

Respecting the human rights – the rights of immigrants. Between needs and capabilities of the countries hosting the immigrants

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Abstract

The immigration has been a part of the human history since ancient times. The movement of immigration from the Middle East, which has taken place since 2008, fits into this statement. The Middle East conflicts, and consequently the risk of loss of life are the reason for this latest immigration. It is also the time of reflection on the acceptance of the immigrant as a the individual, who is entitled to human rights, the same as anyone else. At the same time, it is necessary to place the question of the limits of openness to immigration movement. The ability to ensure appropriate living conditions for immigrants in the host country should be the borders for this growing immigration movement. This requires a financial and organizational commitment. To what extent, therefore, those may be the limiting criteria from the perspective of proper protection of human rights of immigrant?

Keywords: human rights, immigrants, the right to life, the right to decent living conditions, the cultural identity.

Introduction

The European Union for two years (2013-2015) has been experiencing a real “invasion” of immigrants on a scale unprecedented since the invasion of the so-called barbarian peoples of Europe in the late antiquity and in the early Middle Ages. The size of this immigration will have a definite impact on the future shape of political, demographic and economic future of Europe, as it was after the invasion of barbarian peoples. Then, a new political (the feudal system), economic and social system was developed in Europe. The centre of which was no longer Mediterranean Sea, so important for the existence of the Roman Empire (Heather, 2012, pp. 63–122).

Mass immigration, especially its size, provokes all kinds of discussions, it creates political decisions and reveals the real social attitudes. The European society is polarized on the basis of the criterion of reference to immigrants. In Poland and in many European countries is slowly gaining an advantage by those who have a negative attitude towards immigrants.

One of the key and very controversial decisions, taken by the European Commission on 14th September 2015, is the decision about the relocation of immigrants in the various Member States on the basis of quota criterion. The greatest burden of the costs of the operation was taken by Germany, which from planned to allocated a group of 120 thousand immigrants, has committed to adopt 31,443 of them. But some of the Member States, especially countries of the Visegrad Group, refused to accept migrants or reduced their number to a symbolic amount. Poland had initially accepted a number of 9 287 immigrants. The current government, formed after elections in 2015, backed from this commitment¹.

Many politicians from different Member States, including the Polish politicians, raise arguments aimed to justify their negative attitude towards immigrants. Among others problems, they talked about the cultural differences, possible terrorist threats, the rise in unemployment and crime. It creates the same negative stereotype of migrants while resurrect the ghosts of the past, especially nationalism or hidden racism.

The results of sociological studies that have been conducted on high school graduates in the school year 2015/2016 in Otwock County may be the proof of the birth of negative attitude towards immigrants in Poland may be it was a group of more than 500 high school graduates. Almost 90% of respondents definitely had a negative attitude to immigrants, although 70% of them have never met a foreigner. The result of this study is a classic effect of creating in the media and by the policies of the negative stereotype image of the immigrant².

It need to be said that the human history is largely the history of the great migration. Just to mention the march of armies of Alexander the Great from Greece through India to Egypt. This event completely changed not only politically, but also culturally contemporary world. It was the same with: the Romanization of the world by the ancient Romans, the invasions of barbarian peoples, awakening of the Arab world, which resulted in the Islamization of much of the world, the invasion of Genghis Khan on the medieval Europe,

the conquest of the Americas by Europeans and colonization of Asia, Africa and South America. In all these cases, there were winners and losers, not only in the military sense, but also in the culturally and politically sense. There have been the significant cultural and political changes in Europe, as it is exemplified by the multinational United Kingdom, France, the Netherlands and Belgium.

It also cannot be forgotten, that Polish people, during last two centuries, emigrated very often. During the Partitions of Poland, our countrymen moved to the USA, Brazil or Argentina. After the World War II, we can notice the several waves of Polish emigrations which were directed to the United States of America, the United Kingdom, France, Italy, the Republic of the South Africa, Australia or lately to Germany. In 2014, there were 2320 thousand of Polish people living outside of Poland: in Great Britain – 685 000, in Germany – 614 000, in Ireland – 113 000 and in Holland – 108 000³. In all these cases, Poles generally been well received and quite quickly succumb to the process of assimilation.

