

Direitos Humanos - Centro de Investigação Interdisciplinar

Report 2010

General Information

Name of Research Unit: (CJP-Norte-4036) Direitos Humanos-Centro de Investigação Interdisciplinar

Coordinator: Pedro Carlos da Silva Bacelar de Vasconcelos

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Other Subdomains: n/a

Host Institutions

Leading Host Institution: Universidade do Minho

Other Institutions Involved:

Objectives & Achievements

Unit Description

As previously announced, during the year 2010, other forms of organization were adopted in response to the development of the unit's activities. The unit integrated members elected as Director the former coordinator, Pedro Bacelar de Vasconcelos who invited to the board, Prof. Patrícia Jerónimo and Prof. Teresa Moreira. The unit is a permanent structure for interdisciplinary research belonging to U.M. and constituted by three research groups. The principal investigators from each research group together with the Unit Director compose the Executive Board. The unit is based on U.M.'s School of Law and its management is backed by a qualified U.M. employee.

General Objectives

The Direitos Humanos – Centro de Investigação Interdisciplinar (CII) keeps the original goals. The work developed by the unit is essentially interdisciplinary benefiting from the contributions of lawyers, philosophers and social scientists from different schools and departments of U.M. and other national and international institutions.

Main Achievements during the year of 2010

Our main achievement is the consolidation of the engagement in international projects

Objectives & Achievements

and in interdisciplinary research. (see, below, research groups) and strengthening of organization, working methods and consistency of research groups. Protection of personal data became a strong topic of the European Law and Freedom Protection research group.

Activities

Integrative/multidisciplinary activities during the year of 2010

Partnerships in projects and scientific events with researchers from the following areas: Law, Philosophy; Political Sciences and International Relations; Anthropology and Sociology (see research groups).

In September 2010 we started the 5th edition of the Human Rights Master.

Outreach activities during the year of 2010

Different members of the group participated and presented communications in round tables, seminars and international conferences, hosted by several institutions.

Pedro Bacelar de Vasconcelos as National Focal Point for the United Nations Program – Alliance of Civilizations, participated in various international "fora" and as Director of the Cooperation Program of FUP - Fundação das Universidades Portuguesas - with UNTL - Universidade Nacional de Timor-Leste - developed a new bi-lateral cooperation and interchange plan sponsored by Portuguese International Aid (IPAD) for the next 3 years.

In order to engage in the international debate on the integration policies to be adopted at national and EU level, Sofia Oliveira prepared an International Conference on this subject organized that took place in December 2010.

The edition of a Commentary of the East-Timor Constitutions, sponsored by IPAD (Instituto Português de Apoios ao Desenvolvimento), is also a major challenge for the group in the next year.

Funding

	2008	2009	2010
LA FCT	0,00	0,00	0,00
Units FCT	0,00	28.875,00	24.573,75
Projects FCT	0,00	0,00	0,00
Other (National)	0,00	0,00	0,00
Other (International)	0,00	0,00	60.454,70
National Industry	0,00	0,00	0,00
International Industry	0,00	0,00	0,00
	0,00	28.875,00	85.028,45

General Indicators

	2007	2008	2009	2010	2011	Total
No. of Researchers Proposed	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers Hired (LA)	0,00	0,00	0,00	0,00	0,00	0,00
Balance	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers Hired (Ciência Programme)	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers integrated with PhD	7,00	10,00	10,00	12,00	0,00	12,00
Training Masters (Master thesis completed)	0,00	0,00	4,00	0,00	0,00	4,00
Training PhDs (PhD thesis completed)	1,00	3,00	0,00	1,00	0,00	5,00

Researchers Hired

Name	Start Date	End Date	Other Institution
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No researchers found...

Technical Personnel Hired

Name	Start Date	End Date	Other Institution
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No technical personnel found...

Additional Comments

Research Groups

Reference	Title / Principal Investigator
RG-Norte-4036-2133	habeas corpus <small>(Andreia Sofia Pinto Oliveira)</small>
RG-Norte-4036-2621	Direito Europeu e Protecção das Liberdades <small>(Pedro Carlos da Silva Bacelar de Vasconcelos)</small>
RG-Norte-4036-2792	ciências jurídicas humanísticas e criminais <small>(Maria Clara da Cunha Calheiros de Carvalho)</small>

Group Description

Title of Research Group: ^(RG-Norte-4036-2133) habeas corpus

Principal Investigator: Andreia Sofia Pinto Oliveira

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Group Host Institution: Universidade do Minho

Funding, source, dates

Funding, source, dates

For the purpose of the Commentary of the East-Timor Constitution, the research group was financed by IPAD (Instituto Português de Apoio ao Desenvolvimento), and by the Government of East Timor.

