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HAS DIGNITY A NATIONALITY ?

Using the concept of dignity to foster the social inclusion of migrant workers, in the application of non-discrimination legislation within the European Union and Italy as a Member State. A Human Rights based approach to migration.

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ABSTRACT

The aim of this thesis is to investigate whether and in what degree the concept of *dignity* can contribute to apply the anti-discrimination legislation to migrants, in order to foster the social inclusion of regular migrants within the host societies. Particular attention is given to the migratory phenomenon within the EU political frame.

I also examined the legal framework of international and European Human rights law, with specific regard to non-discrimination on ground of nationality and dignity.

On the basis of the theory proposed by Kant, the most famous who theorised the concept of dignity, the work of A. Margalit is applied to conceptualise “*dignity*”, and his idea of the *decent society* in the frame of this thesis.

Italy, as a EU member state, has been taken as the testing ground, since institutional discrimination is widespread in Italy, politically endorsed and accepted; in addition, an important case-law recently developed in this domain.

The concept of dignity, as a strongly evocative one, could be effective to strengthen the juridical application of the anti-discrimination principles. The role of dignity could be decisive in reinforcing other rights, like the non-discrimination provisions. However, while judges seem to be aware of the importance of a human rights based approach to migration, this does not apply on a political level, where a security driven approach is still prevailing.

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