

The Concept of Human Rights in Approaching the Refugee Crisis. An Analysis from the Perspective of the European Heritage

Alexandru Ionuț DRĂGULIN

Abstract. The crisis of the totalitarian regime in Syria and the option for democracy of a large proportion of the population from this country are, undoubtedly, the consequences of the intense promotion and media coverage of the concept of human rights. On this way, the European Union plays an important role both in terms of its democratic regime – where human rights constitute a fundamental pillar – as well as from the fact that its common cultural heritage includes the material and spiritual assets of the continental nations, but also the resources generated by the ethnic minorities. The recent European summit have not completely solved the problem of the Syrian refugees, which has become a political and a cultural one. This article analyses the implications and advantages of enforcing human rights and civil liberties to solve efficiently the refugee crisis in the EU by integrating them as much as possible across the multicultural and the multi-ethnic space of the continent. This space is part of the European heritage and it is characterized by value and variety in all its dimensions.

Keywords: *human rights, European heritage, political consensus, cultural democracy*

1. The migration crisis in the statistics: an increasing trend

Since the beginning of the civil war in Syria, the European Union is confronted with continuous waves of refugees. But in the European space are also coming other categories, in the same time: temporary migrants, asylum-seekers, and job-seekers. Generally they are included as foreign population – persons who are not citizens of the country in which they reside, including persons of unknown citizenship and stateless persons.

The European Union was unprepared to manage a such-extensive crisis. Initially the leaders proposed a solution through the concept and practices of multiculturalism, then the discussions were centered on the Dublin Regulation, but we do not have yet a consensus. A main cause of this permanent disagreement are the differences between the member-states concerning their decisional influence, their economic power and thus the responsibilities are not efficiently distributed.



To know the nature of the problem and clarify what categories of people are the object of enforcing the human rights and other laws in order to offer equity and to protect the migrants, it is necessary to provide a clear and short definition of the term of refugee. Thus, in the view of the United Nations High Commissioner for Refugees, the term "includes individuals recognized under the 1951 Convention related to the Status of Refugees, its 1967 Protocol, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, those recognized in accordance with the UNHCR Statute, individuals granted complementary forms of protection, and those enjoying temporary protection. The refugee population also includes persons in refugee-like situations" (European Stability Initiative 2017, 4).

While the number of immigrants and refugees accepted by European countries has risen and fallen with changes in the international situation, these are processes that have been in place since the end of World War II. This historical experience has led to emergence of multicultural societies, a relatively new reality for Europe in the 1950s-1960s, but a patent fact in the beginning of the 21st century.

Now interactions with other cultures are a daily fact. In a survey conducted in the EU Member States in 2007, two-thirds of respondents stated that "they had daily contact and interaction with people whose cultural background differed from their own"(European Commission 2007, 4). In countries such as the UK, Germany and France "nearly 20% of the overall population is from an immigrant background, and the percentage is even higher among the younger generations" (Alba and Foner 2014, 265). This means that both the benefits and challenges of multicultural societies are already "woven" into the fabric of European life. These realities give a crucial background against which to consider the influx of refugees that Europe has experienced since 2015.

This permanent process is one of the key subjects of discussion on human rights and the ability of democracies to guarantee the rights and freedoms of citizens coming from conflict zones. In the case of the European Union, the challenge is much more complex, as the policies of some member countries on immigration and human rights do not always coincide with those promoted at supranational level by the Union.

Massive actual migration to the European continent is a subject that mainly develops two challenges to the territorial security and good coexistence among Union citizens. First of all, the idea of a Europe without frontiers was raised,

emphasizing the importance of cultural heritage enriched by the contribution of immigrants in the conflict zones, and simultaneously stressing the long-term commitment of the member countries to the Schengen Agreement. This aspect has gain amplitude in the light of the terrorist attacks in Paris (2015), resulting in calls by the political staff to strengthen border security to counter future similar dangers. Second, the high volume of immigrants and the complexity of the situation have put the European system to the test. Certain countries, especially those on the southern border of the Union, have reached the greatest limit in managing the unexpected flow of refugees and have respected European standards in asylum rules. However, the problem is brought to the forefront by the intentions of those who cross illegally, because some of them are human traffickers or carry out other illegal activities.

Migration and cultural heritage – the latter defined generically as a strategy for managing ethnic diversity – are closely related. Mass migrations inevitably raise issues of social and political management of ethno-cultural relations, and this becomes problematic when mass migrations intensify and/or significantly alter the established ethnic composition (as well as the sociocultural status quo that accompanies it).