Final amount: 60. 454, 70 Euros.

Objectives & Achievements

Objectives

This research group pretends to be an interdisciplinary center with capacity to develop individual and collaborative research projects involving national and international institutions concerning the issues of individual and collective freedoms in contemporary societies. In the next future, the research group will continue to concentrate its activities in the specific field of immigration, intercultural dialogue, asylum and the legal status of foreigners and ethnic minorities, like Roma, in particular those residing in national territory. The group's purpose is to provide a systematic treatment of the subject – mostly in what concerns the use of certain liberties and fundamental rights by foreigners – a subject which has been given only limited and fragmentary treatment both by the legislative and judicial powers. It is also deemed necessary to articulate this reality with the European Court of Human Rights case law and with the yet incipient contribution by European Law. Connected with immigration policies and the legal status of foreigners, it is also deemed extremely important to engage in a debate on the integration policies to be adopted at national and EU level. The Commentary of the East-Timor Constitution, sponsored by IPAD (Instituto Português de Apoio ao Desenvolvimento), whose results will be presented in 2011 is

Objectives & Achievements

also a major challenge for the group in the next year.

Main Achievements

In 2010 the Center organized an International Conference on Migrations and Human Rights, on December 10th, with the participation of Stephen Legomsky, from the Washington – University, and Mathias Thaler, among others from Portuguese universities.

In 2010 the Center organized an Opening Session for the Master Course on Human Rights under the subject Human Rights – Disciplines in Dialogue, with a philosopher, João Rosas, an anthropologist, Manuela Ivone Cunha, and a lawyer, Pedro Bacelar de Vasconcelos (October 29th).

In 2010 a interdisciplinary study on bioethical issues was, organized by Nuno Manuel Pinto Oliveira, *Pessoas transparentes. Questões actuais de bioética*, Livraria Almedina, Coimbra, 2010 (em colaboração com J. M. Curado).

In 2010, four Master thesis were concluded:

Deyse Oliveira Ribeiro, *O tráfico internacional de seres humanos: a construção de um padrão europeu de tratamento às pessoas traficadas* (February 23rd);

Priscila Roldão Antoniazzi Trigo, *Do acesso de terceiros à informação genética pessoal: o caso das relações de emprego e de seguro* (May 5th);

Ana Luís Rodrigues, *Pena de Morte: Uma Questão de Direitos Humanos? Análise dos debates que precederam a aprovação pela ONU de uma moratória mundial na sua aplicação* (June 21st);

Sandra Regina Viau, *Estudo comparado entre o ordenamento jurídico brasileiro e o português sobre violência doméstica contra as mulheres* (October 2nd);

Group Productivity

Other international publications

Group Productivity

Patrícia Jerónimo, O Direito timorense da nacionalidade, in AAVV, Actas das Jornadas do Curso de Direito da Universidade Nacional Timor Lorosa'e de 11 de Junho de 2010, Díli, 2010;

Patrícia Jerónimo, Report on Portuguese Consular Law, as country correspondent for the CARE Project – Citizens Consular Assistance Regulation in Europe, financed by the European Commission and conducted by the Consiglio Nazionale delle Ricerche in cooperation with the Istituto di Teoria e Tecniche dell'Informazione Giuridica, 2009-2010.

Other national publications

Nuno Manuel Pinto Oliveira, “Autonomia, dignidade e transplantação de órgãos”, in: Pessoas transparentes. Questões actuais de bioética, Livraria Almedina, Coimbra, 2010, pp. 121-143;

Nuno Manuel Pinto Oliveira, “Conceito e regime(s) do sinal no direito civil português”, in: Estudos em homenagem ao Professor Doutor Carlos Ferreira de Almeida, vol. II, Livraria Almedina, Coimbra, 2011, pp. 535-554;

Andreia Sofia Pinto Oliveira, “O Novo Direito do Asilo Português”, em Estudos em Homenagem ao Prof. Doutor Sérvulo Correia, Coimbra, Coimbra Editora, p. 167-184;

Andreia Sofia Pinto Oliveira, “Eficiência e Constituição”, Revista da Faculdade de Direito da Universidade do Porto, ano VII, 2010;

