

## Projecto Estratégico - UI 4036 - 2011-2012

### 3.1. A Executive Summary (in Portuguese)

Os principais objectivos desta unidade de investigação [(DH-CII) Direitos Humanos - Centro de Investigação Interdisciplinar], para anos de 2011 e 2012, são: a consolidação do trabalho que tem sido feito até agora para reforçar a pesquisa nas suas áreas de investigação e alargar a sua internacionalização. As principais tarefas que esta unidade de investigação irá realizar no biénio 2011-2012 são: - Preservar e reforçar a cooperação com o Mestrado de Direitos Humanos da Escola de Direito da Universidade do Minho; - Aumentar o número de investigadores. - Continuar a privilegiar um espaço informatizado na Escola de Direito para que os alunos, colaboradores e membros da unidade de investigação possam efectuar pesquisas no âmbito das suas investigações; - Subscrever bancos de dados e revistas científicas no âmbito de investigação desta unidade; - Dinamizar o site do DH-CII; - Cooperar com instituições académicas internacionais. - Cooperar com organizações internacionais e ONG's. - Participar num projecto internacional relativo ao estatuto das minorias ciganas na Europa. - Organizar sessões e debates sobre a transição democrática nos países da margem sul do Mediterrâneo. - Acompanhar a jurisprudência dos Tribunais Constitucionais Europeus e do Tribunal Europeu dos Direitos Humanos. - Apresentar numa conferência internacional em Díli, em Novembro de 2011, e numa conferência nacional em Braga, o projecto "Edição Anotada da Constituição da República Democrática de Timor-Leste"; - Promover duas reuniões, em 2011 e 2012, em estreita colaboração com o "Habeas Corpus" e com o "Direito Europeu, Liberdades e Protecção de Dados Pessoais"; - Continuar a acompanhar a evolução da situação internacional de instabilidade política no sul do Mediterrâneo; - Continuar a promover o trabalho do Grupo de Acompanhamento da participação de Portugal no Conselho de Segurança das Nações Unidas; - Incidir especial atenção sobre o multiculturalismo e o fenómeno de migração. - Participar no debate internacional sobre o fenómeno da migração e da tutela criminal; - Dedicar especial atenção à consagração de novos direitos fundamentais, na sequência da aplicação da Carta dos Direitos Fundamentais da União Europeia; - Continuar o acompanhamento e a busca de respostas para os novos desafios impostos pelos avanços tecnológicos e comunicacionais; - Criar um Curso de Especialização em Privacidade e Protecção de Dados no ano em curso e um Mestrado em Direito e Tecnologia da Informação, em 2012; - Durante o corrente ano, o DH-CII irá organizar um seminário nacional sobre o tema "Novos Direitos: Privacidade e Protecção de Dados". - O DH-CII prevê organizar ainda um colóquio Luso-Espanhol e um simpósio sobre o tema do multiculturalismo e do Direito Penal. - Na arena internacional, está sendo preparada a participação na Conferência Iberoamericana de Derecho e Informática, a realizar este ano e no âmbito da Conferência "Informática, Privacidade e Protecção de Dados" em 2012; - Os investigadores do DH-CII vão participar, em 2011, num workshop internacional e num simpósio internacional sobre o problema da imigração e do Direito Penal. - O DH-CII prevê, para o ano de 2011 e 2012, a publicação em revistas internacionais e periódicos nacionais; - O DH-CII prevê, para o ano de 2011 e 2012, a apresentação de oito comunicações em encontros científicos internacionais e seis comunicações em congressos científicos nacionais; - Aumentar a sua biblioteca, comprando mais livros, bases de dados e revistas científicas no âmbito da área científica do DH-CII; - O DH-CII prevê para o ano de 2011 e 2012, a conclusão de teses de mestrado e doutoramento no âmbito da sua área científica.