In the most general sense, the recent intensification of mass migrations (estimated globally at 210-250 million people, with 45 million refugees alone) is an integral part of globalization – the increasing cross-border flows of information, internationally portable capital, globally tradeable goods and services, values and norms, and, most importantly, ever more “mobile” people (Livi-Bacci 2014, 26). This last dimension of globalization – the increasing mobility of people – has proven the most problematic and difficult to manage on the European continent. There are six interrelated reasons for these difficulties and the accompanying anti-immigration backlash:

- The recent waves of mass migrations have been sudden, powerful, and less controllable by the receiving states than past waves. In Europe, they involve not only “intra-EU” migrations – which produce only moderate strain – but also much more socially problematic and politically traumatic “extra-EU” movements of economic and political refugees, for example crisis migrations from Africa and the Middle East, often from regions ravaged by conflicts, such as Syria;

- These waves involve, often for the first time, large number of people who are very different from the host populations, not just in their languages, cultures and identities, but also in their religious beliefs, outlooks, lifestyles and everyday practices. Absorption of such immigrants, especially Muslims from the destabilized regions of



Middle East, has proven more difficult than the absorption and integration of more similar immigrants in the past;

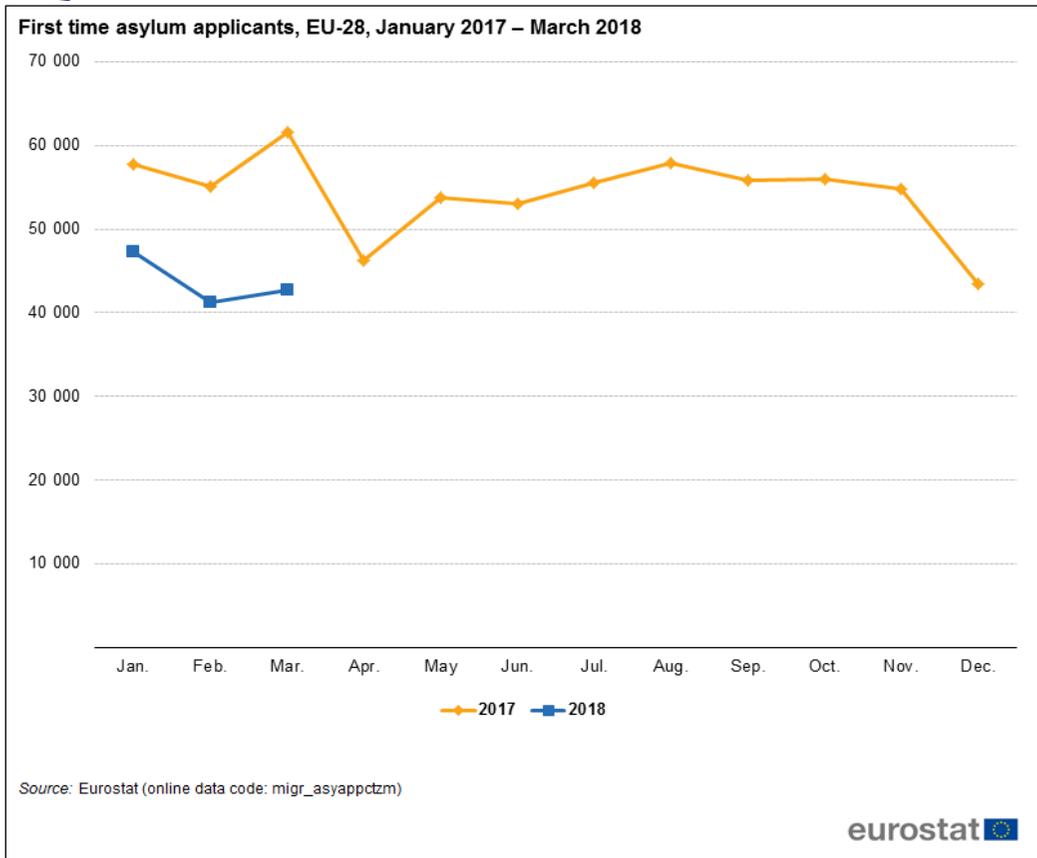
- Europe's immigration regime bifurcate. The eastern neighbourhood of the European Union, which comprises a distinct group of former Soviet Union countries (the Russian Federation, Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan), is an area of competing influence between Russia, which hopes to keep and strenghtens its regional hegemony, and the EU, which has forged cooperative relations with Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, mainly on the basis of Partnership and Cooperation Agreements. The competition also involves quite distinct strategies of management of mass migrations and immigrant integration, thus creating a competing migration system within Europe;

- Many "external" (extra-European) immigrants have limited knowledge and experience of their European host societies, and therefore less integration capacity than intra-European migrants. This is often exacerbated by the traumatic experiences of migration, thus producing a tendency for ethno-religious communalism, sometimes even defensive particularisms, which, in turn, provoke a hostile backlash from host populations;

- Mass immigrations in the 1990s and 2000s has coincided with waves of terrorism and the national security scares which accompany them, especially those related to Islamist terrorism. They also coincide with "backlash terrorism" (as illustrated by Breivik's murders in Norway). Consequently, "others" – especially Muslim immigrants – are suspected of disloyalty, anti-western sentiments and, generally, of reluctance to integrate with their host societies. Radical declarations by religious zealots, themselves leaders of backlash movements, further increase such suspicions;

