

## General Information

**Name of Research Unit:** <sup>(CJP-Norte-4036)</sup> 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

The Direitos Humanos – Centro de Investigação Interdisciplinar (DH-CII) was created in 2007. This unit is a permanent structure for interdisciplinary research belonging to U.M. and is constituted by three research groups called “research lines”, reflecting different research and application domains under the scope of Human Rights: Habeas Corpus; Direito Europeu e Protecção das Liberdades; Ciências Humanísticas Jurídicas e Criminais. The unit is backed by a competent management grantee.

DH-CII has 37 members between integrated and collaborative members, in which 20 of them hold a PhD degree. The PhD researchers are Professors of the Law School, Professors from other schools of the University of Minho, and Professors from other Universities. The remaining researchers are mainly master students from different Master courses, such as the Master in Human Rights or Master in European Law. The DH-CII has, since December 2011, one more integrated member, the PhD researcher Benedita Mac Crorie.

The governing bodies of this research centre are: the Scientific Council, the Executive Committee and the Direction Board. The Scientific Council, chaired by the Director, is composed by all integrated members who are PhD graduates that chose to develop ongoing investigation in this unit. The Executive Board is composed by all the principal researchers from each research line together with the Direction Board. The Direction Board is composed by the Director, the former coordinator, Pedro Bacelar de Vasconcelos who invited to the board, Prof. Patrícia Jerónimo Vink and Prof. Teresa Moreira.

### General Objectives

The Direitos Humanos – Centro de Investigação Interdisciplinar (DH-CII) maintains 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 2011

In 2011 was observed a major evolving of the collaborative members in DH-CII projects, namely in the project “Commentary of the Constitution of Timor-Leste”, which counted with the collaboration of doctorate and master students (see Habeas Corpus), and also with the collaboration of Timorese jurists and several researchers

## Objectives & Achievements

from other universities and research centres.

A larger computerized space is available for DH-CII researchers, who can work with access to digital and paper journal. The DH-CII maintained, in 2011, the subscription of 5 major data bases. During this year the DH-CII increased its library.

The DH-CII website has been a point of updated information on the results of scientific research projects carried out by the DH-CII.

Several researchers cooperate with international organizations and NGO's, namely, with the Venice Commission (the Council of Europe's advisory body on constitutional matters), the Regional Office for Europe of the UN High Commissioner for Human Rights, the United Nations High Commissioner for Refugees (see research groups).

Several researchers cooperate with international academic institutions, namely,

the National University of Timor, the Cooperation Program of FUP - Fundação das Universidades Portuguesas; the UNIVALI (University of the Vale of Itajaí).

Globally, the publications superseded the expected numbers: about 30 publications between books and articles (see research groups). The subjects fall within the scope of the DH-CII, accomplishing, also, the goals imposed in the Strategic Project, namely, to follow the European jurisprudence.

The number of communications, covering all sorts of conferences and workshops, was about 40, superseding the expected numbers (see research groups). The subjects accomplish the goals imposed in the Strategic Project, namely: to follow the political instability in South Mediterranean countries; to devote special attention on multiculturalism and migration phenomena; to participate in the international debate on migration phenomenon and criminal protection; to devote special attention to the new fundamental rights arise by the implementation of the Charter of Fundamental Rights; to participate in the "Conferencia Iberoamericana de Derecho e Informática".

The DH-CII completed the project "Commentary of the Constitution of Timor-Leste". In a follow-up approach a permanent forum was created with the Court of Appeal and the National University of Timor, to monitor the impact of the project on a legal and academic level.

The DH-CII continued the monitoring of the Portuguese participation in the Security Council of the United Nations, through the organization of 3 seminars.

In November DH-CII enhanced the contact of foreign research centres in the Far East

In 2011 were completed, in the scope of the Human Rights research, 10 Master thesis and 1 PhD thesis (see research groups).

