

The right to education as a fundamental right in democracy

Maria Magalhães Silva, Universidade Portucalense

Dora Resende Alves, Universidade Portucalense

Abstract

To know whether the right to knowledge is achieved through constitutional law on education and how it can be found to be enshrined both in the domestic law of the States and in European Union (EU) law. The theme is of greater relevance to fundamental rights in the today's political agenda. The purpose of this analysis is to demonstrate that the role of universities is crucial, and that the EU actively promotes education, research and innovation. These are the ways to promote development on the basis of growth, employment and social cohesion. Europe's university education systems can give a contribution to tackling major problems linked to this vector that is indeed enshrined in the overall strategy of the Europe 2020 program. In the Portuguese national dimension, the right to education is presented as a cultural right of the Constitution of the Portuguese Republic. In international European law, the right to education is laid down in a protocol to the European Convention on Human Rights of 1950 and is enshrined in the Charter of Fundamental Rights of the European Union. In any case there is a positive dimension in this right that involves the intervention of States. Education, and especially university education, can condition the performance of economic vectors, noting that investment in education as public expenditure. Through a methodology with literature revision of national legal texts and EU law it is possible to analyze the progress achieved historically towards the integration objectives in the Member States' recommendation to make education systems more adequate and inclusive, in particular with regard to integrate refugees and migrants.

ADDRESS FOR CORRESPONDENCE: Maria Magalhães Silva, Universidade Portucalense

E-Mail Address: mmdmms@upt.pt