The above data shows that the Poles, who are also immigrants should not be too easy to succumb to stereotypical thinking. The science should be free of emotional or political inclinations of any kind. For science it is fundamental to answer the question not about whether Europe should accept refugees, but how many can we accept them in order to be able to respect the human rights of refugees. In particular, such rights as the right to decent living conditions, education and preserve their own cultural identity. It is also important to determine the potential of Europe or otherwise, what is the capacity of Europe or its ability to infrastructure and economic admission. Too many immigrants may cause failure of state institutions in many countries and the EU institutions. As a consequence, it can reach to numerous abuses, like the known cases of harassment of women in Germany or trafficking in persons especially children of migrants.

However, it is necessary to realize that an immigrant is above all a person who enjoys all human rights. He or she only had the misfortune to have been born in the wrong place or wrong time. As a result, they are forced by various exogenous reasons to leave their place of birth or residence. These factors include the risk of loss of life, extremely poor living conditions, restriction of freedom, or the threat of losing their own cultural identity, for example – being forced to change their religion.

1. The right of migrants to live

Life is one of the most fundamental value for each person. Since so long, the migration movements are connected and related to the different local armed conflicts. Currently, Asia and Africa are the main places of those conflicts. Those conflicts usually explode in areas rich in natural resources, for example: Iraq, northern Kenya, Zaire and Venezuela, or in countries strategically important due to the running of their trade routes, for example: Afghanistan and Syria. In these circumstances, civilians inevitably meet with the threat of life from the part of the local paramilitary, the terrorists or from the US troops and the people faithful to the governments of individual Arab states. Media reports about the use by ISSI terrorists of civilians as human shields during the military activities. It cannot be, therefore, surprising that more and more civilians decide to sell everything and run into these areas, which are free from the war and life-threatening. In such situation, Europe is the ideal target.

The migrant as a human being is therefore entitled to live in the same conditions as other people living in peaceful areas. The content of this right in both cases is the same. This is due to the fact that the right to life is the natural entitlement of every person to respect his or her existence. It is something special in compare to the existence of other beings of living matter. Hence, it is widely accepted that no one can illegally deprive life of the other person in the name of ideology or expand living space. In the Ten Commandments, a clear prohibition was formulated, which is - do not kill (Bułajewski, 2011, pp. 4-16). To this day, it is an essential and timeless religious commandment as the basis for the positive legal regulations (Becker, 2004, pp. 95 and the following). The content of the prohibition of killing a man is not dependent on any factors, such as the legal status of man. Therefore, it also involves migrant fleeing in danger of his life.

The right to live was many times set down in different act of the international law, according to which, this right belongs to every person regardless of skin colour, race, language, sex, the material status, the social status, the education or the religion (Wedel-Domaradzka, 2008, pp. 524–525). In the article 2, paragraph 1 of the Convention of 1950, it was stated that the human life should be secured by the legal act– it means by the legal regulation of the highest importance. In the article 6, paragraph 1 of the International Covenant on Civil and Political Rights decided that *Every human being has*

the inherent right to life. This right shall be protected by law. The human right is also protected in the article 2, paragraph 1 of the Charter of 2000. Also, the Polish Constitution, in article 38 says that *the Republic of Poland shall ensure the legal protection of the life of every human being* (Wojciechowska, 2008, pp. 535-541). The protection of human life is reflected in the Penal Code where the acts against human life are penalized.

The right to life is associated with a satisfying basic physiological needs of man, especially the hunger and thirst of water. The human history abounds with numerous examples of massive starvation as a result of which a lot of people died. An example can be artificially induced famine in Ukraine in the 30s of the twentieth century or the contemporary case of famine in Africa or Asia, most often caused by the local armed conflicts. Unmet needs of the individual or group can be an example of indirect stabbed in the right to life. It is clear that the obligation to satisfy this need lies with the interested parties and in its immediate environment, but based on the principle of subsidiarity, it also rests on the State and international organizations. Today there is a new need, it means - meeting mankind needs of drinking water, the lack of which is increasingly being reflected in the relationship with a lot of environmental pollution and the excessive population growth, especially in Asia. This obligation to meet this need rests primarily with state and international organizations.