## Activities

### **Integrative/multidisciplinary activities during the year of 2011**

## Activities

In September 2011 has started the 7th edition of the Human Rights Master that counts with an interdisciplinary teaching staff that integrates, besides the Law Professors, Political Science, Philosophy, Anthropologist and International Relations Professors. It is also noteworthy that the group of master students is composed of students from different origins, such as, Portugal, Brazil and Timor-Leste.

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

On the 9th December 2011, the DH-CII promoted an International Conference on the Arab countries democratic transition, "The Arab Spring and the use of force in international relations", at the Law School, University of Minho. The DH-CII invited, to take part in this conference, international scholars in the areas of Human Rights and Islamic Law, researchers from different scientific fields, particularly in the areas of Law, International Relations and Philosophy, and a representative of the Government of Egypt, His Excellency the Ambassador of Egypt in Portugal.

In response to the need of studying the new fundamental rights in the European Law related to telecommunications issues - a task that is being taken over by the research group "Direito Europeu e Protecção das Liberdades"- was created, in the Law School of the University of Minho in 2011, a Master's Degree in Law and Informatics. This Master course integrates an interdisciplinary teaching staff composed by Law and Informatics Professors.

### **Outreach activities during the year of 2011**

In 2011, the DH-CII concluded the project Commentary of the Constitution of Timor-Leste, a project sponsored by IPAD (Instituto Português de Apoio ao Desenvolvimento) and by the Government of Timor-Leste. This project was required by the Government of Timor-Leste as an important contribution for the State-building process. The digital version of the book is available online through the DH-CII website, reaching out to all the interested public.

During the year of 2011 numerous researchers of the DH-CII have been invited for conferences, workshops and seminars by international institutions, such as the Organization for Economic Co-operation and Development (OECD), the Institute for Security Studies (ISSEU) (see research groups).

Several researchers of the DH-CII have been invited by society institutions to present communications, under the theme of Human Rights, on public events:

The DH-CII researcher, Pedro Bacelar de Vasconcelos, at the invitation of the coordination of the project "Paths of Citizenship Project", gave a lecture on "Citizenship and Racial Discrimination" at Escola Secundária da Boa Nova, Leça da Palmeira, Matosinhos, Portugal, on March 21. This researcher was also invited to give a lecture entitled: "Social Europe - The Integration of Ethnic Minorities and the Charter of Fundamental Rights" on the National Defence Course, sponsored by the Institute of Portuguese National Defence which took place on January 12 at Castelo da Foz, Porto, Portugal. Invited by the Pastoral Universitaria of Braga, this researcher participated in

## Activities

the “Days of Culture II - Sense of Europe” conference, with a communication on "Secularism and Religious Liberty," on November 11, at "Auditório Vita", Braga, Portugal.

Mário Monte, a DH-CII researcher co-presented, on March 18, 2011, the communication “A tutela penal dos interesses das crianças”, in a seminar about Family Law and Children, organized by the Vila Verde Delegation Bar Association in collaboration with the City Council and the Commission for the Protection of Children and Youth.

The DH-CII researcher, Andreia Sofia Oliveira, presented the paper “O reconhecimento do estatuto de refugiado e da protecção subsidiária, tal como resulta da Constituição, do Direito Internacional, das Directivas da UE e da legislação portuguesa” at a meeting about the Recognition of International Protection to Foreigners organized by the Centre of Judicial Studies, on June 3, Lisbon, Portugal.

On the 9th December 2011, the DH-CII promoted an International Conference "The Arab Spring and the use of force in international relations", at Law School, University of Minho. The DH-CII invited, to take part in this conference, international scholars in the areas of Human Rights and Islamic Law, researchers from different scientific fields, particularly in the areas of Law, International Relations and Philosophy, and a representative of the Government of Egypt, His Excellency the Ambassador of Egypt in Portugal.