### 3.1. B Executive Summary (in English)

The main goals of this research unit [Human Rights - Centre for Interdisciplinary Research (HR-CIR)], for the current and the upcoming years (2011-2012), are: to consolidate the work that has been done until now, to strengthen the research in its areas (as described above) and to extend its internationalization. Here is a succinct description of the main tasks this unit will carry out: - To preserve and strengthen the cooperation with the Human Rights Master of the Law School of University of Minho; - To increase the number of researchers. - To continue to privilege a computerized space in the Law School for students, collaborators and integrated members researchers; - Subscription of databases for research on HR-CIR; - Dynamization of the HR-CIR website; - To cooperate with international academic institutions. - To cooperate with international organizations and NGO's. - To participate in an international project concerning the status of Roma minorities in Europe -To organize sessions and debates on democratic transition - To follow the jurisprudence of the European Constitutional Courts and the European Court of Human Rights - To present in an international conference in Dili, in November 2011, and in a national conference in Braga the project "Annotated Edition of the Constitution of the Democratic Republic of East Timor"; - To promote two meetings, in 2011 and 2012, in close cooperation with the "Habeas Corpus" and the "European Law, Liberties and Personal Data Protection"; - To continue to follow the international developments of political instability in South Mediterranean; - To continue to promote the work of the Monitoring Group of Portugal's participation in the Security Council of the United Nations; - To devote special attention on multiculturalism and migration phenomenon. - To participate in the international debate over the migration phenomenon and the criminal protection; - To devote special attention to the consecration of new fundamental rights following the implementation of the Charter of Fundamental Rights of

the European Union; - To continue to monitor and seek answers to new challenges posed by technology and communication advances; - To create a specialized Course in Privacy and Data Protection in the current year and a Master's Degree in Law and Information Technology in 2012; - During the current year, HR-CIR will organize a national seminar on the theme of "New Rights: Privacy and data protection". - The HR-CIR will also plan a Portuguese-Spanish colloquium and symposium on the topic of multiculturalism and criminal law. - In the international arena, is being prepared the participation in the Conference Iberoamericana de Derecho e Informática to be held this year and in the Conference "Computers, Privacy & Data Protection" in 2012; - The HR-CIR researchers will participate, in 2011, in an international workshop and in an international symposium on the problem of migration and criminal law. - The HR-CIR foresees for the years of 2011 and 2012 the publications papers in international journals and national journals; - The HR-CIR foresees for the years of 2011 and 2012 the presentation of eight communications at international scientific meetings and six communications at national scientific meetings; - To increase its library by buying more books, reviews, data bases in the scope of the scientific area of HR-CIR; - The HR-CIR foresees for the years of 2011 and 2012 the completion of master and doctoral theses in its area.

