



MIGRANTS' RIGHTS AND STATUS OF PALESTINIAN'S MIGRANTS AND REFUGEES

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Abstract

A country's integration, peace, and stability is significantly determined by fact of its respect towards human rights. Every individual should have access to human rights (HR) without discrimination of race, religion, or other factors. States have a responsibility to defend their population against all dangers. Every country in world needs to establish certain characteristics and values of HR that are essential important for the welfare of the populace and democratic principles. These human rights are necessary for the peace and stability of the world. It has been observed some people in the world cannot avail or get some HR easily as compared to other people. Migrants, refugees and asylum seekers are among those people who cannot avail some fundamental HR. This article will hence find what the human rights are and why these rights are necessary for human beings. It will also find what are the specific rights for the migrants and why these laws are necessary for the protection of migrants.

Key words: Human Rights, Right of Movement Policy, Migrants

Introduction

The idea of human rights has been developed and transformed into laws, treaties, guiding principles, and other forms of governmental rights. Laws may apply to people who live alone or in communities, domestically or abroad. When a government is established, it is required to uphold specific legal rights to defend fundamental freedoms and human rights for each person or group. Human Rights have been a cornerstone of all international law development (Koltay, 2015). Each and every human being continues to be tied to and dependent upon other humans in their pursuit of their human rights. It means that each individual's rights are related to responsibilities, duties, and other features with other individuals. It is a shared set of rights and responsibilities. Every person must make sure that when exercising their rights, they do it in a way that is considerate of the community and others around them (Nicol, Millar, & Sharland, 2009). To be more specific, a person should remember not to intrude on another person's right to privacy if they use their right to free expression (Dicey, 1915).



These rights are only guaranteed and preserved when the government creates laws and upholds legal services so that carefree people can enjoy and respect their rights. Human rights essentially encompass all elements of human activity and also include civil and political rights, ensuring that one can engage in both activities free from discrimination and repression (Rowbottom, 2018). It includes the freedom and right to vote, which are fundamental for choosing a government in any community and continue to be everyone's fundamental civil and political rights. Along with the freedom from torture and other inhumane treatment, it also covers the right to privacy and the freedom of speech. Another fundamental right that a person must exercise in order to develop and succeed is the right to engage in economic, social, and cultural activities, such as working for a living and pursuing education (McCombs, 2005). Several groups and states, in particular, make huge and selfless contributions to maintain these rights (Fenwick & Phillipson, 2006).

Since "man is born free," constraints on that fundamental right cannot be put in place unless absolutely necessary for the purposes of due process of law. Everyone has an unalienable right to freedom in all of its manifestations, including in physical, economic, social, cultural, political, and other aspects. Additionally, it might cover the rights to freedom of religion, of expression, of speech, and of movement. Islam has established a model for respecting each person's right to practice their religion in accordance with their personal beliefs. By upholding this strict principle consistently, Islam has avoided declaring or prescribing any punishments or penalties for people who attempt to convert to another religion or who abandon Islam (Idris, 2003; Baker, 1989).

If a state does not offer or guarantee its residents' fundamental rights, it cannot be classed as a democratic and welfare state. To be completely democratic and to offer total welfare, a state must respect and preserve human rights to the utmost extent feasible. Around the world, more states are adhering to basic human rights. Additionally, states are frequently criticized for not providing essential HR. Western countries are categorised as welfare states because of their steadfast dedication to fundamental human rights, particularly the USA, Canada, Germany, and UK. Similar to modern nations, they exhibit tremendous concern whenever any individual rights are violated (Oster, 2017). Even with such emphasis on rights, certain people's rights around the world continue to be abused, especially during conflicts and times of crisis (Milo, 2008). Amnesty International underlined in its study that human abuse still happens everywhere. The study found that 81 states still ruthlessly torment people without having any regard for their humanity. This investigation indicates that unfair trials are still taking place in 54 different nations. People in these 54 states are subjected to rigged trials at their expense. 77 states have placed constraints on the right to free expression, according to the report. Rights of people are violated in difficult circumstances, such as wars, when most states seek to defeat their enemies. The rights of people are similarly overlooked and violated by many states during political upheavals, civil struggles, and similar events. But occasionally, even in times of peace, people's rights are abused (Neill, 2014). Migrants and refugees are the group whose rights and privileges are even violated in peaceful times. Migrants are often treated discriminately and become victim of hate speech all around the world. It would be wiser to first comprehend the migrants before talking about any more rights (Refworld, 2003).



Who are Migrants and Refugees?

In international law, the term migrant or refugee is not precisely defined and has a lot of ambiguity. It can be characterized as an understanding of a person who travels from his or her home for any purpose to an unfamiliar location (Guild, 2018). Such exotic locations can be found both domestically and across international borders. In international law migrants can refer to a variety of people. For instance, the term migrant or refugee might refer to smuggled individuals, foreign labor, and even international students (IOM, 2022). Those who were born abroad and want to go to another country are considered migrants (The Migration Observatory, 2021). In 2020, the numbers of migrants reached to 281 million migrants worldwide, according to certain estimates. This indicates that many people have relocated from their own countries to other states. According to other data, the current global population, which includes both domestic and international migrants, is around 3.6% larger.