On the background of the above presented issues, the question of practical implementation of the law in relation to migrants should be raised. Often, the escape from the place of armed conflict, fighting and the cultural or natural disaster - for example: long drought - it is the only chance of survival. These people are thus looking for a place where they can survive individually and collectively, both in the family or ethnic group. Reluctance to provide assistance faced by migrants in Europe, does not help them to fight for survival. The much better situation is experienced by those migrants who are part of the government or EU programs of assistance to migrants.

2. The right of immigrants to decent existence

The next important right of emigrants, directed related with the right to live, is the right to decent living conditions. This right is based on the human dignity. Even the standards of keeping the animals describe the problem level of their existents. All the more, the person – emigrant has the right to the proper – decent living condition in the new place of his or her existence.

The realization this condition, however, depends largely on the institutional and financial possibility of state or the European Union. The number of migrants should be proportionate to the capabilities of the host country. You cannot locate 100 emigrants in the home of the size of about 50 square meters because, neither the existing residents nor migrants do not have a chance to just normal operation, on the contrary, such a situation may generate new conflicts, even armed conflicts, such as those that took place in France 2005.

Decent living conditions of immigrants includes social conditions, and subsequently the right to social security. This is a group who needs special support because of the existing cultural differences, the lack of language skills, and local law. Immigrants often do not know the rules of the functioning of offices and the rules of making administrative decisions in the new place of residence. Thus, the host country is obliged to provide immigrants the meeting of needs in such areas as: the fight against poverty, orphanhood, homelessness and unemployment, the assistance to family or a pregnant woman and the medical or psychological help. The social assistance to immigrants should take preventive measures to protect them from drug addiction, alcoholism or other random events, such as losing the possessions as a result of theft or damage or loss at the time of immigration.

The social assistance for migrants should be undertaken primarily by the State authorities or bodies of the EU, which have the appropriate logistics and human means. However, in each Member State of the European Union, the Catholic Church, the Protestant Church or secular charity organization will participate in the providing of help (Miruć, 2008, pp. 630-638), (Nakielska, 2008, pp. 639-649). Above all, they must be systemic actions and activities.

All forms of social help and assistance must be based on the legal regulations and may occur in the following forms:

- ⇒ benefits;
- ⇒ educational scholarships for children;
- ⇒ co-financing of care;
- ⇒ housing allowances;
- ⇒ feeding;
- ⇒ purchase of rehabilitation equipment;
- ⇒ education community centres for adults and children combined with feeding.

The social assistance may be provided in the cash form (for example: financial aid, scholarships), the material form (for example: rehabilitation equipment, textbooks, meals) and the social services (for example: education or medical services). The forms of benefits and the circle of people entitled to receive them are determined by the legal provision or the internal acts of NGOs, for example - Regulations. The authority deciding on granting benefits in specific cases, should be guided by criteria of rationality and legitimacy. Therefore, the right to grant social assistance benefits may be limited by the legal regulations. The social assistance may be granted ex officio or upon request. It can be funded from the state budget, local budgets, earmarked funds as well as company social funds or own funds.

The emigrant in Poland, located in the migrant's centre run by the Foreigners Office, is guaranteed:⁴:

- ⇒ Accommodation,
- ⇒ Meals,
- ⇒ Reimbursement for trips by public transport in certain cases, related to the medical examination, the procedure for granting refugee status or in other justified cases,
- ⇒ Permanent monetary assistance for the purchase of personal hygiene goods in the amount of PLN 20 per a month and some spending money - PLN 50 per month,
- ⇒ A one-time cash assistance for the purchase of clothing and footwear in the amount of PLN 140,
- ⇒ Cash equivalent in exchange for meals for children up to 6 years of age and school children - 9 PLN per day.