### 3.2.2. Plan and Methods

The Human Rights - Centre for Interdisciplinary Research (HR-CIR) is a permanent structure of the University of Minho. The unit is headquartered in the School of Law of University of Minho, in Gualtar Campus in Braga. HR-CIR was created in 2007 and has been evaluated by the FCT panel in 2008. The primary objectives of this research unit, for the current and the upcoming years (2011-2012), are: to consolidate the work that has been done until now, to strengthen the research in its areas and to extend its internationalization. Here is a detailed description of the main tasks this unit will carry out for this two-year period: 1. To preserve and strengthen the cooperation with the Human Rights Master of School of Law of University of Minho. This cooperation aims to increase the number of Master's and PhD's dissertations in this area; 2. To enhance the number of researchers, namely by including students with a Master's Degree in Human Rights and PhDs. It is also important to include legal experts on this area interested in the scientific sectors of HR-CIR; 3. The "Habeas corpus" researchers, in addition to the conclusion of the project "Annotated Edition of the Constitution of the Democratic Republic of East Timor", in partnership with IPAD (Portuguese Institute for Development Support), will continue to promote the work of the Monitoring Group of Portugal's participation in the Security Council of the United Nations in 2011 and 2012, in partnership with the IPRI (Portuguese Institute for International Relations of the New University of Lisbon), with the organization of seminars and documents publication; 4. Contemplating the humanitarian crisis triggered by flood of refugees to Europe as a result of political instability in the Southern Mediterranean and the need to support democratic transitions in Tunisia and Egypt, two meetings will be promoted in close cooperation by the "Habeas Corpus" and "European Law and Safeguarding Liberties", in 2011, and 2012; 5. Other methods of evaluation of the difficulties encountered by the European Union in response to this emergency, and to support the constitutional transition in those countries, are currently under study by researchers at the Centre; 6. The research line "European Law, Liberties and Personal Data Protection" will devote special attention to the consecration of new fundamental rights following the implementation of the Charter of Fundamental Rights of the European Union and will continue to monitor and seek answers to new challenges posed by technology and communication advances; 7. The creation of a specialized Course in Privacy and Data Protection, in the current year, and a Master's Degree in Law and Information Technology, in 2012, provides new opportunities to increase the capacity to research these issues; 8. Thus, in the regard of this subject a national seminar on the theme "New Rights: Privacy and data protection" is being organized this year; 9. In Europe is being prepared the participation of HR-CIR researchers in the Conference "Computers, Privacy & Data Protection" to be held in Brussels from the 25th to the 27th January, 2012. 10. In the international arena, is being prepared the participation in the "Conference Iberoamericana de Derecho e Informática", to be held from 3rd to the 8th October 2011 in Buenos Aires. 11. The HR-CIR throughout its research line "Humanities and Criminal Juridical Sciences" will focus on two main points: multiculturalism and migration phenomenon; 12. As the criminal Portuguese Law is not adequately prepared to address the problem of multiculturalism in an appropriate manner it is essential to acknowledge the existent comparative law answers on this subject; 13. It is also important to make real proposals that could serve as a reflection tool for future legislative changes; 14. In order to accomplish this will be promoted a Portuguese-Spanish colloquium and a symposium on the topic of multiculturalism and criminal law; 15. It is also the aim of the HR-CIR to be acquainted with the migration phenomenon in Europe and its implications in Portugal; 16. The awareness of migration phenomenon will enable to look for solutions in the fields of criminal law for criminal phenomena, as terrorism, money laundering, trafficking in persons and goods. 17. In the upcoming years, the HR-CIR will continue to concentrate its activities in the specific field of immigration, intercultural dialogue, asylum and legal status of foreigners and ethnic minorities. In pursuit of the above this research unit will continue to follow the jurisprudence of the European Constitutional Courts and European Court of Human Rights 18. The HR-CIR will participate in an international project concerning the status of Roma minorities in Europe. 19. The HR-CIR aims to engage a debate on freedom of movement within the European Union and the status of third-country nationals residing in European territory. 20. This research unit will organize sessions and debates on the

democratic transition in the Mediterranean region in the years 2011 and 2012. 21. To increase its library by buying more books, reviews, data bases in the scope of the scientific area of HR-CII; In order to study the different areas of Human Rights, the unit has several research areas, such as: Humanities and Criminal Juridical Sciences; European Law and Protection of Liberties; Habeas Corpus. These areas and their tasks for this two-year period are described in the following point.