## Funding

	2008	2009	2010	2011
LA FCT	0,00	0,00		
Units FCT	0,00	28.875,00	24.573,75	41.043,00
Projects FCT	0,00	0,00	0,00	0,00
Other (National)	0,00	0,00	0,00	0,00
Other (International)	0,00	0,00	60.454,70	0,00
National Industry	0,00	0,00	0,00	0,00
International Industry	0,00	0,00	0,00	0,00
	<b>0,00</b>	<b>28.875,00</b>	<b>85.028,45</b>	<b>41.043,00</b>

## General Indicators

	2007	2008	2009	2010	2011	Total
No. of Researchers Hired (Ciência Programme)	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers integrated with PhD	0,00	0,00	0,00	0,00	13,00	
Training PhDs (PhD thesis completed)	0,00	0,00	0,00	0,00	1,00	1,00

## Researchers Hired

Name	Start Date	End Date	Other Institution
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## Researchers Hired

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	<a href="#">habeas corpus</a> (Andreia Sofia Pinto Oliveira)
RG-Norte-4036-2621	<a href="#">Direito Europeu e Protecção das Liberdades</a> (Pedro Carlos da Silva Bacelar de Vasconcelos)
RG-Norte-4036-2792	<a href="#">ciências jurídicas humanísticas e criminais</a> (Maria Clara da Cunha Calheiros de Carvalho)

## Strategic Project Adjustments

Due to a time constraint, the publications previewed for 2011 will be released in 2012.

The theme of the Conference, to be held on December 2011, was changed due to the emergence, during 2011, of issues of a greater prominence in the international political scene. Therefore, the Conference held on the December 9 2011 addressed the theme "The Arab Spring".

The international project concerning the status of Roma minorities in Europe, sponsored by the Law Faculty of Firenze University, did not register any developments in 2011.

Due to time constraints at the end of 2011, the presentation of the Commentary of the East-Timor Constitution did not take place in Portugal in 2011. The book presentation will be held in 2012 in Lisbon. It's expected the support of the Embassy of Timor-Leste and the Portuguese Institute of International Relations (IPRI).

The Specialized Course in Privacy and Data Protection did not begin in 2011 as it was replaced by the Master in Law and Informatics. The organization of the seminar "New Rights: Privacy and Data Protection" was not held in 2011, hoping that it may occur in 2012 within the Master in Law and Informatics.

The Strategic Plan previewed the participation in an international symposium on the problem of Migration and Criminal Law, on

## Research Groups

October in Barcelona. However, that symposium happened in Pamplona in November 2011.

The organization of an Iberian seminar and a symposium on Multiculturalism and Criminal Law provided in the Strategic Plan it is planned for 2012 and will be entitled "Multiculturalism and Restorative Justice".

There were a few changes in the finance plan. As the amount of expenses with human resources and researchers missions weren't so high as previewed, DH-CII transferred some funds of this two items to another two items where expenses were higher than expected: costs with consultants (expenses with scholars invited for conferences), and services/acquisitions (signature of data bases, payment of services).

## Habes Corpus

### Group Description

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

**Principal Investigator:** Andreia Sofia Pinto Oliveira

**Main Scientific Domain:** n/a

**Group Host Institution:** Universidade do Minho

Funding, source, dates

### **Funding, source, dates**

For the purpose of the Commentary of the Constitution of Timor-Leste, the research group was financed by IPAD (Instituto Português de Apoio ao Desenvolvimento), and by the Government of Timor-Leste. The final amount of the financing was € 60.454,70. The financial execution of that amount took place in the years 2010, 2011 and will continue, predictably, until March 2012.

Objectives & Achievements

### **Objectives**

This research group intends to be an interdisciplinary centre 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

## Objectives & Achievements

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 Constitution of Timor, sponsored by IPAD (Instituto Português de Apoio ao Desenvolvimento), whose results were presented in 2011 was also a major challenge for the group in this year.

### **Main Achievements**

The Commentary of the Constitution of Timor-Leste, sponsored by IPAD (Instituto Português de Apoio ao Desenvolvimento), and required by the Government of Timor-Leste as an important contribute for the State-building process, continued to be, in 2011, the major challenge for the group. This project, that was taken over by this research line and counted with the collaboration of the doctorate student Ricardo Sousa da Cunha and the master student Andreia Rute Baptista, was concluded in November and presented in that month. In the 22nd November, the book “Constituição Anotada da República de Timor-Leste” was presented, in an official ceremony in Díli, prepared by the Parliament and Government of Timor-Leste. In this event were present members of the Government, of the National Parliament, of the Court of Appeal, of the National University of Timor, as well as the Portugal Ambassador in Timor-Leste. On the next 24th and 25th November the book was presented in two seminars, respectively, in the National University of Timor and in the Court of Appeal.

