



Human and fundamental rights, diversity and integration within education system in EU: Paradigma(s)

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Abstract

The education in nowadays European legal structure and strategic political context/action(s), as well as, within the UN System advocates the unquestionable respect for differences, quality education and equal opportunities for “all”. The social, economic, ethnic, cultural or religion characteristics of the educational structures, for students and teacher/professors, should be considered as a “natural wealth”. It’s important to state that education system should recognize the differences and develop a team work to promote the diversity in the pursuit of the guaranty of the equality in access, in the study stay as in the results, ensuring the teaching, the learning and the human strategies and resources conducting to the future society based on the promotion and defense of Human Rights in general, and in the European Fundamental Rights, in particularly.

Keywords: Rights, transdisciplinary, integration policies, education for diversity.

Introduction

Although all legal and political strategies, this context is complex, as there are serious problems the European Union is facing concerning the education system, as there is a serious conflictual conjuncture due the most different reasons: the pedagogical strategies, the non-updated programs, the absence or fragile education for the diversity. There is legal (juridical and judicial) consequences but the individual and group effects are serious and should be object of an urgent intervention. There are instruments to implement the diversity education and specially the effective integration, however this is more “virtual” than real. Considering the actual social complexity but the important education instruments and strategies, mostly patented in the policies, this paper aims expose the existing contexts opposed to the laws, policies and education for the diversity and to the real inclusion. More than a single study, this research aims to develop a map of the reality and the guidelines to implement the action.

This paper presents a set of theoretical reflections in the disciplinary interface between legal and education sciences, school administration and management, with the aim of understand the real inclusion characteristics in a balance with the inclusion policies and the need(s) of an education for Human Rights, especially for diversity. The transdisciplinary is a pedagogic and social education perfect approach using the Human Rights binomial – teaching and learning – supported by the inclusion laws according to the realistic needs for an effective successful society construction.

Method

The qualitative research developed, based on the historical, legal and political science perspectives, since the first moment had the main objective to identify the main problems and Human Rights, as fundamental rights, violation; the legal context and the law enforcement and the consequence judicial position. The research method allows us to develop the perspective of the politics and political actions, within the sustainability based on the law and democratic values, toward the protection of all Human beings.



Findings

Researching, thinking and discussing Human Rights, from the West to the East, in the present world, is fundamental, reveals an unquestionable necessity, but a "dangerous" context due to all historical charge, such as concepts and understandings without scientific interpretation, as well as, effective practice. It is difficult to identify a historical period in which human rights have been so mentioned, as it is today. However, there are dangerous actions with the most serious human consequences; dissemination of information without the necessary contextualization, supported by legal facts and procedures, such as an explanation adapted to the target public (individual or groups / societies) in their different realities. Thus, Human Rights are part of the Agendas of democratic states, it is a priority of the Media, in the social discussions (official and unofficial) in the States, regional groups / Organizations, objectives and actions of International Organizations (Governmental and Non-Governmental). And in the speech of the terrorist groups as a flag to achieve the "recruitment" of their followers, in the name of values completely adulterated and with the most burdensome and violent goals. This problem affects non-democratic, mostly authoritarian states, many of which include human rights and values in their legislation, in their rhetoric, despite their most reprehensible violation of human rights. It is the discourse, in the most different forms and means that generates a disparate perlocution of its content.

Considering the need to define human rights, it can be affirmed that they are those that have been legally defined and recognized by the United Nations since the Human Rights Universal Declaration of December 10, 1948 - for all human beings in the world. world, without exception - as well as all United Nations international legal laws / documents recognized and adopted by UN members. With regard to fundamental rights, it can be defined as all those that are legally defined and recognized by each state or regional organization (such as the European Union).

In fact, International Relations and Policies, on a democratic basis, are developed under the Human Rights values that shape the discourses, as well as actions that promote behaviors and reactions. It is obvious that throughout the world, it can be assumed that no more laws will be needed, but rather their effective implementation, aiming at an effective experience within the highest level of Rights, adopted to protect all human beings. In contrast, there are many (too many) states / governments that need to adopt human rights in their legislation, democratizing their policies to protect their citizens from all forms of violence, rape and suffering in the most diverse dimensions.