### Ciências jurídicas humanísticas e criminais

#### **Task description and Expected results**

This research line will focus, in the years 2011/2012, on the following points: 1. Multiculturalism and criminal law. - will plan a Portuguese-Spanish colloquium on the topic; - The issue of multiculturalism has been object of recent concerns in Europe, especially in Portugal for its relations with the Community of Portuguese Language Countries (CPLP - Comunidade dos Países de Língua Portuguesa) and Islamic tradition countries. - The criminal Portuguese Law is not adequately prepared to address the problem of multiculturalism in an appropriate manner; - It is essential to take acknowledge of the existent comparative law answers on this subject; - The ultimate aim of this research line for the 2011 and 2012 is to make real proposals that could serve as a reflection tool for future legislative changes. - A symposium will be promoted to discuss possible answers and present real proposals in order to prepare criminal Portuguese Law to the challenges of multiculturalism. 2. The migration phenomenon and the criminal protection; - It is the scope of this research line to participate in the international debate over the migration phenomenon and the criminal protection, particularly through research networks that are being created to deal specifically with this issue. - It is the aim of this research line to be acquainted with the migration phenomenon in Europe and its implications in Portugal; - The awareness of migration phenomenon will enable to look for solutions in the fields of criminal law for criminal phenomena, as terrorism, money laundering, trafficking in persons and goods. The members of this research line will participate in a workshop, to be held in May 2011 in Pamplona, and in an international symposium on the problem of migration and criminal law, to be held in October in Barcelona. The expected results, of this research line for the years 2011 and 2012, are the completion of master and doctoral theses and the publication of reports and monographs.

### Direito Europeu e Protecção das Liberdades

#### **Task description and Expected results**

This research line will pay special attention to the new fundamental rights arisen from the entry into force of the Charter of Fundamental Rights of the European Union, and will continue to monitor and seek answers to new challenges brought by technological and communicational advances. In this regard, the analysis of the relationship between technology and rights in the society of information, communication and knowledge will constitute a privileged field of research. Deepening this research line, in a European Union Law perspective on human rights, it is of great importance both for the emergence of new fundamental rights related to Telecommunications issues and by the emergence of new concepts in the scientific field of Computer Science, such as smart environments and "cloud computing", or "profiling". These new concepts have led to the reformulation of related EU regulations. In this respect, the Law School of University of Minho will start, later this school year, a first Postgraduate Course in Privacy and Data Protection, to bring together students from different areas of knowledge around an integration of legal matters and information technology. For the 2011-2012 academic year, is preparing an original project in the Portuguese panorama, the opening of a Master's Degree in Law and Information Technology, open to graduates from different fields of knowledge, with the participation of teachers and researchers both from the Law School HR-CIR and from the Department of Informatics, School of Engineering. The matter of fundamental rights, particularly privacy and data protection, is a core research under this Master Course. It is expected that this integration of subjects, teachers and students from both areas will allow a fruitful dialogue, taking into account the need to integrate technological elements on the legal analysis as a way to find answers and solutions to the problems that technology itself creates. It seems to be of unquestionable interest in the context of achieving this Masters Course, to organize a special session devoted to a broad discussion of this new perspective of fundamental rights. For this session speakers and audience of different backgrounds will be invited, from the legal world (academics and students, but also judges, lawyers, notaries, etc.) and the political and economic world (with particular emphasis in the new reality consisting of enterprises that provide services from the new information and knowledge society) and technology (particularly in the area of Computer Science and Telecommunications). These sessions should enhance dialogue and research in these areas. In this sense, we think that will be of major importance the participation in national and international forums for discussion and dissemination of the produced research. It is expected that there will be an increased participation of the unit researchers in seminars and conferences at national, european and international level. In Europe we expect a participation of researchers from the University of Minho in the Conference on Computers, Privacy & Data Protection (<http://www.cpdpconferences.org/>) to be held in Brussels from 25 to 27 January 2012. In the international arena, we expect more participation of researchers from the University of Minho in the "Conference Iberoamericana de Derecho e Informática" to be held 3-8 October 2011 in Buenos Aires (<http://julionunezderechoinformatico.blogspot.com/2011/04/xv-congreso-iberoamericano-de-derecho-e.html>).