In the case, when the emigrants live outside the migrant's centre, he or she may apply for the financial assistance if it is necessary from the legal or organizational point of view. The total amounts of this financial assistance in Poland are⁵:

The number of family members	Daily amount for 1 person	Monthly amount for 1 person
1 person	25 PLN (ca. 6,25 EUR)	750 PLN (ca. 187,5 EUR)
2 people	20 PLN (ca. 5 EUR)	600 PLN (ca. 150 EUR)
3 people	15 PLN (ca. 3,75 EUR)	450 PLN (ca. 112,5 EUR)
4 people	12,50 PLN (ca. 3 EUR)	375 PLN (ca. 93,75 EUR)

The data indicate that in Poland, the migrant maybe has not the best social conditions, however, they may receive cash or assistance allowing the survival and gradual organizing their lives on their own account, of course, in accordance with the law applicable on Polish territory. Similar solutions, with other rates, can be found in other Member States of the Union. However, the differentiation of these rates means that most migrants choose countries with high rates of social assistance for migrants, for example: Germany, France, Italy and the United Kingdom.

3. The right of emigrant to freedom and the security

Most of the emigrant coming to Europe during last two years are from the territories strike by the war. They are from: Syria, Iran, Afghanistan, Somalia, Chad etc. Quite often, they fled at the last opportune moment from the danger of death. For them, therefore, after the right to survival, and the right to get food and water, the most important is the right of security. It is for these people the fundamental value that allows them to relax mentally and physically after the roar of bombs or the noise of machine guns.

4. The cultural identity of the emigrants in the new environment

The arriving to Europe migrants come mostly from cultures significantly different from the European culture. Even if they are Christians, their lifestyle was adapted to the environment with the majority of Muslim culture. This is shown in the clothing, value system or in developing interpersonal relationships. In this perspective, it is necessary to develop a method of assimilation of immigrants into their new place of residence. It is also essential, on the one hand, to respect their beliefs while respecting the European system of values, including Christian values. It is necessary to develop a way of granting appropriate assistance to migrants, the effect of which is that they will find themselves in the world with a different perspective on life, with a different organization of life and often with a different value system.

The first cultural barrier encountered by the immigrants is the difference of language, the consequence of which is a communication barrier. In the case of immigrant people, especially children, the language barrier is possible to quite quickly overcome by learning in school or kindergarten. It is more difficult, however, proceeds teaching in the elderly. In addition, for children's education, the another obstacle is that at home they usually speak the language

of their parents and the new language is learnt by them only in school or kindergarten. This situation – the lack of knowledge of the language is not conducive to the integration process of immigrants with Europeans.

The next important issue is the method of integration. In many countries for example in Germany the migrants are located in the separate centre – often being a former military base. In other words, the emigrants are isolated from the new society, in which they are going to live in the future. Due to this situation, since the beginning, they feel as an enclave and isolated from the new reality which is strange for them and they do not identify with this new reality. After many years of isolation, the emigrants live in new environment in the same way as at the beginning and there is no change in their lifestyle.

An important issue is also to prepare immigrants to professions possible to perform in Europe. Much of the immigrants have no education or their education is inappropriate. This is indicated by data from Germany. According to them, 41% of immigrants has no education, 27% of them have secondary education, and only 11% higher education. Another issue is the usefulness of this training and education to work in the country of current residence. Often, there is a need to adjust them to exercise new profession, which is often equivalent with the necessity to perform a new long-term education.

Finally, there arises a problem of preserving the cultural identity of immigrants, but also a European cultural identity. This problem stems from the fact that almost 70% of the latest wave of migrants are relatively young men. In addition to few of them who has some relations with terrorist organizations, the most of others put his life in Europe. So, they are looking for European women. After the marriage, the European woman change their value system to the value system of her husband - a change of religion. Next, the upstream culture is extended on children coming from these relations. This leads to a cultural change in Europe in quite a good pace.