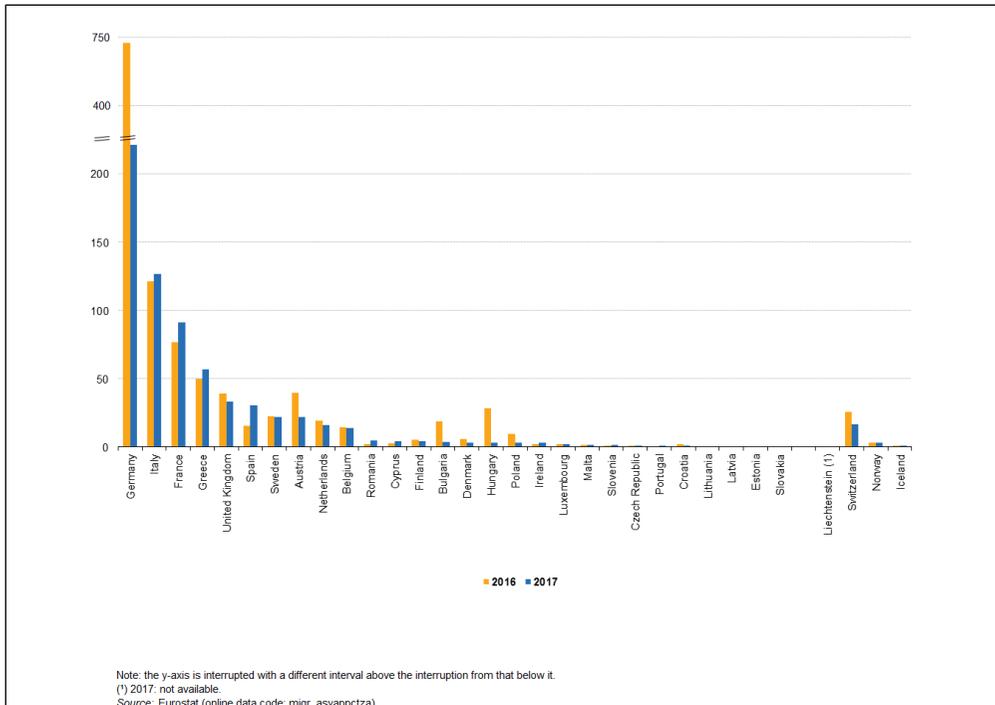
- The Great Recession, hitting the "Mediterranean belt" of the EU, which also receives the largest number of "non-EU" immigrants, exacerbates tensions. These immigrants face high unemployment and hostility from local workers forced to compete for scarce jobs.

Statistics provided by the UNHCR and the European Union are very relevant for the dimensions of this problem (UNHCR 2016, 7). As Eurostat show on its diagrams, in 2017, 650 thousand first-time asylum seekers applied for international protection in the Member States of the EU; 538 000 asylum seekers were granted protection status in the Member States of the EU in 2017; In 2017, nearly half (46 %) of EU first instance asylum decisions resulted in positive outcomes.



Countries of destination: Germany, Italy and France the main

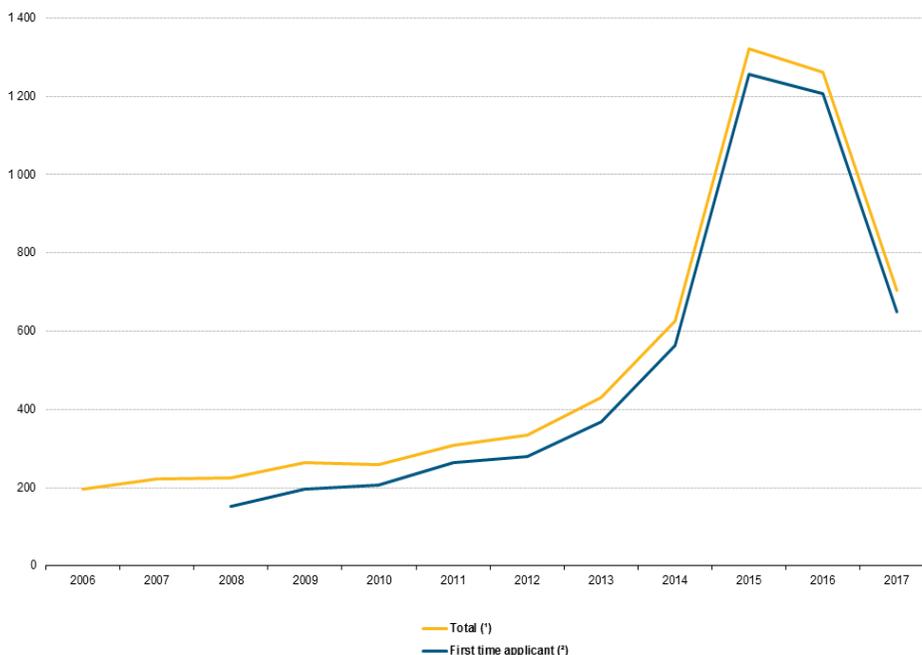
With 198 thousand applicants registered in 2017, Germany accounted for 31 % of all first-time applicants in the EU-28. It was followed by Italy (127 thousand, or 20 %), France (91 thousand, or 14 %), Greece (57 thousand, or 9 %), the United Kingdom (33 thousand, or 5 %) and Spain (30 thousand, or 5%). Among Member States with more than 5 thousand first-time asylum seekers in 2017, the number of applicants compared in relative terms with the previous year rose most in Spain (+96 %, or 15 thousand more first-time asylum seekers in 2017 than in 2016), France (+19 %, or 14 thousand more), Greece (+14 %, or 7 thousand more) and Italy (+4 %, or 5 thousand more). In contrast, the largest relative decreases were recorded in Germany (-73 %, or 520 thousand less first-time asylum seekers in 2017 than in 2016), Austria (-44 %, or 18 thousand less), the Netherlands (-17 %, or 3 thousand less) and the United Kingdom (-15 %, or 6 thousand less).