However, there are many democratic states that protect and promote human rights, but there is always the challenge of renewing social construction through reflection and realignment of political, social, economic and cultural criteria and actions to implement democratization through a serious and realistic, avoiding the problems diagnosed, preventing potential problems, identifying all the "actors" in society and the "political scenario", acting to proceed in a qualified democracy of, and for, all citizens. This is a realistic and scientific view advocated by Laurence Whithead in May in Bucharest, Romania, based on the idea that the world-wide norm must end democracy by the rule of law, a system of social justice under a structure and political actions. Thus, the vulnerability of the protection, promotion and implementation of the human rights system is in the process of democratization, often fragile and complex, but also the quality of democracy. Thus, if the level is low, surely the political regime will not be able to achieve the values and rights for an active and protected citizenship.

One of the important elements that should be highlighted in this article, this research identified Geopolitics as an actor in the field of International Relations, contributing positively and negatively to democracy by policies - implemented - debated, protected and violated. Let us briefly consider two complementary perspectives.



1. “Physical realities, which go beyond national and international policies, are often devalued, whether in writing about history and contemporary accounts in the business world. Geographically it is evidently a fundamental part of the "whys" just like the "whys". It may be a determining factor, but it is certainly the most underrated.”¹

2. “We live in a time when democratic nations are portrayed in the context of geopolitics, when democracy is itself a context. The latter phenomenon was documented in the House of Freedom, in which it was recorded as freedom in the declining world over nine linear years. In the context of geopolitics, the elevation of tectonic plates has generated a systematic reorganization of power, but the rumors are audible (...). Today, as always, democracy is a fragile flower. It requires permanent support (...) In the absence of all efforts, the jungle and the beasts will come, sooner or later, to return and reclaim their land”.²

Political scientists have no doubts about the importance of Geopolitics, however, there are several decisions about International Relations and the promotion of human rights policies that do not, or would rather ignore, the potential of this inevitable element. Thus, it is simple to explain some of the success and failure of political, cultural, economic and social measures at an international level. For example, in order to protect as many human beings as possible, especially those in refugee situations, particularly in Europe, could have a different "treatment" if the geopolitical context were taken into account, including democratic agreements, strategies international organizations, humanitarian issues, solidarity, protection and, in particular, the legal implementation of human rights by the United Nations, which could prevent millions of deaths and human suffering in all dimensions.

Another illustration is the current fight against terrorism. There are currently Diplomacy and International Relations experts who present the "Geopolitics of Terror (ism)" with a renewed perspective and proposed action to prevent the proliferation of hatred, but the spread of the ideology of peace by the concerted action and behavior of politicians, governments, international organizations and citizens from all over the world. It is not a simple question or an immediate action, but it can be considered by policy makers.

Keeping the focus on the international context and system of human rights, there is an essential issue that is to integrate democratic governments and organizations as they are in societies: human rights education. However, it is important, regardless, of interpretation, that is included in the difficulties of the specificities for its implementation. This is not a new issue but for international law and relations, especially after the landmark 11 September 2001 (Terrorist Attacks on the World Trade Center in New York in the United States of America) with a new conceptualization of Terrorism and protection systems. Human Rights, education has to be, progressively and so far, a matter on the political agenda: by International Organizations (Governmental, such as the UN, Regionals, such as the European Union), Democratic States / Governments, as well as Associations and International Movements whose purpose is to promote and protect Human Rights.

There is no doubt that the changing paradigm of Human Rights and the need for legal interpretation and effective action, by violence, by violation of international and national laws, known or through manipulative illusory actions, is certain that there are perfectly identified needs. Thus we have two important views:

- the need to implement policies duly approved and legally and judicially recognized by (mostly democratic) governments that aim to protect and promote fundamental and human rights. In this case, the need is for the

¹ MARSHALL, Tim. (2016) Prisoners of Geography. London: Elliot & Thomson. P. x

² “Is the democracy in decline? The Weight of Geopolitics”: Article by Robert Kagan in <https://www.brookings.edu/articles/is-democracy-in-decline-the-weight-of-geopolitics/> accessed June 4, 2017.



development of the “force” of policies and laws, as well as citizenship that must denounce the violations and violence that in many (too many) moments are hidden (deliberately or not).