5. Conclusion

Immigration is one of the essential elements of human history since ancient times. The immigration resulted in political, cultural, social and even technological changes. The emigration of this in recent years is one those big historical immigration. Several million political and economic refugees had

moved from the Middle East to Europe. Thus, it has a lasting impact on the political, economic and social culture of many European countries. The first visible sign of this change is very strong resurgence of nationalist movements.

The immigrants create also many theoretical and practical questions, that need to be resolved. All of them are arranged along the line of human rights and these are fundamental ones such as the right to life, to guarantee of decent living conditions or the cultural issues on the side of immigrants and residents of Member States of the European Union. The immigrant is primarily a person who is entitled to the same rights as everyone else, regardless of skin colour, national origin or religion. This, however, raises the question about the possibility of organizational and financial support by the host countries which receive the immigrants. To keep them safe and to guarantee the decent living conditions, it is necessary far-reaching effort by the State and society itself. The data included in this study shows that it is not the problem easy to solve. The easier would be to take the very radical and extreme potions – it means to be open to the emigrants and to receive them with no limits but with the big risk of many negative consequences or to be totally closed to the emigrants. The middle path solutions are to help emigrants by the European Union State Members in the reasonable ways. This help must be wised and must be adjusted to the financial possibilities of those countries with no harm to their societies.

References

- Becker Ch., *Die Zehn Gebote. Verfassung der Freiheit*, Augsburg 2004, pp. 95 and the following.
- Buławajewski S., *The Right to life in the light of Polish Constitution and the international treaties binding on Poland*, [in:] B. Sitek i inni (ed.), *Human rights, spiritual values and global economy*, South Jordan 2011, pp. 4-16.
- Heather P., *Upadek cesarstwa Rzymskiego*, translation J. Szczepański, Poznań 2012, pp. 63–122.
- Miruć A., *O potrzebie integracji państwa w sferze pomocy społecznej*, [in:] G. Dammacco, B. Sitek, O. Cabaj (ed.), *Człowiek pomiędzy prawem a ekonomią w procesie integracji europejskiej*, Olsztyn-Bari 2008, pp. 630-638.
- Nakielska I., *Tradycje ochrony praw socjalnych w Polsce – dwudziestolecie międzywojenne*, [in:] Dammacco G., Sitek B., Cabaj O. (ed.), *Człowiek pomiędzy prawem a ekonomią w procesie integracji europejskiej*, Olsztyn-Bari 2008, pp. 639–649.

Wedel-Domaradzka A., *Ekonomiczny wymiar kresu życia ludzkiego – wybrane problemy*, [in:] Dammacco G., Sitek B., Cabaj O. (ed.), *Człowiek pomiędzy prawem a ekonomią w procesie integracji europejskiej*, Olsztyn-Bari 2008, pp. 524–525.

Wojciechowska A., *Prawo człowieka do ochrony zdrowia w świetle reguł rządzących gospodarką rynkową*, [in:] Dammacco G., Sitek B., Cabaj O. (ed.), *Człowiek pomiędzy prawem a ekonomią w procesie integracji europejskiej*, Olsztyn-Bari 2008, pp. 535–541.

Endnotes

- ¹ The application regarding the extraordinary relocation of 120 000 refugees from the area of Greece, Hungary and Italy, Online: http://ec.europa.eu/polska/news/150909_sou_pl.htm [access: 2016-06-14].
- ² The research was done by M. Such-Pyrieli, PhD and T. Wrzoska, PhD. The research report has not been published yet.
- ³ Information notes by Central Statistical Office in Poland (GUS) about the Polish emigration in 2004-2014: *Rozmiary i kierunki emigracji z Polski w latach 2004-2014*, p. 2, Online: http://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/5471/11/1/1/szacunek_emigracji_z_polski_w_latach_2004-2014.pdf [access: 2016-06-14].
- ⁴ The types of granted assistance: *Rodzaje pomocy przyznawanej*, Online: <http://udsc.gov.pl/uchodzcy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/> [access: 2016-06-05].
- ⁵ Data based on: *Rodzaje pomocy przyznawanej*, Online: <http://udsc.gov.pl/uchodzcy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/> [access: 2016-06-05].