Number of asylum applicants: drop in 2017

Having peaked in 1992 (672 thousand applications in the EU-15) when the EU Member States received many asylum applicants from former Yugoslavia and again in 2001 (424 thousand applications in the EU-27), the number of asylum applications within the EU-27 fell to just below 200 thousand by 2006.

Focusing just on applications from citizens of non-member countries (see Figure 1), there was a gradual increase in the number of asylum applications within the EU-27 and later the EU-28 through to 2012, after which the number of asylum seekers rose at a more rapid pace, with 431 thousand applications in 2013, 627 thousand in 2014 and around 1.3 million in both 2015 and 2016. As such, the number of asylum applications within the EU-28 in 2015 and 2016 was about double the number recorded within the EU-15 during the previous relative peak of 1992. In 2017, nearly 705 thousand asylum seekers applied for international protection in the Member States of the European Union (EU). This was just over half the number recorded in 2016, when nearly 1.3 million asylum applicants were registered. This figure is comparable to the level recorded in 2014, before the peaks of 2015 and 2016.



(*) 2006 and 2007: EU-27 and extra-EU-27.

(*) 2006 and 2007: not available.

Source: Eurostat (online data codes: migr_asyctz and migr_asyappctza)

2. The European heritage and its significance in an era of conflicts

The European Year of Cultural Heritage 2018 is not only a moment to celebrate the existence of a very rich collection of material and spiritual assets belonging to each member state of the Union. It is also a moment of reflection to the latest transformations and processes (less or more visible) regarding the social and demographic profile of the European population within the Community. The European Union is a geopolitical conglomerate in which there are a permanent population movement and consequently the cultural and ethnic contacts are more and more intense. No one can contest the fact that the cultural establishment are a major challenge to the Union's future on medium and long term. In this context, we can initiate a discussion with respect to the possibilities and opportunities for the European Union to create a space of liberty, security and justice for all its nations, through the cultural heritage as a unity factor.

The European Culture Forum, which took place in Milan at 7 December 2017, has emphasized the importance of connecting political Union with other elements



subjected to the heritage of each nation living on the continent. This is a biennial flagship event organised by the European Commission, aimed at raising the profile of European cultural cooperation, uniting the sector's key players, taking stock the European Agenda for Culture's implementation, and sparking debate on EU culture policy and initiatives. The 2017 edition marked also the official launch of the European Year of Cultural Heritage 2018, the thematic EU year devoted to our common cultural assets and all their aspects.

Behind this event we can discover some aspects related to the diversity and complexity of European society. After the waves of migration from the regions affected by military conflicts, the configuration of European multi-ethnic spectre has changed and the issue of conciliating the autochthonous and new cultures has risen. At the institutional level of the European Union and within the political structures of the countries that received the highest number of immigrants, the question of managing this afflux become a constant point on the public agenda.

Not coincidentally, this issue appeared similarly with an accelerated promotion of the concept of human rights among the migrants, mostly through the media. But it is good to know that the largest proportion of the migrants go to the Western European countries where the living standards are better by comparison with the Eastern Europe.

Following these findings, we understand that the assimilation and integration of the continuous waves of migrants are the major challenge for the citizens of the Western Europe. The rise of far-right populism and of nationalism is also a barrier to the implementation of an efficient strategy at the European level to join the autochthonous people with the new comers. From this point of view, a plan based on the cultural heritage which overcomes the political and national issues are a suitable solution.

The European Year of Cultural Heritage is an intellectual project designed for the people. Its aims and scopes are linked to the rising prejudgment about ethnic and cultural minorities. Its necessity is justified in a fractured Europe, where it is a real "wall" between the Christians and Muslims, the Eastern people and the Western, the developed urban population and the rural. The main purpose is to raise awareness of the social and economic importance of cultural heritage. Thousands of initiatives and events across Europe will provide the possibility to involve citizens from all backgrounds. The aim is to reach out to the widest possible audience, particularly children and young people, local communities and people who are rarely

in touch with culture, to promote a common sense of ownership.

Statistics are encouraging and these actions to promote cultural variety and tolerance in Europe are welcome. According to a new Eurobarometer survey released in December 2017, 8 out of 10 Europeans think cultural heritage is not only important to them personally, but also to their community, region, country and the European Union as a whole. A large majority take pride in cultural heritage, whether it is located in their region or country, or in another European country. More than 7 in 10 Europeans also agree that cultural heritage can improve their quality of life. The survey also shows that 9 in 10 think cultural heritage should be taught in schools. Three quarters of Europeans primarily Member States and the EU should allocate more resources to protecting Europe's cultural heritage.