The number of migrants and refugees entering western states, particularly the USA, UK, Canada, Germany, Italy, France, and some other industrialised states, is enormous. Migrants from middle-income states make up the majority of the global population. There are many causes of migration, but the main ones include poverty, lack of access to a good standard of living, unemployment, deteriorating political and security conditions, a lack of educational resources, and occasionally climate variables. The migrants primarily relocate to neighboring states or somewhere else particularly in search of a better job, a better living, better civic conditions, better health conditions, and better security conditions. In order to find political protection, people frequently relocate to neighboring states. These people seek asylum in other countries. People periodically leave their country when their race or religion is being persecuted. As a result of such oppression and persecution, people could flee their own nation. People who flee their home nation out of fear of persecution due to their race, religion, or country of origin are considered refugees, also referred to as humanitarian refugees. Their decision of where to settle will be influenced by which nations have more permissive immigration laws for humanitarian migrants than others (European Parliament, 2020). There are times when people leave their own countries because of the lack of security there. Thousands of people from Syria, Afghanistan, Iraq, and other Middle Eastern countries have moved to Western Europe during the past five years in search of safety and shelter (IOM, 2022).

Human Rights of Refugees and Migrants

In many regions of the world, immigrants are particularly susceptible to prejudice, discrimination, intolerance, and racism. The discrimination and hate speech towards migrants, however, has been worse over the past few decades, especially in the last few years, in many different parts of different countries. Governments view them (migrants) as a burden. Many regions of the world have noted that immigrants are still unable to adapt the local customs and traditions of their new countries. They become targets of prejudice and hate speech because to this discrepancy. They receive poor treatment and are associated with criminal and terrorist activity in many regions of the world. They are frequently accused of having ties to terrorist groups. Because of their connections to terrorist groups,



host populations often act hostile towards migrants and engage in conflict with them. While this is happening, most governments tend to take severe action against immigrants. Additionally, news organisations and politicians used the opportunity to criticize migrants and incite hate speech against them in order to get more support from the local populace (Toolkit, 2015). The United Nations (UN) defines hate speech as a term that encompasses a variety of behaviors, including any speech, writing, attitude, or behavior that disparages or uses obscene language in reference to an individual or a group of individuals based on factors such as their identity, color, gender, race, nationality, or even ethnicity and religion. Hate speech frequently only targets immigrants and is typically driven by xenophobia, racism, and prejudice. The most affected by hate speech, according to many studies and statistics, are migrants. It is the responsibility of the state to take the following actions in response to hate speech: 1. Create an environment that supports the exercise of the right to free expression; 2. Protect people's rights to equality and take uniform action to eliminate discrimination; 3. Encourage other stakeholders, especially the media, to take voluntary actions to address the root causes of prejudice and intolerance, to challenge and change these attitudes.

.Like other human rights international organizations and agencies have also set proper rights privileges for the migrants as well. As according to article 13 of UDHR;

- (1) Everyone has the right to travel and live anywhere they choose within the boundaries of each state.
- (2) Everyone worldwide has the freedom to travel outside of any nation, including their own, and then return there.

Regardless of color, religion, political opinion, national or social origin, property, birth, or any other status, everyone has the right to all freedoms and rights, according to article 2.

Article 7 states that everyone has a right to equal treatment and equal protection under the law. Everyone has the equal right to be protected from all forms of discrimination as well as from any acts that can encourage such discrimination.

Similar to this, according to article 12 of the ICCPR: 1. Every person in the world who is legally present on the territory of a State has the right to freedom of movement and the right to choose his place of residence.

2. Every person has the right to leave any country, including their own, in the world (OHCHR, 2022). Migrants and refugees have the right to leave any state, including their home state. This right is not subject to any restrictions other than those imposed by law, are necessary to protect national security. Migrant and refugees have the right to enter and remain in their country of origin at any time.

The articles mentioned above all make it very obvious that immigrants enjoy special rights in other countries. According to these rights, any citizen of any nation is free to relocate anywhere in the



world. However, these rights are occasionally curtailed. States occasionally impose some restrictions on people's freedom of travel in light of potential security risks. States now feel a great deal of threat from terrorists and restrict people's freedom of movement. Terrorists have additionally abused the rights of migrants. Terrorists have been seen to be able to infiltrate any country posing as refugees or humanitarian migrants. These movements can disturb the peace and stability of any state which accept migrant. Keeping such situation under consideration states have established detention centers to limit the entry of migrants.

Can migrants' and refugees rights secured by integration

Major foreign countries are debating whether implementing an integration programme will protect immigrants' rights. There are many viewpoints about the integration policy. Regarding the treatment of refugees and immigrants, certain states are quite harsh. These nations do not want to accept immigrants, refugees, or asylum seekers into their communities. Politicians and the media in several jurisdictions have also argued against integrating immigrants into their civilizations. These nations assert that the absorption of refugees and migrants into their society may upset the stability of their nation. Additionally, many states believe that immigrants and refugees may undermine the security and stability of their nation. As a result, many states behave harshly towards immigrants (EU, 2004). On the other hand, some states agree with the idea that immigrant assimilation helps protect immigrant and refugee rights and privileges. Countries like the United States, Australia, Canada, and New Zealand are implementing integration policies and valuing immigrant rights highly. Refugees, asylum seekers, and migrants all have distinct privileges and rights. According to data, 88 countries have accepted the strategy of integration, and by passing the necessary laws and regulations, these states have integrated foreigners into their populations. Statistics also indicate that industrialized nations have incorporated immigrants into their populations more so than less developed nations. Roughly 90% of non-nationals were included in their domestic population (UN, 2013).

