



Editorial

The European Union (EU) has always had a sufficiently clear and assertive position towards the invasion of Ukraine by the military forces of the Russian Federation, which began on 24 February 2022. Support for Ukraine stems from many factors, not least the Ukrainian people's desire to move closer to the European way of life. The aggression unleashed by Russia against Ukraine calls into question the international order and the assumptions of peace built up after the Second World War. From the perspective of the EU (and the political and civilisational bloc currently referred to as the "West", associated with the framework of the democratic rule of law), this is a serious violation of international law.

The European position on this war is not fully shared by the so-called "global south". In any case, it is important to emphasise that what unites Europeans and Latin Americans, for instance, is greater than what separates them. Indeed, in the Declaration of the EU-CELAC 2023 Summit, held in Brussels on 17 and 18 July 2023, the Heads of State or Government of the EU and the Community of Latin American and Caribbean States (CELAC), as well as the Presidents of the European Council and the European Commission, reaffirmed their commitment to the UN Charter and international law, including the need to respect the sovereignty, political independence and territorial integrity of all nations – and underscored that it is essential to uphold international law and the multilateral system that safeguards peace and stability. This issue of UNIO features some inputs from Latin American academia into European studies and the development of European integration.

The first contribution in this edition aims to add to the debate on the future of peacekeeping and crisis management in the current context of international relations. It is authored by Bruno Reynaud de Sousa and is entitled "*Peacekeeping and crisis management: a brief assessment of EU-UN cooperation*". By providing a review of the legal background to EU crisis management and assessing the EU's added value for United Nations led efforts, this paper concludes that the Lisbon Treaty provisions provide the EU with the instruments necessary to assume a significant role in peacekeeping and crisis management.

Having in mind the role of the European Parliament (EP) in taking its stance on the negotiation of the Artificial Intelligence (AI) Regulation – which in turn aims to regulate the development and use of AI in Europe –, the following text focuses on the use of AI tools for profiling and clustering. It is authored by Maria Inês Costa and

is entitled “*The legal concept of discrimination by association: where does it fit into the digital era?*”. The Author explains that through data mining and AI tools, people may be grouped based on collective characteristics that may not accurately represent their individual features, resulting in differential treatment regardless of whether legally recognised vulnerable groups are involved. It therefore becomes crucial to question to what extent discrimination by association can effectively address this discriminatory power; or whether new measures need to be developed to safeguard personal autonomy and prevent the proliferation of such phenomena in the current digital landscape.

A similar theme is addressed by Mônia Clarissa Hennig Leal and Dérique Soares Crestane from a Latin American jurisdictional perspective. How can structural injunctions provide a basis for creating standards of protection in the face of legislative insufficiency and jurisdictional standards that confront algorithmic discrimination as a reproduction of structural discrimination? This is the motto of the following text, entitled “*Algorithmic discrimination as a form of structural discrimination: standards of the Inter-American Court of Human Rights related to vulnerable groups and the challenges to judicial review related to structural injunctions*”. It examines the possibility of using structural injunctions to provide the Courts with an analysis of the phenomenon of algorithmic discrimination and to formulate minimum standards to be observed by actors involved in the development of algorithms, especially AI ones. The conclusion is that structural injunctions adopted by Courts seeking to attack the roots of discrimination, especially those related to vulnerable groups, are an important tool to prevent algorithmic discrimination, as well as that the standards related to the protection of these groups established by the Inter-American Court of Human Rights should be taken as parameters for legislation and regulation of the use of AI.

Jurisdictional standards are also considered by Sergio Ruiz Díaz Arce in the text entitled “*Children’s rights and personal data protection in the jurisprudence of the European Court of Human Rights*”. This article analyses the jurisprudence of the European Court of Human Rights (ECtHR) in order to identify and characterise the argumentative agreements produced by the Court in their decisions on personal data protection and that affect the children’s rights. The data collection technique consisted of a search and selection of the arguments in the Court’s judgments on situations that refer to violations of personal data. For the argumentative analysis, through an argumentation scheme, a judgement was selected from the case concerning the protection of children against online sexual exploitation. As a result, it was observed that the Court structured its arguments to verify the violation of privacy and the protection of personal data using the following topics: respect for private life, criminal-law provisions and positive obligations. The use of these topics in the subsequent judgments of the ECtHR is also identified through the citations to justify their own decisions.

The subsequent text presents some results of a research coordinated by Alexandre Veronese (University of Brasília) on “*The concept of personal data protection culture from European Union documents: a “Brussels effect” in Latin America?*”. This article aims to analyse, based on documentary sources and data collected through extensive field research, the potential cultural influence of EU standards for protecting personal data in Latin American countries, which have data protection authorities and specific laws on the subject. The conclusion indicates that the EU data protection perspective – as a fundamental right and public policy – can potentially influence several Latin American countries. Also, it concludes that there is an evident difficulty in culturally measuring the greater or lesser effectiveness in protecting personal data based on

the documents. Despite this dilemma, the EU documentation points out some qualitative suggestions that deserve to be incorporated into the analysis of personal data protection cultures, with a focus on Latin American countries.

The last paper seeks to establish a new model of linking jurisdiction and sustainability, especially through the recognition of procedural sustainability, using the Brazilian legal system for this purpose. It is entitled “*Linking sustainability to procedural law: procedural sustainability using Brazil as paradigm*” and it is authored by Maria Cláudia Antunes, Danilo Scramin Alves and Gabriel Real Ferrer. The purpose is centred on identifying how a new way of ensuring environmental protection through jurisdiction can be achieved if procedural law is redefined based on the ideal of sustainability. To this aim, an analysis was developed on sustainability, its connection with jurisdiction, and its applicability to the human experience – to then develop a concept of procedural sustainability and apply it to Brazilian law. It was observed that procedural sustainability is already an implicit concern of Brazilian procedural law, but its confirmation and conformation are imperative to further leverage the effectiveness of sustainability.

Editorial Team