But, if things are ok when we take in consideration the Europe's cultural heritage, everything is changing when we speak about integrating new populations into the existing establishment. At this moment, the social framework in the EU is too fragmented to allow a successful assimilation of the newcomers. Moreover, the extremist movements and their political claims are in contradiction with the objectives mentioned before. To prove these statements, the case of immigrants from Syria is very eloquent and we present there a detailed situation.

3. The refugees and the EU's policies: integration through the human rights and „cultural democracy”

Solving the refugee crisis and integrating them to the Europe's life is insufficient without an approach based both on human rights and the cultural heritage. Human rights are, in this case, an instrument to ensure that the refugees have same chances compared to the autochthonous citizens. But the cultural heritage is a warranty for creating a common framework of cohabitation. It should not be a barrier between civilizations; on the contrary, ethnic culture must be a way to a better understand of the integration process within the European Union.

The EU's institutions are challenged by the problem of refugees, mainly because the point of view from each member state are different, but also the legislative lack is very visible.

From the first perspective, the member states do not have the same opinion. In other words, the political consensus does not exist yet because the governments „color” is different in each country.

Germany, Greece, Hungary and Italy are only four examples offered by Human Rights Watch to prove that there are different ways to approach the refugee crisis (HRW World Report 2017). The conflict between the migration control and the respect of fundamental values including human rights are the source of conflict in all these cases. As Sonia Morano-Foadi says, „the debate underpinning the nexus between human rights and immigration law, concerns, above all, the scope of the European Convention of Human Rights (ECHR) and EU laws at the national level. There is a human right of every person, citizen or foreigner, to leave a country, which can be found in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All forms of Racial Discrimination and Article 2 of Protocol 4 to the ECHR. However, non-EU citizen’s rights to enter and reside in a Member State are not as such guaranteed by the Convention, international or EU law, although immigration control has to be exercised in Europe consistently with the Convention’s obligations and the EU Charter of the Fundamental Rights” (Morano-Foadi and Vickers 2015, 127).

Human Rights Watch has investigated for a long time the refugee crisis and their analysis indicates that in some countries of the EU, violations of human rights can be found due to the political deviations from the European consensus on this value. The European democratic model is founded on pillars which include human rights and the rule of law, but some political leaders such as Viktor Orbán in Hungary and Matteo Salvini in Italy.

Human Rights Watch said „The European Union and its member states were too often willing to set aside human rights in 2017, but there were glimpses of a more principled approach” (2018, 2). In this sense of the distortion of the European common democracy, HRW affirms that ”It was clear during 2017 that treating human rights in the European Union as an optional extra won’t defeat the populist extremists or their ideas”. (HRW 2018, 3)

Germany

In 2016, Germany continued to grapple with the implications of the arrival of 890,000 asylum seekers and migrants in 2015. A number of attacks in July, some inspired by or claimed by ISIS, put the spotlight on the country’s counterterrorism policy. Authorities sought to respond to a wave of arson attacks on asylum-seeker housing, with federal police reporting more than 850 such attacks between January and mid-November 2016.

Authorities took some steps to address the shortcomings in Germany's response to hate crimes, including training law enforcement and judicial authorities to improve the investigation and prosecution of racially motivated crimes. In March, a chief judge at a district court sentenced three people to prison for hurling a gasoline bomb into an asylum-seekers' apartment and pointed to the attackers' xenophobic and racist motives.

Several changes were made to asylum law and policy. In February, the Federal parliament passed restrictions on family reunification rights for people who do not qualify for full refugee status, and in July, passed a law aimed at integrating refugees, beneficiaries of subsidiary protection, and certain asylum seekers, conditioning access to benefits and permanent residence status on coöperation with language and other integration requirements.

After a series of attacks in July, Germany amended several existing counterterrorism-related laws in an effort to increase coördination among intelligence agencies. Germany's highest court in April struck down parts of a 2009 counterterrorism law expanding the federal police authority to investigate and gather intelligence on terrorist threats, on grounds of inadequate safeguards to protect privacy.

In October and November respectively, the lower and upper houses of parliament approved a law permitting surveillance of journalists outside the EU, despite extensive criticism of the measure by human rights groups, the OSCE representative on media freedom, and three UN special rapporteurs. Several groups subsequently announced their intention to challenge the law in the constitutional court.

Mass sexual assaults against women in Cologne, Hamburg, and other German cities on New Year's Eve prompted debate about the police failure to respond effectively to violence against women. In July, Germany made it easier to prosecute suspects of sexual violence by removing a requirement that the victim physically resist assailants in order to bring charges.

Greece

Despite reforms to address chronic deficiencies, Greece's broken asylum and reception system deteriorated. While the numbers of arrivals by sea fell after the EU-Turkey deal, border closures along the Balkans route preventing asylum seekers from leaving, limited solidarity from other EU governments and ongoing arrivals by sea left more than 60,000 asylum seekers and migrants stranded in the



country. Thousands who arrived after the EU-Turkey deal were restricted to islands in the Aegean, often in closed facilities, while tens of thousands face abysmal conditions across the country. By mid-November, only 5,654 asylum seekers had been relocated from Greece to other EU countries, out of the 66,400 initially planned, even as the European Commission pressed Greece to start accepting returns of asylum seekers who translated the country under the Dublin regulation.