- the needs of millions of human beings who suffer the most distinct violence and violation of international law, including torture and murder. Some are legally protected, but there are no mechanisms to defend or promote the possibility of termination, or even the request for protection. Others live in states where democracy is not a reality, so work is hard at developing work and action to achieve political power, so education comes in two ways: political and law change (difficult, complex and utopian mission, at times) as well as society's knowledge of its (Human and Fundamental) Rights and strategies for its own protection and to denounce all problems.

The world faces many serious and worrying problems, living not only within the most negative contexts, such as wars, authoritarian regimes and dictatorships, but also the harshest human lives. The declared intervention needs democratizing action, under the highest human values, in order to protect as many human beings as possible, solving the most serious problems. It is an effective state of the art in today's world society that leaves open the difficulty and at the same time the need to act. This must be a mission for and for everyone, but unfortunately there are thousands who do not have information, who receive no or very fragile education to be protectors, defenders and activists of human rights. There is no special movement, but active citizenship and responsible action / mission. This is not an idealistic view, but the implementation of international law. There is an important role for international relations developed in the most diverse contexts: special organizations, states and movements could be concerted to support the most important values that support (or should support) relationships. However, history shows that humans have an extraordinary ability to completely change the best and worst scenarios by the most distinguished “actors” for their own protection. In fact, despite all the difficulties and obstacles, humanity is always shown that there is a true and legitimate will, with definite strategies, in a necessary union of important entrepreneurs, which needs time (short or long) but that proves possible by reaching different partial objectives but positive results. Action is the key to change.

At present it is obvious that we experience two different worlds where there is life: the real and the virtual. Both are spaces to protect and / or to attack humans. There are important connections and powerful instruments. When it comes to the virtual world, humanity has a powerful tool to reach millions in seconds. Undoubtedly, it cannot be said that all humanity attains it, but each one has its unquestionable importance. Thus, it is known that radical groups such as Daesh find in the powerful virtual social networks the means to recruit millions with the darkest goals, targeting violence and terrorist actions. Thus, Human Rights Education could, in this “space”, be the instrument to reach as many people as possible, such as groups and governments.

Much work has been done in this regard, but there is an emerging need to implement effective education work tailored to the needs of each area of the world, each political regime, each social group, level of knowledge, cultural, economic and religious contexts, in the most distinctive features aimed at the protection and promotion of Human Rights, such as generating effective instruments to provide reporting of violations. The problem of investment in education (by governments and / or societies can be analyzed by Ignacio Ramonet who states that “we are witnessing a permanent tension between absolute sovereignty of consumption and citizens' desire for democratic guarantee”).³

In this context, there are different actors who have the responsibility to develop human rights education - International Organizations and States - political and political procedures; societal actions (in all dimensions) - individual action as social groups; pressure groups (identified or unknown) and the Media. The latter, in all communicational media, is one of the most important and powerful tools for building public opinion capable of

³ RAMONET, Ignacio. (1997) Geopolítica do caos. Rio de Janeiro: Editora Vozes. P. 139



developing social education. However, there are two views / action based on manipulation. There are the manipulated means and the manipulative means of your audience. This is a dangerous problem with serious and dangerous consequences for the violation of human rights. Despite all the influence groups that are in the genesis of the action of some media through images, discourse texts, diffusion of ideas and ideologies, there is a social education that promotes different "positions" tampered with by manipulation.

The control and formatting of information by the media has positive and negative consequences. Indeed, there are means that develop their work aimed at the proliferation of values and rights within the Laws, although all national, regional and / or international laws define and control their action. It can be said that there is too much manipulation that supports media action with consequences on human behavior that requires diagnosis, legal control and corrective actions, legal complaints and consequent punishment, and it is important that all that is incorrect and all legal actions and its consequences are, of course, published to the public knowledge. It is a measure of educational pedagogy for the perception of rights. There are influences and interests that hinder all this action of identification and denunciation; manipulation in the most diverse dimensions, but it is essential that there is a permanent state of "alert" to the details that can prevent any and all types of tampering. In many cases, it can be argued that this is not about the need for more legal support, but the implementation of the existing legal and judicial means for control and correction.