A digital version of this book is available on the website of the DH-CII.

The DH-CII, in partnership with the Executive Committee of the Human Rights Master, marked the start of the 7th edition of this course with a Conference on International Protection of Social Rights, inviting a Professor of the Catholic University of São Paulo, Brazil, PhD. Flávia Piovesan. The DH-CII researcher Sofia Oliveira presented the subject, Flávia Piovesan presented a communication on the theme of Social Rights, and the DH-CII researcher Pedro Bacelar de Vasconcelos was invited as a commentator. This Conference took place at the Law School of the University of Minho, on October 7, 2011.

Other seminars were organized in the Master, such as “Direitos Humanos e Biomedicina” by the PhD André Pereira, on March 18.

On the 9th December 2011, this research line promoted the International Conference "The Arab Spring and the use of force in international relations", at Law School, University of Minho. For that purpose were invited international scholars in the areas of Human Rights and Islamic Law, researchers from different scientific fields, particularly in the areas of Law, International Relations and Philosophy, and a representative of the Government of Egypt, His Excellency the Ambassador of Egypt in Portugal.

Several papers were published, in some important national and international journals, by the research team, namely, in “Pacific Rim Law & Policy Journal Currents”, “Jornal Estado de Direito”, Cadernos de Justiça Administrativa and “SCIENTIA IVRIDICA”. The themes concerned, mainly, citizenship, migration, traditional justice and fundamental rights.

## Objectives & Achievements

In 2011 was reinforced the internationalization of the research group, by the invitations addressed to the researchers of this line to take part in international conferences (see internationalization). The themes presented at those conferences concerned, mainly, the jurisprudence of the European and Timorese Courts on fundamental rights cases, the democratic transition in Portugal, child fundamental rights and foreigner's rights.

For the monitoring of the Portuguese participation in the Security Council of the United Nations, under the DH-CII project in partnership with the Portuguese Institute of International Relations (IPRI) "Proposals for the Portuguese mandate in the Security Council of the United Nations", were organized by the researcher Pedro Bacelar de Vasconcelos, who was also the co-moderator, 3 seminars at the Luso-American Development Foundation (FLAD), in Lisbon in 2011.

In the scope of this research line, which is committed with the Master program in Human Rights, were presented, in 2011, 10 master thesis, among them, Andreia Rute da Silva Baptista - "Marrocos: No Caminho da Emancipação da Mulher Muçulmana"; Olívia Maria Cardoso Gomes - "Violência Doméstica e Migrações"; David Vasquez Barros - "A Pirataria Marítima. O seu Regime Jurídico e Problemas Actuais".

## Group Productivity

### **Publications in peer review Journals**

Patrícia Jerónimo Vink, Citizenship and State-Building in East Timor, in "Pacific Rim Law & Policy Journal Currents", 1, June 2011.

### **Other international publications**

Maria de Assunção Vale Pereira, et al. (co-coord.), Conflitos armados, Gestão pós-conflitual e Reconstrução / Conflictos armados, Gestion posconflicto y Reconstrucción, Santiago de Compostela, Andavira ed., 2011.

Patrícia Jerónimo Vink, A Política Europeia em Matéria de Imigração. O que há de novo no estatuto de residente de longa duração?, in "Jornal Estado de Direito", n.º 23, Janeiro de 2011

### **Other national publications**

Andreia Sofia Oliveira, "Legitimidade Processual na Intimação para protecção do direito ao reagrupamento familiar", in Cadernos de Justiça Administrativa, n.º 86.

Pedro Bacelar de Vasconcelos, "Justiça e Competitividade Económica", in III Jornadas de Solicitoria, A Crise da Justiça e o Problema do Desempenho dos Profissionais do Direito, ISMAI, Porto, 2011.