A Greek law adopted in April to ease implementation of the EU-Turkey deal allows for expedited examination of the admissibility of asylum claims in order to determine whether asylum seekers can be safely returned to Turkey to be provided temporary protection or to have the merits of their claims assessed there. At time of writing, only 12 asylum seekers have had their cases ruled inadmissible following an appeal, but none of them had been deported to Turkey. At least one Syrian is challenging the decision at Greece's highest court, the Council of State.

More than 700 people were removed to Turkey under the deal after their claims were considered in Greece under a fast-track border procedure and rejected on the merits or because they did not file an asylum claim or agreed to return voluntarily.

Most asylum seekers entering Greece came through the Aegean islands, and were processed in EU-mandated asylum centers known as hotspots. More than 16,000 asylum seekers and migrants staying in the islands' hotspots face appalling detention and reception conditions, including severe overcrowding, significant shortages of basic shelter and unsanitary, unhygienic conditions. Women, children and people with disabilities are particularly affected.

Long lines for poor quality food, mismanagement, and lack of information contributed to a chaotic and volatile atmosphere. Fights occurred on a frequent basis, particularly in the food lines, at times with no police intervention, while women and girls were exposed to sexual harassment and violence.

Greek authorities drew criticism over their failure to put systems in place that would allow the full disbursement of EU assistance to improve reception conditions.

An estimated 4,370 unaccompanied migrant children entered Greece during the year, according to the National Center for Social Solidarity (EKKA). Unaccompanied migrant and asylum-seeking children were often detained in police cells or closed facilities in the islands, due to the lack of adequate

shelter accommodations. At time of writing, an estimated 1,610 were waiting to be placed in a dedicated facility.

A large-scale asylum pre-registration process between June and July aimed to improve access to asylum and speed-up relocation, benefitting 27,592 asylum seekers. Despite these efforts, access to asylum remained difficult and subject to delay.

Civil society groups reported an increase in attacks and intimidation of asylum seekers and migrants on the islands and in the mainland in the second half of the year, and an inadequate police response. In a March landmark ruling, the ECtHR criticized Greece for failing adequately to investigate a racist attack against an Afghan national in 2009.

In September, Council of Europe Commissioner for Human Rights Muižnieks urged Greece to protect the human rights of persons with intellectual and psychosocial disabilities and move them out of institutions into the community. Children with disabilities were removed from an institution in Lechaina notorious for abusive practices, but in some cases transferred to other institutions rather than into community-based care.

Hungary

Hungary saw a significant decrease in asylum applications in 2016. By early September, Hungary had registered 26,192 asylum seekers, compared to over 150,000 during the same period in 2015, according to UNHCR. The majority of asylum seekers in 2016 came from Afghanistan and Syria.

February 2016 border closures on the Western Balkan route, combined with increased restrictive measures along Hungary's border with Serbia, criminal prosecutions of irregular border crossing and pushback, often accompanied by violence, at Hungary's border with Serbia contributed to the decrease.

An April law restricted the rights of asylum seekers and cut integration support for recognized refugees. The same month, the government announced the closure of the largest open reception facility by the end of the year.

An accelerated fast-track border procedure effectively bars asylum seekers from meaningful access to the asylum procedure. A July law legalized push-backs to the Serbian border, enabling police officers to escort to the border anyone caught irregularly eight kilometers inside Hungary. The law, together with low daily caps on entry, leaves asylum seekers—including children, families and people with disabilities—stranded at the border for weeks in poor conditions.



During 2016, the government continued its anti-immigrant rhetoric. In February, the government announced a national referendum on the EU relocation plan requiring Hungary to accept 1,294 asylum seekers and in July launched a government sponsored and tax payer funded anti-immigrant campaign. A low turnout for the October referendum meant that the result was invalid, although most who did vote supported the government's position.

Journalists continued to work in a hostile environment. In September, the editor-in-chief of Budapest Business Journal, Tom Popper, resigned after being told by its publishers to stop mentioning refugee issues in the editorial column. The largest opposition daily newspaper, Nepszabadsag, and its website closed down without warning in October with its owner citing financial losses and plummeting circulation.

Roma continued to face discrimination in housing, education, and public health care. In September, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities urged Hungary to end discriminatory segregation of Roma schoolchildren.

In August, a lower court sentenced a right-wing extremist to 10 years' imprisonment for violent attacks between 2007 and 2009, including throwing Molotov cocktails at the homes of socialist MPs and an attack on a gay bar in Budapest.

In January, the ECtHR ruled that secret surveillance by the Hungarian Anti-Terrorism Task Force had violated privacy rights. The grounds for the decision included Hungary's failure to provide judicial oversight over Task Force actions and other sufficiently precise and effective safeguards.

In July, the ECtHR ruled that Hungary had arbitrarily detained an Iranian gay man and failed to take into account his vulnerability in detention arising from his sexual orientation.

