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Reimagining Public Law for a Fractured World: Technology, Identity & Truth

PANEL *Portugal's Anti-Immigration Turn: What Does It Mean for Citizenship, Immigration, Fundamental Rights, and the Rule of Law in Europe?*

Fundamental rights under pressure

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Abstract

Constitutions have a decisive word in the management of cultural diversity. The 1976 Portuguese Constitution affords robust protection of cultural and religious diversity, although neither explicitly enshrining a multi- or intercultural principle, nor including a specific clause protecting ethnic minorities or cultural diversity. It does so within a framework of universal principles and rights, combined with a broad recognition of rights for non-citizens, strong openness to international and European law as well as substantial development through legislation. Equality and non-discrimination, and fundamental rights, are essential mainstays.

However, recent developments seem to be testing this system. Hostility towards migrants and minorities is visible in some political discourse as well as in society, raising concerns about an effective protection against racism, hate speech, and discrimination. Human rights bodies such as ECRI have expressed concern about this scenario. Recent reforms to legislation on immigration and nationality were partially struck down by the Constitutional Court, emphasizing the crucial role of constitutional review. A legislative proposal to prohibit the concealment of the face in public, including through religious attire, raised debates about the scope of protection and the limits of religious freedom.

This presentation aims to identify and discuss potential challenges to fundamental rights, with a focus on equality and non-discrimination and on religious freedom, and to assess the resilience of the system of protection of cultural and religious diversity.

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