Patrícia Jerónimo Vink, Estado de Direito e Justiça Tradicional. Ensaio para um Equilíbrio em Timor-Leste, in Rui Pinto Duarte, et al. (orgs.), Estudos em Homenagem ao Professor Doutor Carlos Ferreira de Almeida, III, Coimbra, Almedina, 2011.

Patrícia Jerónimo Vink, Direito Público e Ciências Sociais – O Contributo da Antropologia para uma densificação "culturalista" dos direitos fundamentais, in "SCIENTIA IVRIDICA. Revista de Direito Comparado Português e Brasileiro", tomo

Group Productivity

LX, n.º 326, 2011.

Patrícia Jerónimo Vink, O Direito timorense da nacionalidade, in “SCIENTIA IVRIDICA. Revista de Direito Comparado Português e Brasileiro”, tomo LX, n.º 325, 2011.

Cristina Dias, “O casamento como contrato celebrado entre duas pessoas (de sexo diferente ou do mesmo sexo(!))”, in AAVV, Estudos em homenagem ao Professor Doutor Carlos Ferreira de Almeida, vol. III, Coimbra, Almedina, 2011, pp. 353-396.

### **Ph.D. thesis completed**

Benedita Mac Crorie a researcher of the DH-CII submitted herself, in 12th December 2011, to her PhD Examination in Law Faculty of the University Nova de Lisboa. The dissertation topic is: “Os limites da renúncia a direitos fundamentais nas relações entre particulares”.

### **Organization of conferences**

In the year of 2011 three Conferences were organized by researchers of this line:

Assunção do Vale Pereira - IV Encontro de Professores de Direito Público, conference at the School of Law of the University of Minho in the 28th and 29 January, 2011.

Assunção do Vale Pereira - I Encontro Luso-Espanhol de Professores de Direito Internacional Público e Relações Internacionais conference at the School of Law of the University of Minho in the 18th e 19th February, 2011.

Patrícia Jerónimo Vink - International Conference "The Arab Spring and the use of force in international relations", DH-CII , 9th December, 2011.

### **Internationalization**

Pedro Bacelar de Vasconcelos:

- Director of the Cooperation Program of Portuguese University Foundation (Sept. 2008-Mar. 2011). Also, member of the Venice Commission and Portuguese Coordinator at UNAOC.

- Lectured on the democratic transition in Portugal, at "Setting the Rules for Democratic Transition - Legal and Constitutional Reform in Egypt and Tunisia", OCDE, 18 April, Paris.

- Participated on preparatory meetings, Third World Meeting of the PCA, Alliance of Civilizations, May 2, 3-4, Doha.

- Lectured on the meaning and impact of the constitutional moment in Portuguese democratic revolution, at "Democratic Transition Challenges: Egypt in Comparative Perspective", ISSEU, Cairo, May 28-29.

Andreia Sofia Oliveira:

## Group Productivity

- National Consultant at the UNHCR (April 2010-Sept2011).
- Lectured “Portugal: The Quality Initiative” and “Portugal”, both at “Further Developing Asylum Quality in the European Union”, respectively on Jan. 19-20, Rome, Sept.15-16, Brussels.

## Patrícia Jerónimo Vink:

- Teaching programs in the National University of Timor-Leste. Consultant for the Regional Office for Europe of the UNHCHR.
- Lectured “Os direitos das crianças e dos jovens na Constituição da República Democrática de Timor-Leste”, Colloquium Juris, National University of Timor, Díli, June 3.
- Lectured “The judicial implementation of Article 3 of the CRC in Europe”, Judicial Colloquium, Supreme Court of Catalonia, Barcelona, July 8.
- Lectured “Esempi significativi di provvedimenti giudiziari dei Tribunali dei Paesi europei, in materia di minori stranieri in situazione irregolare”, XXX National Congress of the Italian Association of Youth and Family Judges and Magistrates, Catania, Nov.26.

