

Chapter 1

The New Paths of Fundamental Rights in the 21st Century: Globalization and Knowledge in a Digital Age as a Proposal

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ABSTRACT

The protection of fundamental rights is one of the essential elements of European identity. Thus, knowledge of the law is crucial for the realization and guarantee of fundamental rights: knowing the law must be the first of the fundamental rights that assist us. Despite the abundance of declarative texts, the lack of identification and visibility and the lack of knowledge about the gracious and contentious ways, continue to be barriers to the full affirmation of those rights. The authors present a review on the legal structure of this novel space in which we move: a common space without borders, a space of democracy, an area of freedom, security, and multiculturalism. Elencare which rights to citizens and how to access them intends to give shape to a future portal of enlightenment. The approach will be tripartised by the portuguese constitutional system, the European Convention on Human Rights and the European Union.

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INTRODUCTION AND PROPOSAL: A NEW FORMAT FOR THE DECLARATIONS OF RIGHTS

The authors wish to emphasize here that the fundamental rights, in reality of the Portuguese legal system, by virtue of the principle of assimilation of foreigners and stateless persons, are intended to protect portuguese citizens resident in the national territory and resident abroad, although they contemplate a special treatment for european citizens. The principle of universalism attributed to all individuals, just because they are, rights and duties. This principle is enshrined in article 12 Constitution of the Portuguese Republic (CPR) of 1976, which states that fundamental rights are ‘rights of all’. It is intended a brief approach to the universalist perspective of fundamental rights, defending the existence of a tendency to universalize respect for human dignity as the basis of all human rights (Martins, 2010, pp. 526-537).

Furthermore, the functioning of a democratic and pluralist society requires the guaranteeing momentum of the law, and therefore international law and European Union law have come to broaden the block of fundamentality and strengthen the protective capacity of the legal system. Thus, where national jurisdictions do not fully protect, it is essential to know if, where, and how the citizen can obtain protection. For this reason, there’s a believe that judicial integration and the emergence of the European judicial area implies that the populations are aware of the content of the European Convention on Human Rights (ECHR) and of the Charter of Fundamental Rights of the European Union (CFREU) and understand the functioning of its supervisory mechanisms.

To point out, the communicational age we live in also means that justice can respond to the new challenges of technological evolution. Starting from this reality, what moved the authors to the elaboration of this work - necessarily brief - was the desire to provide the community with information about the current constitutional system and about the systems of regional protection of fundamental rights that citizens can enjoy through the use digital tools and access to platforms for dissemination and clarification. It is already an uncontroversial fact that technology and information technology enable solutions in a digital environment that enable the sharing of information and the dissemination of knowledge in order to allow access to the law by all those who are part of this planning.

It is in this context that the work intends to bring the proposal studied to a new “era of Rights”, by means of the creation of a digital platform with informative content, accompanied by several links directed to the Constitution of the Portuguese Republic; for the ECHR and European Union (EU) and CFREU institutional treaties, accompanied by small clarifications on the content and functions of each diploma. Here stands a believe that the construction of a portal of fundamental rights would be an element of true democracy in the service of equality of citizens. If such a portal

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