It is expected that there will be, at least, four publications in Conferences "Proceedings" and four Communications presented in those. In terms of publications, is expected the publishing of two articles in national magazines and two in international ones. It is expected the possibility of organizing a national seminar on the theme of "New Fundamental Rights: Privacy and Data Protection". Of particular interest is also the participation of researchers from the HR-CIR in discussion forums for monitoring and integrating the development of specific projects. In this respect, in the year 2011 the HR-CIR researcher, Francisco Andrade, will continue to integrate the "Ethics Advisory Board" of the PD-Net Project- pd-net -Towards Future Display Pervasive Networks (Funded by the European Union Seventh Framework Program (FP7/2007-2013) under grant agreement no. 244 011) that includes the participation of the University of Lancaster, University of Duisburg-Essen, University of Lugano and University of Minho, in an international and inter-university experience that combines innovation with legal research on subjects of fundamental rights. Moreover, due to a collaboration that has been consolidated between the HR-CIR and the Department of Informatics (in particular the Artificial Intelligence Group), University of Minho, it is legitimate to expect a deepening of integration of a legal view (especially focused on fundamental rights) in programs to develop projects in the knowledge areas of Artificial Intelligence, Smart Environments and, most particularly, in the field of E-Health (e.g. for monitoring of patients and the elderly). Is also worth mentioning the participation of researchers from the HR-CIR (currently Francisco Andrade) as APPIA Associates - Portuguese Association for Artificial Intelligence -, which will boost an interconnection of Law and Informatics on Fundamental Rights. It will also be provided the signature of journals, taking into account the objectives and projects to be developed within this line of research, namely "International Journal of Law and Information Technology" (<http://ijlit.oxfordjournals.org/>).

## Habeas corpus

### Task description and Expected results

The "Habeas Corpus" research line aims to develop research projects at national and international level concerning the issues of individual and collective freedoms in contemporary democracies. In the upcoming years, the research group will continue to concentrate its activities in the specific field of immigration, intercultural dialogue, asylum and legal status of foreigners and ethnic minorities. Activities previewed: - To finalize the Commentary of the East-Timor Constitution, publish the result and organize two International Conferences on the issue: one in Dili, East Timor, and one in Braga, Portugal, both in 2011. - To participate in an international project concerning the status of Roma minorities in Europe. - To engage a debate on the evolution of freedom of movement within the European Union and the status of third-country nationals residing in European territory. - To organize sessions and debates on the democratic transition which is being developed in the Mediterranean region - To follow with particular attention and critical sense the evolution of the jurisprudence of the European Constitutional Courts and European Court of Human Rights. - To follow the role of Portugal as non-permanent member of the Security Council of the United Nations Organization.- Organize an International Conference in 2012. - To publish the results of researches at the website of the Research Center. - To cooperate with international organizations and NGO's. - To cooperate with other academic institutions (in Portugal, other European States, Brazil and other Portuguese speaking countries).

### Expected output indicators

Description	2011	2012	2013	2014	2015	Total
<b>A - Publications</b>						
Books	6	6	0	0	0	12
Papers in international journals	8	8	0	0	0	16
Papers in national journals	15	15	0	0	0	30
<b>B - Communications</b>						
Communications in international meetings	12	12	0	0	0	24
Communications in national meetings	18	18	0	0	0	36
<b>C - Reports</b>	1	3	0	0	0	4
<b>D - Organization of seminars and conferences</b>	6	6	0	0	0	12
<b>E - Advanced training</b>						
PhD theses	1	2	0	0	0	3
Master theses	10	10	0	0	0	20
Others	0	0	0	0	0	0
<b>F - Models</b>	0	0	0	0	0	0
<b>G - Software</b>	0	0	0	0	0	0
<b>H - Pilot plants</b>	0	0	0	0	0	0
<b>I - Prototypes</b>	0	0	0	0	0	0
<b>J - Patents</b>	0	0	0	0	0	0
<b>L - Other</b>						

0	0	0	0	0	0	0
0	0	0	0	0	0	0
0	0	0	0	0	0	0

#### Scientific activity spreading actions

2011: Conference on the 15th October - "Jornadas Interdisciplinares de Direitos Humanos -Direitos Humanos Disciplinas em Dialogo" Conference on the 10th December - "Direitos Humanos em Portugal" 2012: Conference on the 15th October - "Jornadas Interdisciplinares de Direitos Humanos -Direitos Humanos Disciplinas em Dialogo" Conference on the 10th December - "Direitos Humanos em Portugal".