In November, Ricardo Sousa da Cunha and Andreia Rute Baptista met the Directors of Institute for Advanced Legal Studies and Centre for Comparative and Public Law, respectively, University of Macau and University of Hong Kong, to define terms of future joint research projects.

## **Government/Organization contract research**

The Commentary of the Constitution of Timor-Leste, sponsored by IPAD (Instituto Português de Apoio ao Desenvolvimento), and required by the Government of Timor-Leste as an important contribute for the State-building process, continued to be, in 2011, the major challenge for the group. This project, which was coordinated by Pedro Bacelar de Vasconcelos with the support of Andreia Sofia Oliveira and counted with several members of this research unit such as, Patrícia Jerónimo, Ricardo Cunha, Benedita MacCrorie, Fernando Conde Monteiro, Teresa Moreira and Andreia Rute Baptista, was concluded in November and presented to the public in that month. In the 22nd of November, the book “Constituição Anotada da República de Timor-Leste” was presented by Pedro Bacelar de Vasconcelos in an official ceremony in Díli, prepared by the Parliament and by the Government of Timor-Leste. At this event were present members of the Government, of the National Parliament, of the Court of Appeal and of the National University of Timor, as well as the Portugal Ambassador in Timor-Leste. On the next 24th and 25th November the book was presented in two seminars, respectively, in the National University of Timor and in the Court of Appeal. In those seminars The researchers Andreia Sofia Oliveira, Pedro Bacelar de Vasconcelos, Ricardo Sousa da Cunha and Andreia Rute Baptista presented communications concerning the Constitution of Timor-Leste. A digital version of this book is available on the website of the research centre.

# Direito Europeu e Protecção das Liberdades

## Group Description

**Title of Research Group:** <sup>(RG-Norte-4036-2621)</sup> Direito Europeu e Protecção das Liberdades  
**Principal Investigator:** Pedro Carlos da Silva Bacelar de Vasconcelos  
**Main Scientific Domain:** n/a  
**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 and on the Constitutional Law at a global scale

The legitimacy of the power exercise arises, increasingly, beyond the traditional limits of the State. The emergence of the normative regulation at an European and global scale, as well as the reestablishment of International Law, after the Second World War, and the growing centrality of concerns about the protection of individuals fundamental rights, emphasize the idea of a "Global Constitutional Law." It is in this field that, currently, the different branches of national, European and international law (general and special), relates. The DH-CII will, in the year 2012 and through its researchers Pedro Bacelar de Vasconcelos and Ricardo Sousa da Cunha, promote a forum concerning "Global Constitutional Law", where will be debated these issues that inevitably arise, also, at the Human Rights level .

## Main Achievements

The activity of this research group during the year of 2011 focused, mainly, on the Labour Law, on the European Law and on the new fundamental rights emerged from the new technologies.

On the scope of Labour Law several communications were presented at national and international conferences, namely: Teresa Moreira - "Novas Tecnologias: Um Admirável Mundo Novo do Trabalho?", at International Congress of Labour Law "O Direito do Trabalho na Máquina do Tempo", Catholic University, Porto, 26th May; Teresa Moreira - "A discriminação em razão da idade num contexto de uma população envelhecida", at XV National Congress of Labour Law, Lisbon, 17th November.

Regarding the scope of the European Law, the researcher Pedro Bacelar de Vasconcelos presented the communication "Social Europe - The Integration of Ethnic Minorities and the Charter of Fundamental Rights" on the National Defense Course, sponsored by the Institute of Portuguese National Defence, at January 12, Castelo da Foz, Porto.

In response to the need of studying the new fundamental rights in the European Law

## Objectives & Achievements

related to telecommunications issues - a task that is being taken over by this research group - was created, in the Law School of the University of Minho in 2011, a Law and Information Technology Master. This Master integrates an interdisciplinary teaching staff composed by Law and Informatics Professors.

During the year 2011, concerning the integration of a legal view (focussing on fundamental rights) in programs to develop projects in the areas of Artificial Intelligence, Intelligent Environments, and more particularly in the health field, the connection between the Law (specially the issue of fundamental rights) and those areas of technological expertise were narrowed .