Cristina Dias, “O crédito pela compensação do trabalho doméstico prestado na constância do matrimónio (a contribuição consideravelmente superior de um dos cônjuges para os encargos da vida familiar – o artigo 1676.º do Código Civil)”, in AAVV, sob a coordenação de M.^a Clara Sottomayor e M.^a Teresa Féria de Almeida, E foram felizes para sempre...? Uma análise crítica do novo regime jurídico do divórcio, Coimbra, Coimbra Editora/Wolters Kluwer, 2010, pp. 199-226;

Maria da Assunção Vale Pereira, «O Princípio da Distinção como Princípio Fundamental do Direito Internacional Humanitário», Revista da Faculdade de Direito da Universidade do Porto, ano VI, 2009, pp. 413-442;

Group Productivity

Maria da Assunção Vale Pereira, «Algumas Considerações acerca da Prevenção dos Conflitos Armados», Revista da Faculdade de Direito da Universidade do Porto, ano VII, 2010 (especial, pp. 419-440);

Patrícia Jerónimo, Imigração e cidadania na União Europeia. O estatuto de residente de longa duração, in Alessandra Silveira (coord.), Direito da União Europeia e Transnacionalidade, Lisboa, Quid Iuris, 2010.

Organization of conferences

In 2010 the Center organised an International Conference on Migrations and Human Rights, on December 10th, with the presence of Stephen Legomsky, from the Washington – University, and Mathias Thaler, among others;

In 2010 the Center organised an Opening Session for the Master Course on Human Rights under the subject Human Rights – Disciplines in Dialogue, with a philosopher, João Rosas, an anthropologist, Manuela Ivone Cunha, and a lawyer, Pedro Bacelar de Vasconcelos (October 29th).

Internationalization

Pedro Bacelar de Vasconcelos is Director of the Cooperation Program of FUP - Fundação das Universidades Portuguesas - with UNTL - Universidade Nacional de Timor-Leste - supported by IPAD – Instituto Português de Apoio ao Desenvolvimento and UNDP – United Nations Development Program, since September 2008;

Pedro Bacelar de Vasconcelos is Portuguese Coordinator at “United Nations Alliance of Civilizations”;

Andreia Sofia Pinto Oliveira is National Consultant at the UNHCR (United Nations High Commissioner for Refugees), working as National Project Officer at the Further Developing Asylum Quality, financed by the European Refugee Fund, since April 2010;

Patrícia Jerónimo collaborated in teaching programs with the National University of East Timor.

Government/Organization contract research

Group Productivity

The Commentary of the East-Timor Constitution, sponsored by IPAD (Instituto Português de Apoios ao Desenvolvimento), and required by the Government of East Timor as an important contribute for the State-building process, was a major challenge for the group. Pedro Bacelar de Vasconcelos is the coordinator of the Project and Andreia Sofia Pinto Oliveira, Patrícia Jerónimo, Ricardo Cunha and Benedita MacCrorie are members of this research group. Results will be presented in 2011 in East Timor and in Portugal.

Group Description

Title of Research Group: (RG-Norte-4036-2621) Direito Europeu e Protecção das Liberdades

Principal Investigator: Pedro Carlos da Silva Bacelar de Vasconcelos

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Group Host Institution: Universidade do Minho

Funding, source, dates

Funding, source, dates

There are no funding directly applied to this research group.

Objectives & Achievements

Objectives

The objectives remain the same, with a focus on protection of personal data.

Main Achievements

Francisco Andrade became member of the “Ethics Advisory Board” do PD-Net Project - pd-net - Towards Future Pervasive Display Networks (Funded by the European Union Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 244011) in partnership with the University of Lancaster, the University of Duisburg-Essen, the University of Lugano and the University of Minho;

Teresa Coelho Moreira, published her PhD Thesis: A Privacidade dos Trabalhadores e as Novas Tecnologias de Informação e Comunicação: contributo para um estudo dos limites do poder de controlo electrónico do empregador, Almedina, Coimbra, 2010.

Group Productivity

Other international publications

Teresa Coelho Moreira, “As NTIC, a privacidade dos trabalhadores e o poder de controlo electrónico do empregador”, in Memórias do XIV Congresso Ibero Americano de Derecho e Informática, Tomo II, México, 2010, pp. 865-884.