Who are Palestinian Refugees and Migrants?

A Palestinian refugee is "any person who had their initial and original residence in Palestine for at least two years, prior to the conflicts of 1948, and who therein lost both their residence and their source of income. UNRWA which offers them shelter, aid, and other support, allows such refugees to seek protection in any country. This includes any Palestinian who was once driven out of their home outside of historical Palestine, forced into exile, or refused entrance after travelling abroad area (Peretz, 1993, pp. 11-12).

Status of Palestinian Refugees and Migrants

More than 7 million people are currently estimated to be Palestinian migrants and refugees worldwide (Chen, 2019). It is noteworthy that the majority of persons in this group are refugees who were driven from their homes or expelled after the historic partition of Palestine in 1948. According to a 2014 study, about 5 million of them have so far registered with UNRWA. In a similar vein, an additional one million people who were expelled in 1948 but are no longer registered with UNRWA are also included (Yin, 2002, pp. 309-310). Among all the Palestinian refugees almost 41 percent of refugees



have been living in present day Israel.

Many Palestinian refugees live in occupied Palestinian territory or its surrounding territories. Nearly 2 million (over 40%) and one million (nearly 23%) of the UNRWA-registered refugees were found to be residing in Jordan and Gaza, respectively, while 760,000 lived in the West Bank and 462,000 in Syria. Therefore, according to a survey, there are approximately 420,000 refugees living in Lebanon (Badil, 2009). Surprisingly, refugees who have not yet registered with UNRWA are residing in foreign countries while sizable populations are safely residing in countries including Egypt, Jordan, Chile, Saudi Arabia, the United Arab Emirates, and the United States of America (Henri & Alain, 2010). According to reports large number roughly 750,000 Palestinians were forcibly expelled and forced to flee their homes as a result of direct and specific aggressions and unacceptable threats to their life. Many Palestinians who attempted to return during or after previous conflicts and battles were stopped by Israeli soldiers (Khalidi, 1988). In order for Palestinian refugees to be eligible for compensation for their original homes and confiscated property, the "Right of Return" is seen as the primary and crucial remedy. The UN Principles and Guidelines (ICCPR), which are unquestionably stated in Article 2 and other related legal articles and resolutions, are entirely responsible for this demand.

Basic human rights and Palestinian Refugees

Many Palestinian exiles remain ensconced in makeshift housing constructed more than 70 years ago. Over time, these camps have changed from being temporary tent homes to permanent residences. Families are unable to return to their own countries, and many are stuck in a cycle of destitution and exile. In terms of poverty, health, education, and living conditions, the Palestinian refugee camps in Lebanon are frequently rated as the worst in the region. There aren't many hospitals and clinics to treat the ill. Over dark alleyways, tangles of exposed electrical wires frequently hang dangerously low, occasionally within reach of young children playing. Electrocution deaths happen frequently. Palestinian refugees wanting to improve their life in Lebanon encounter constraints and challenging employment procedures due to the country's alarmingly high unemployment rates. The majority of white collar jobs are off limits to them. Due to their refugee status, Palestinian refugees in the West Bank and Gaza are subject to a number of legal limitations. The refugee camps' lodging is frequently crowded and of poor quality here as well. As for the labor market, it is just as difficult for refugees as it is for other Palestinians. In fact, 1.6 million people live in poverty and 20% of the Palestinian refugees in the West Bank and Gaza lack a source of income.

According to resolution 194 of the UN General Assembly the refugees have the right to return and resolution states that the refugees who wish to return to their homes and coexist peacefully with their neighbors must be given permission to do so, and compensation must be given for the property of those who opt to stay where they are now, refrain from returning, and suffer loss or damage to property that, in accordance with international law principles or in equity, should be made good by the governments or authorities responsible (UNRWA).



Conclusion

The regard for HR is becoming more and more prevalent. States, especially industrialised ones, are becoming more concerned about the state of their HR strategy. Numerous international organisations and agencies have been established to protect each person's human rights, regardless of their nationality, ethnicity, region, religion, or gender. The rights and benefits of immigrants have also evolved over time. However, some nations show great respect for the integration of migrants, refugees, and asylum seekers while other nations have very strict and severe laws and regulations around immigration. There is disagreement about whether or not integration can protect immigrant rights. There is also discussion on how to defend immigrants against prejudice and hate speech. The appropriate integration of immigrants, asylum seekers, and refugees into host populations is the only answer to these issues. Additionally, appropriate laws and regulations must be in place to safeguard the integration process. Migrant rights can be protected in host countries in this way.



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