By late October, 26 homeless people had been charged with misdemeanours under local decrees banning the homeless from residing habitually in public spaces, compared to 71 in the first 10 months of 2015.

Particularly in the case of Hungary, non-compliance with European law also implies violations of human rights as they form an integral part of the Union's policy on refugees and asylum seekers. Thus, one of the issues still unresolved is the disagreement between the European political directions and those of the member countries, which do not always coincide. One of the obvious causes of mismatch is

the rise to power, in countries like Hungary and Poland, of far-right parties. Another pressing issue is populism as a political style, adopted more and more frequently in the countries of Central and Eastern Europe.

Italy

By mid-November, 164,695 migrants and asylum seekers reached Italy by sea, according to UNHCR. Nigerians, Eritreans, and Sudanese made up the largest national groups. Numbers of unaccompanied children increased significantly, with an estimated 23,000 traveling alone to Italy by mid-September compared to 12,360 in all of 2015. The International Organization for Migration estimated that 80 percent of all Nigerian women arriving in Italy had been trafficked or were at risk of being trafficked into sex work.

New asylum applications and rejection rates increased compared to 2015, as increased border controls by neighbouring countries prevented onward movement. Most asylum seekers lived in temporary emergency facilities of varying standards. Concerns persisted about use of force for fingerprinting as well as overcrowding and lack of protection for unaccompanied children at hotspots. At time of writing, only 1,570 asylum seekers had been relocated to other EU countries out of the 39,600 initial target under the EU plan.

Italy intensified negotiations with countries such as Sudan, Gambia, and Libya on migration control, including to facilitate deportations. In August, after a memorandum of understanding with Sudan, Italy deported 48 Sudanese it claimed had not sought to apply for asylum amid concerns about the procedure.

A bill to make torture a criminal offence in domestic law, approved by the lower house of parliament in 2015, languished in the Senate at time of writing. In February, the ECtHR ordered Italy to compensate an Egyptian cleric known as Abu Omar for complicity with his 2003 rendition and for failing to make sure effective punishment for those responsible. At time of writing, one of the 22 CIA agents convicted in absentia by Italian courts in the case was fighting extradition from Portugal. At issue is Italy's refusal to grant her a retrial.

Italy continued to expel terrorism suspects under a procedure that explicitly denied the right to an in-country appeal. Italy expelled 47 individuals, many of them to Tunisia and Morocco, in the first eight months of 2016.

In April, the Council of Europe's Social Rights Committee said the fact that 7 out of 10 doctors in Italy are "conscientious objectors," meaning that they refuse to provide abortion services in some or all circumstances, created serious difficulties



for women accessing safe and legal abortions. As of May, same-sex couples may have their relationships legally recognized as civil unions, though they do not have the right to adopt.

Populism promoting attitudes and behaviours to exclude certain social categories, is incompatible with the concept and practice of human rights. Thus, the question is whether there are still “classical” parties, in the true sense, or politics is more and more diverted to a mere exercise of power, without effective governance for the benefit of the citizens.

The Syrian Crisis has played an important role in the proliferation of asylum applications in Europe. Treatment of Syrians seeking asylum varies greatly depending on the host country. Some Council of Europe signatories, such as Germany and Sweden, have committed to receiving Syrian refugees, whilst others have been unwilling to offer assistance. This is problematic: refugees living in cities are quickly running out of money, the cost of this wave of migration is adding up, and international support is very limited. More worryingly still, many Council of Europe members, including several EU member states, have provided extremely inadequate protection to those affected. Despite the assurances provided by some European countries, Europe’s tackling of the Syrian refugee crisis has been uncoordinated and unbalanced, failing both to take collective responsibility and to address the human rights impact of the Syrian crisis effectively. This reflects the broader problems in Europe’s asylum policy. (Frantziou et al. 2014, 1)

Perceptions on immigrants’ income are important to determine how the cultural heritage and human rights work in order to establish an advantageous social environment for the autochthonous people and for new ethnic groups. Unfortunately, information about the immigrants are suddenly distorted by the media and presented through preconceived ideas. Negative portrayals of migrants and asylum-seekers in the media and by public figures do a tremendous disservice to the vast majority of those arriving, and to the principle of inclusive societies. It is not only far-right, anti-immigrant parties that have distorted reality to prey on people’s fears. In Hungary, Viktor Orbán describes those arriving as illegal economic migrants, warriors or potential terrorists. Following the Paris attacks, he ratcheted up the rhetoric, saying, “The factual point is that all the terrorists are basically migrants, the question is when they migrated to the European Union” (Sunderland, 2016).

From this point of view, I considered that an apolitical and de-

ideologized concept such as human rights is an essential key to solving the intercultural conflict caused by the arrival of Syrian refugees in the European Union. Of course, not only the Union officials have paid attention to the subject, but also the Council of Europe has shown itself to be particularly concerned about the importance of the issue, often drawing attention to the negative consequences of the exacerbation of nationalism by some governments.