Group Productivity

Other national publications

Nuno Manuel Pinto Oliveira, “Apreciação crítica de uma proposta de Directiva sobre os direitos do consumidor”, in: Direito da União Europeia e Transnacionalidade, Quid juris, Lisboa, 2010;

Patrícia Jerónimo, Símbolos e símbolos – o véu islâmico e o crucifixo na jurisprudência recente do Tribunal Europeu dos Direitos do Homem. Análise das decisões Şahin v. Turquia, Dogru v. França e Lautsi v. Itália, in “SCIENTIA IVRIDICA. Revista de Direito Comparado Português e Brasileiro”, tomo LIX, n.º 323, 2010;

Teresa Coelho Moreira, “As novas tecnologias de informação e comunicação e o poder de controlo electrónico do empregador”, in Scientia Iuridica, n.º 323, 2010;

Teresa Coelho Moreira, “Limites à instalação de sistemas de videovigilância – Comentário ao acórdão do STA, de 24 de Fevereiro de 2010”, in Revista do Ministério Público, n.º 123, 2010.

Organization of conferences

Teresa Coelho Moreira - “O controlo das comunicações electrónicas dos trabalhadores”, proferida no Congresso “Direito do Trabalho + Crise = Crise do Direito do Trabalho?”, organized by the School of Law, Catholic University of Porto, on May 28, 2010;

Teresa Coelho Moreira – “Diálogo social y empleo: nuevos yacimientos, estabilidad y calidad desde el Derecho português”, presented at the “Encuentro Internacional sobre Derecho del Empleo y Diálogo Social” at the University of Santiago de Compostela on 28 October 2010; Teresa Coelho Moreira - “O controlo das comunicações electrónicas dos trabalhadores”, given at the XIV Congress of Labour Law, Lisbon, on November 11, 2010.

Group Description

Title of Research Group: ^(RG-Norte-4036-2792) ciências jurídicas humanísticas e criminais

Principal Investigator: Maria Clara da Cunha Calheiros de Carvalho

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Group Host Institution: Universidade do Minho

Funding, source, dates

Funding, source, dates

There are no funding directly applied to this research group.

Objectives & Achievements

Objectives

The main objectives were to continue developing the work carried out in previous years, specially the study and discussion of penal law in an interdisciplinary perspective.

Main Achievements

The activities in this period were generally focused on the direction of thesis and post-graduate student research, that are expected to be presented in 2011.

That fact determined the acquisition of bibliography related to these undergoing studies.

Group Productivity

Other national publications

Monte, Mário -- “«Um elevado nível de segurança»: objectivo do Tratado de Lisboa para a União Europeia ou o «pesadelo» de Arcádia?”, in Alessandra Silveira (Coord.), *Direito da União Europeia e Transnacionalidade*, Lisboa: Quid Juris Sociedade Editora, 2010, pp. 265-282;

Group Productivity

Monte, Mário- “O segredo de justiça em processo penal na relação de tensão entre o papel do Juiz de Instrução e do Ministério Público – anotação ao Acórdão n.º 110/2009 do Tribunal Constitucional”, in *Direito, Revista da Universidade Lusíada* (2010), n.ºs 1 e 2, Setembro, pp. 457-476;

Monte, Mário -- “Escutas telefónicas”, in Manuel Guedes Valente (Org.), *III Congresso de Processo Penal, Memórias*, Coimbra: Almedina, 2010, pp. 163-196;

Calheiros, Clara e Monte, Mário “Exercício de advocacia, direito de defesa em processo penal e crime de difamação”, co-authored with Paulo Ferreira da Cunha, in *Scientia Iuridica* (2010), T. LIX, n.º 322, Setembro, pp. 237-259;

- “Prefácio”, in Fernando Baptista de Oliveira, *A Liberdade de Circulação nos Mares a as «Novas Ameaças». A Pirataria Marítima. A Tutela Jurídico-penal*, Lisboa: Livraria Petrony, 2010, pp. 5-9;

Aguiar e Silva, Joana - "Visões humanistas da justiça em Ensaio sobre a cegueira", in TRINDADE, André Karam, GUBERT, Roberta Magalhães, NETO, Alfredo Copetti, orgs., *Direito e Literatura. Discurso, Imaginário e Normatividade*, Porto Alegre, Nuria Fabris Editora, 2010, pp. 209-236.

Organization of conferences

- Monte, Mário - responsible for the organization of the Law Masters 2009/2010 closing journey, under the theme “Desafios actuais do Direito e da Justiça: quid ius, quid iuris?”, at the School of Law, University of Minho, on July 8, 2010;

Government/Organization contract research

-Monte, Mário - Member of the executive commission of the international cooperation project between the University of Minho and the University of Vale do Itajaí (Brasil).

– Professor of European Law and Transnationality, in which was held the Jean Monnet Project on the same subject in 2009 and 2010, financed by the European Commission.

“European Union Law and Transnationality”