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Public policies and human rights in the digital era: ethical strategies for an inclusive and sustainable transformation in Brazil

The digital era fundamentally redefines social, economic, and cultural interactions, posing unique challenges for the exercise of human rights (Lima Junior, 2024). Brazilian public policies face the mission of ensuring that technological advances are underpinned by well-founded ethical principles, accepted by the population, and aimed at promoting digital inclusion, environmental sustainability, and civic participation (Cavalcante; Ota; Oliveira, 2024). Proper regulation of these emerging technologies emerges as the most important measure to ensure a balance between technological innovation and the protection of fundamental rights (Richter; Emmanouilidis, 2024).

DIGITAL INCLUSION AS A HUMAN RIGHT

In the current era, digital inclusion can no longer be disregarded as a fundamental human right, essential for the full exercise of citizenship (Cavalcante; Amorim, 2023). In this sense, the Brazilian Federal Constitution introduced its first explicit provision – by way of its reforming power by Constitutional Amendment No. 115 of 2022 – within its list of fundamental rights set forth in Article 5, concerning a typically digital right aimed at digital inclusion, the protection of personal data: “LXXIX – the right to the protection of personal data, including in digital media, is guaranteed pursuant to the law”. Therefore, digital exclusion is not merely a technical issue, as it undoubtedly constitutes a contemporary form of rights violation, heightening inequalities and compromising access to justice and information. It is essential to adopt policies that actively combat digital exclusion through the expansion of technological infrastructure and critical digital training (Oliveira, 2022).

DIGITAL GOVERNANCE AND PUBLIC ETHICS

Digital governance must ensure that emerging technologies are managed with clear ethical principles, strengthening public trust and institutional transparency (Cavalcante; Ota; Oliveira, 2024). Ethical governance strategies are important to protect citizens from dangerous practices harmful to their citizenship, such as disinformation, algorithmic manipulation, and the abuse of economic power (Lima Junior, 2024). Hence, a regulatory approach that is both ethically and legally binding becomes necessary (Pinheiro, 2024).

BRAZILIAN PUBLIC POLICIES FOR DIGITAL TRANSFORMATION

Brazil's Strategy for Digital Transformation (E-Digital) guides public policies across different sectors, setting guidelines that foster social inclusion, sustainable development, and the protection of fundamental rights (Brasil, 2018). Brazilian regulatory instruments such as the Civil Rights Framework for the Internet (Law No. 12,965/2014) and the General Data Protection Law (Law No. 13,709/2018) provide important safeguards for rights such as privacy, freedom of expression, and personal data protection, all of which are essential to democratic functioning (Brasil, 2014). Nonetheless, it should be noted that the dynamic nature of technology

demands constant updates to these legal instruments, bearing in mind that digital citizenship is a concept under construction and evolution (Richter; Emmanouilidis, 2024).

CHALLENGES AND LIMITATIONS OF DIGITAL PUBLIC POLICIES

Significant challenges persist, including digital exclusion compounded by economic and social inequalities, forced displacements, insufficient connectivity in remote regions, and limited digital literacy programs, among others. Public policies must effectively address these issues, often constrained by the rigidity of traditional legislation, which underscores the potential for intelligent and complementary use of flexible regulatory approaches, such as soft law mechanisms that supplement formal regulations (Pinheiro, 2024).

STRATEGIES FOR AN INCLUSIVE AND SUSTAINABLE TRANSFORMATION

For an ethical and inclusive digital transformation, the following proposals are made:

1. Equitable expansion of access to digital infrastructure.
2. Comprehensive and critical digital education, empowering citizens for conscious and safe use of technology.
3. Agile updating of legal regulations to effectively respond to emerging digital threats.
4. International cooperation and the exchange of global best regulatory practices.
5. Development of specific policies to protect vulnerable groups in light of technological advancements (Pinheiro, 2024; Godoy Bernardo de Oliveira, 2022).

CONCLUSION

Brazilian public policies hold great potential to concretely and positively transform the digital landscape, strengthening democracy and securing fundamental rights. However, a dynamic and critical approach is essential – one that reconciles the solidity of constitutional principles with flexible regulatory mechanisms, ensuring a sustainable, equitable, and inclusive digital transformation.

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Legal Aspects of the Right to a Catholic Marriage During Armed Conflict

During peacetime, the faithful of the Catholic Church—both clergy and laity—are so accustomed to the liturgical form of marriage that they often assume only those unions are valid, provided at least one of the spouses is Catholic, which are concluded before a Catholic cleric authorized by law or delegation to receive consent, and in the presence of two witnesses [4, can. 1108; 3, can. 828]. However, the legislator provides for several exceptions to this general rule.

In regions where priests and deacons are unavailable, the law of the Roman Catholic Church allows for properly trained laypersons to be delegated to assist at marriages. For a diocesan bishop to make such a delegation, prior authorization from the Apostolic See is required, following a positive recommendation by the Episcopal Conference [4, can. 1112]. In the 1983 Code of Canon Law, John Paul II noted that the prescribed canonical form is not required when a Catholic marries a non-Catholic of an Eastern rite. In such cases, the presence of a sacred minister alone suffices for validity. Furthermore, the Pope, as legislator, allowed for the possibility of dispensing from the canonical form when serious difficulties prevent its observance. In these instances, some other public form of marriage is required for validity [4, can. 1127; 3, can. 834]. All the above-mentioned legal provisions—except for the norm concerning marriages between Catholics and Eastern non-Catholics—envision the involvement of a Catholic Church representative either in the preparation for marriage or in the celebration itself.

In addition to the aforementioned exceptions, the legislator has also recognized the validity and liceity of marriages contracted solely in the presence of two witnesses, in cases where the person legally authorized to assist is either unavailable or cannot be approached without serious inconvenience. This applies in situations of danger of death, or even outside such danger, provided it is reasonably foreseen that these circumstances will persist for a month [4, can. 1116; 3, can. 832].

The cited provision in canon 832 of the Code of Canons of the Eastern Churches (CCEO) states:

§1. If one cannot have present or have access to a priest who is competent according to the norm of law without grave inconvenience, those intending to