kates & Pevnick, 2014 · Kukathas, 2002 · Song, 2019).

Reality, however, reveals that the enjoyment of rights is illusory if there is no way to claim their implementation. Therefore, to this end, a national legal order that can provide effective access to justice and provide remedies for human rights violations is essential. The entire system of legal norms, lawyers, judges, legal practitioners, and activists must operate

effectively to provide migrants with legal remedies for their human rights violations. While migration is a positive and empowering experience for many, it is more than obvious that a lack of human rights-based on the migration governance at both global and national levels is leading to the continuous violation of migrants' rights in transit, at international borders, and in the countries, they migrate to.

While migrants are not inherently vulnerable, they can be vulnerable to human rights violations. Migrants in an irregular situation tend to be disproportionately vulnerable to discrimination, exploitation, and marginalization, often living and working in the shadows, afraid to complain, denied their human rights and fundamental freedoms (Bhaba, 2018 · Brock, 2021 · Cross, 2021).

Human rights violations against migrants can include a denial of civil and political rights such as arbitrary detention, torture, or a lack of due process, as well as economic, social and cultural rights such as the rights to health, housing or education. The denial of migrants' rights is often closely linked to discriminatory laws and to deep-seated attitudes of prejudice or xenophobia (Kapur & McHale, 2006 · Kates & Pevnick, 2014 · Kukathas, 2002 · Song, 2019).

Also, Human rights mechanisms, such as the UN Special Reporter on the human rights of migrants and the Commission on Migrant Workers, have clearly stated that while countries have a sovereign right to determine the conditions of entry and residence in their territory, they also have the obligation to respect, protect and ensure the human rights of all persons under their jurisdiction, regardless of their nationality, origin and immigration status (Pantazis, 2018).

### **Human rights education and immigration: A Philosophical challenge**

The political controversies and recent choices in the policy of immigration, the integration of immigrants and the extent of the phenomenon of immigration with its overall social consequences is a particular challenge for human rights education.

Social and cultural changes in a country receiving immigrants bring new challenges to human rights education concerning, in particular, the debates about citizenship and immigration law. This is reflected in a wide

range of education-related immigration policy. It ranges from international meetings to cross-cultural training and seminars aimed at immigrants or labor issues (Bhaba, 2018 · Brock, 2021 · Cross, 2021).

We need to distinguish two approaches: First, educational policies on immigration and integration should be designed to address "locals", be open to immigrants as well, and deal with immigration issues. Second, to develop educational policies aimed at people with a migrant background (Pantazis, 2011a). There are a lot of theories regarding human rights education. There are three dimensions that are universally accepted:

First, human rights education, this means the transmission of knowledge and understanding of human rules and principles, the values that support them and the mechanisms that protect them.

Second, education through human rights which means learning and teaching within a framework and with methods and ways that respect both the educators and the learners.

Third, education regarding human rights, which aims to empower people to enjoy and exercise their rights but also to respect and defend the rights of others (Bhaba, 2018 · Brock, 2021 · Cross, 2021).

These are the key ingredients of human rights pedagogy, and the earlier we educate and train our children according to these principles, the more optimistic we become about the future of our world. In school and in general, through experiential education and cooperative learning, we can change the stereotypes and prejudices that are passed down from generation to generation. The experiential form of teaching and learning is essential in this transformative process (Pantazis, 2018).

Education policies for the "majority of society" include education, training and retraining. Update of current controversial debates, events, political decisions, immigration, and legal authorities. Also, educational policy is aimed at civil society, especially in multicultural neighborhoods. Locals and migrants need to develop human rights capacities and skills that will enable them to deal with cultural diversity, migration and challenges and lead to conflict resolution. A purely normative, moralizing (exclusive to problems such as racism or discrimination) or even a culture-centered dialogue are not effective approaches. They should be realistic and focused on thematic areas that will lead to the development of human rights realization (Kapur & McHale, 2006 · Kates & Pevnick, 2014 · Kukathas, 2002 · Song, 2019).

Human rights education is not only for locals but also for immigrants. All citizens of an immigrant-receiving country are recipients of human rights education. Education policies, aimed mainly at immigrants, must consider that immigrants from countries that are not members of the European Union lack the opportunities to participate to a large extent in society. Anyone who is not a citizen of the state they reside in or cannot become one, is socially and politically marginalized and his political participation remains limited in the long term. Human rights education cannot compensate for this fact, but it can address this problem and even provide information about naturalization through an active and equal opportunity policy (Pantazis, 2011a, 2011b & 2012).

### **Conclusion**

It seems obvious that the flow of immigration will increase in the coming years. Poverty and inequality push hundreds of thousands of families to move to new countries. But how well are we prepared to accept the students in matters such as the acceptance of diversity as part of social reality (Kapur & McHale, 2006 · Kates & Pevnick, 2014 · Kukathas, 2002 · Song, 2019). Education is an instrument of social integration and a means through which to form an identity. Access to information and knowledge influences access to employment, socio-economic integration, and development. At the same time, education is also a tool thanks to which identity, perceptions, and understandings, real or imagined, are developed (Greenwald & Krieger, 2006). The way that the dominant cultural majority frames the educational system and the values that it propagates through schooling (methods, curricula, etc), expresses and determines perceptions of one's own identity and understanding of the 'other.' (Bhaba, 2018 · Brock, 2021 · Cross, 2021). Just as it can be inclusive, and a vehicle through which to promote principles of social cohesion, solidarity, and equality, it can equally propagate prejudice, stereotypes, perceptions of cultural confrontation, superiority, or discrimination. Thus, the challenge for a heterogeneous society is to meet raised expectations for educational policies that can respond to the needs of the entire student population. In short, for educational policies should be culturally sensitive, enhance educational, socialization and personal development opportunities for students of all communities (Georgiadis, 2021 & 2022).

If we must educate immigrant students to become visible, and to participate in their new societies actively and fully, we must prepare teachers on how to create safe spaces in which immigrant students can express their fears and anxieties; in turn, their classmates learn from them as they embrace immigration as an intrinsic trait of their identity. The creation of safe spaces must be a cooperative effort that we have to foster. We must be the link between teacher preparation programs, school districts, and stakeholders. We need to secure the commitment across agencies ensure that immigration is more than stories shared by students in the classroom. However, it is important to move away from conceptualizations that immigrant students take up resources, and toward a view that they deserve an investment of resources. Immigration must be seen as the engine that transforms obsolete views on identity (Ambrosini, 2007 & 2012b).

Many discriminations and persecutions that are racist in nature can be attributed to incomplete or insufficient human rights education. For this reason, the need for action is deemed necessary. The right to education of the individual is considered a social problem, which must be binding for every state. Every state must take initiatives to develop human rights education. The subject and purpose of human rights education is to sensitize people to the concept of human rights and to promote the development of capacities and skills that lead to readiness to act on human rights. Human rights education has new dimension, new challenges to face. Important immigrant integration programs and human rights education should be expanded and addressed to all students and adults, natives and immigrants in schools and educational institutions (Kapur & McHale, 2006 · Kates & Pevnick, 2014 · Kukathas, 2002 · Song, 2019).

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