Beyond the divergences between countries regarding refugee quotas, a lesser consideration is worth discussing: the contribution of these immigrants to the European Union's ethnic and cultural variety. The huge wave of refugees inherently brings about a consistent cultural baggage that is required to be capitalized and „inventoried” to be used as an argument against the intolerance of certain public opinion formers. Moreover, these immigrants bring a totally different way of life compared to the European one, dominated by the religious dimension, to which is added a whole collection of traditions specific to the Middle East. The lives of those people are carried out beyond the coordinates of Europeans, being marked by spirituality, by faith in local divinities or by certain specific practices, compared to the daily of Europeans in which Christianity occupies generally the central place relative to the interaction between individuals.

In this respect, it is about the accommodation of Europeans with the new model of life brought by immigrants, and the approach from the perspective of cultural heritage is, as we consider, an efficient one because it excludes possible racist, anti-Semitic or xenophobic disagreements and behaviours. The cultural domain is characterized by total freedom of expression, acceptance of differences without prejudices, recognition of the value of others regardless of their ethnic or social origin. This is an aspect that we want to highlight in this material. The European Union aims to respond in 2018 to key questions on this subject: “How can we better promote the great potential of cultural heritage? How can we maximise its social and economic benefits? How can we better protect and manage our cultural heritage while ensuring that people from all backgrounds have access to it?” (European Commission 2017)

As we read on the dedicated site, “Cultural heritage shapes our everyday lives. It surrounds us in Europe’s towns and cities, natural landscapes and archaeological sites. It is not only found in literature, art and objects, but also in the crafts we learn from our ancestors, the stories we tell our children, the food we enjoy and the films we watch and recognise ourselves in. Cultural heritage binds Europe



together through our common history and values. It also represents the richness and diversity of our cultural traditions. Our shared cultural heritage is to be understood, cherished and celebrated. Yet cultural heritage is not only a legacy from the past. It also helps us forge the way ahead and design our future” ((European Commission 2017).

If we analyse the arrival of refugees in Europe through the enrichment of cultural heritage, we have the opportunity to make new contributions to the ethnic and linguistic mosaic of the Union. In this way, the drifts of right-wing extremism and secessionist initiatives can be combated by engaging citizens in accommodating actions with the specifics of the new inhabitants. Information campaigns and the promotion of diversity at the expense of nationalism can be successful tools if they are supported by an equally effective normative base that brings peace and social cohesion to those regions with a large number of refugees.

The importance of associating human rights and cultural heritage in addressing the refugee crisis is justified by the fact that the human resource itself is a key element. An interpretation of European cultural space only from the point of view of local artistic and scientific production is limited because it does not encourage diversity. Immigrant communities in Syria or other regions affected by conflicts also have a material and spiritual heritage that can be integrated into the European space without creating controversies.

Finally, protection of the cultural identity has become a concern for communities, groups and Peoples on all continents, because their own culture are a major layer of their dignity. In this context, we emphasize the efforts made by the EU institutions to promote human rights as a concept for affirming the identity of refugee communities. Experience of the last years shows that the violation of human rights has led to the creation of unnecessary tensions between majority and ethnic minorities when the conservation of cultural heritage of the latter category has been raised. Issues related to the diversity of cultures and different cultural expressions must be dealt within the framework of human rights and fundamental freedoms. When the nationalist arguments are all used up, the common cultural heritage, cultural democracy and its advantages come into action and create new perspectives in a heterogenous area such as the European Union.

References

- Alba, Richard, and Foner, Nancy. 2014. "Comparing Immigrant Integration in North America and Western Europe: How Much Do the Grand Narratives Tell Us?". *International Migration Review*, vol. 48, issue 1:1263-1291.
- European Commission. 2007. Flash Eurobarometer. Intercultural dialogue in Europe: Analytical Report
- European Commission. 2017. *Spotlight on The European Year of Cultural Heritage 2018* (December). <http://publications.europa.eu/webpub/com/factsheets/cultural-heritage/en/>
- European Stability Initiative (ESI). 2017. *The refugee crisis through statistics. A compilation for politicians, journalists and other concerned citizens.* <https://www.esiweb.org/pdf/ESI%20-%20The%20refugee%20crisis%20through%20statistics%20-%2030%20Jan%202017.pdf>
- Frantziou, Eleni, Staiger, Uta, Chaytor, Sarah. 2014. *Policy Briefing. Refugee Protection, Migration and Human Rights in Europe* (May 2014). University College London.
- Human Rights Watch. 2018. *EU: Treating Rights as Optional Extra. Migration, Terrorism Responses Should Reflect Core Values.* <https://www.hrw.org/news/2018/01/18/eu-treating-rights-optional-extra>
- Human Rights Watch. *World Report 2017*: <https://www.hrw.org/world-report/2017/country-chapters/european-union>
- Livi-Bacci, M. 2012. *A Short History of Migration*. Cambridge: Polity Press.
- Morano-Foadi, Sonia, and Vickers, Lucky. 2015. *Fundamental Rights in the EU*. Oregon: Oxford and Portland.
- Sunderland, Judith. 2016. "For Europe, Integrating Refugees Is the Next Big Challenge". *World Politics Review* (April). <https://www.worldpoliticsreview.com/>
- UNHCR. 2016. Regional Refugee and Migrant Response Plan for Europe. Eastern Mediterranean and Western Balkans Route.