The United Nations has promoted education as a human rights priority, especially through UNESCO's actions. The International Labor Organization affirms Education as a priority in the international labor context, where there is still so much to change, implement and develop. The European Union has a priority in education, developing legislative procedures to protect and promote the human rights adopted as fundamental to the Organization, embedded in legal documents, especially in the Charter of Fundamental Rights of the European Union. The Arab League has adopted all United Nations international human rights legal documents, such as the Universal Declaration, formally incorporating them into the legal system of the Arab states. Generally speaking it can be said that the international legal system recognizes human rights with education as its mission. It is reiterated that there are states that have adopted and recognized these international instruments, in spite of the violation and violence, mostly, with no expected consequences due to their non-legal identification and, consequently, legal action, or even by ignorance. It turns out that education is not developed and allow serious violations without judgment or condemnation. The results are always the most negative for the victims and for human behavior, supported by false or manipulated information, generating discrimination, xenophobia, racism, violence and all human rights violations. The consequences are the most serious, such as human suffering, death and all dangerously misunderstood actions in the political, social, cultural and / or religious fields.

Consequently, the research emphasizes another important detail for this relevant context aiming at reinforcing the need for the development of a Human Rights Education: discourse and rhetoric. It is an unquestionable strategy, especially for communicational action, in the most diverse areas, where all the details are important, but which can generate ideas and behaviors based on adulterated information that result in attitudes involved in danger to human life. While on the one hand there are "innocent" (unplanned) rhetoric / discourse on formatting, but with the most serious and negative consequences, it can be said that most serious problems, discussions, misconceptions and formatted opinions, opposition behaviors, citizens, states and in a dimension of International Relations. Supported by manipulation-controlled actions or messages without explicit meaning to recipients, the results can and often are disastrous to us. In theory these are simple questions, but in practice it is important to identify all the details, construction, undeclared information, subliminal messages and disparate "images" generated from reality. After all, subliminal messages, ideas, and ideologies are more important than those that can be evidently visible. In the field of the Human Rights system this context of differentiated plans is so common that there are many studies and actions in favor of building the understanding of information / communication. Thus, the development of human rights education is more than a necessity or strategy, but an



emergent and urgent intervention directed at the important results for the protection of human beings. There is a lot of work to be done in this area regardless of all the complexity, with education tailored to the real needs to reach the largest number of people with effective understanding, interpretation and action in line with realities.

Conclusions

The research developed, which findings are presented in this article, achieve the main conclusions that validate the need to question and identify the theories and practices regarding human rights education within international policies. “Sustainable” political, cultural and social citizenship lives on the rhetoric that results in the facts that need educational intervention, social pedagogy and democratic politics.

To conclude, we can illustrate the ideas presented by analyzing some case studies based on the complex areas: culture, religion, refugees and terrorism. There are ideologies and ideas enveloped in latent danger by the way they are spread through the most diverse communication channels, such as within social relations, generating violence, discrimination, racism and xenophobia, such as the political positions and actions of governments or, for example, by the European Union.

The so-called refugee crisis in the world, and in Europe in particular, could have been treated differently, especially since the Arab Spring, by the preventive measures that should have been taken in the political, social and cultural spheres, can avoid massive uncontrolled human movement, with the most dramatic death statistics on the run. There is an undeniable need for urgent and emerging response through concerted action adapted to the real and dramatic situation of refugees, the European political power - the European Union and each state - stopping the human suffering of many thousands of people who are “lost” on the way. of the struggle for survival. It is humanly a catastrophe that has to be fought under penalty of having and being (in the democratic responsibility that assists all) colluding with such dimension of suffering and violation of Human Rights.

Despite all the policies, laws, legal and judicial regulations and consequent actions, the violation of values and rights is at the root of the serious problem associated: Public Opinion. Refugees are a topic everyone talks about but there is a huge lack of information and training. Education is a requirement in this field. And while there is freedom and the right to adopt positioning, in fact there are numerous important issues that affect common sense: those with legal information; those who fail to interpret due to international policies and politically conditioned behavior; those unaware of the escape-promoting origin contexts of origin for survival; those who do not have access to the actual numbers of deaths that occur in the seas, deserts, on the arduous road to “safe” countries; and one of the most serious issues, the subhuman conditions under which thousands of human beings live in refugee camps where solidarity is manifestly insufficient and political action falls short of their responsibilities.

Scientific research shows that human rights education is the most important base of support / “key” for democratic development in the most diverse social contexts and realities, promoting the necessary change through a bold and complex process, but possible. for the sake of humanity.

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