The participation of the researcher Francisco Andrade, member of APPIA - Portuguese Association for Artificial Intelligence, in "Ethics Advisory Board" of PD-Net Project - pd-net Towards Future Networks Pervasive Display (Funded by the European Union Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 244 011) played a great role in the strengthen of the links between these areas of knowledge. The project "Ethics Advisory Board" counts with the participation of the University of Lancaster, the University of Duisburg-Essen, the University of Lugano and the University of Minho. Also of a great value to the building of a proximity relation between these two areas of knowledge was:

- the participation of this researcher in the research project "TIARAC - Information Technology in the Alternative Dispute Resolution", a project hosted by the Artificial Intelligence Group Department of Computer Science University of Minho in the areas of Legal Sciences (main area) and Computer Science (secondary area), approved by FCT;

- this researcher participation in international conferences: JURIX - Legal Knowledge and Information Systems and ICAIL - International Conference in Artificial Intelligence and Law, as well as several international publications.

Concerning the particular issue of the use of Artificial Intelligence and Smart Environments in the health field, it is noteworthy the participation of the researcher Francisco Andrade in the "Ibero-American Derecho and Informatics" Congress at Buenos Aires (Argentina) in October 2011, with the communication on "Privacy and Data Protection in Health Care for the Elderly". There should also be noted the participation of this researcher, who presented a paper entitled: "Open Networks, Technology, and Rights" in the National Seminar "Open Digital Environment: Challenges and Impacts", organized by the Library Lúcio Craveiro da Silva, organized by the Portuguese Association of Librarians, Archivists and Documentalists, and by TecMinho and the University-Industry-Association for the Development.

It is expected that further cooperation between the Law School and the Department of Informatics of the University of Minho, now embodied in the teaching of the joint course "Master of Law and Informatics", will be reflected, being expected, for the year 2012, an increase of the research in these areas.

Group Productivity

### **Other international publications**

## Group Productivity

Francisco Andrade [et al.], “Issues on Conflict Resolution in Collaborative Networks”, in “Adaptation and Value Creating Collaborative Networks”, Luís Camarinha-Matos, Alexandra Pereira Klen e Hamideh Afsarmanesh (Eds), Springer-Verlag, Series: IFIP – International Federation for Information Processing, págs. 271-278, 2011

Francisco Andrade [et al.], “Automatic Classification of Personal Conflict Styles in Conflict Resolution” in “Legal Knowledge and Informations Systems – JURIX 2011: The Twenty Fourth Annual Conference”, Editor Katie Atkinson, Foundation for Legal Knowledge System, IOS Press, 2011, págs. 43-52

Francisco Andrade [et al.], “Privacidade e Proteção de Dados nos Cuidados de Saúde de Idosos”, in “Memórias XV Congresso IberoAmericano de Derecho e Informática”, de FIADI – Federacion IberoAmericano de Asociaciones de Derecho e Informática e Asociación Argentina de Informática Jurídica, 2011, Tomo 1, Publicación EIDial.com e Biblioteca Jurídica Online

Francisco Andrade [et al.], “Improving Mediation Processes with Avoiding Parties”, in “New Frontiers in Artificial Intelligence”, JSAI-Isai 2010 Workshops, Tokyo, Japan, 2010 revised selected papers, Takashi Onoda, Daisuke Bekki, Eric McCready (Eds) Springer-LNAI 2011

Francisco Andrade [et al.], “Retrieving Information in Online Dispute Resolution: A Hybrid Method”, in “Proceedings of the Thirteenth International Conference on Artificial Intelligence and Law”, ACM, ISBN: 978-1-4503-0755-0, 2011

Francisco Andrade [et al.], “An Advice System for Consumer’s Law Disputes”, in “Enterprise Information Systems – 12th International Conference ICEIS – 2010, Revised Selected Papers”, Joaquim Filipe and José Cordeiro (Eds), Springer: Lecture Notes In Business Information Processing, Volume 73, ISBN: 978-3-642-19802-1, pp 237-248, 2011.

Teresa Moreira, “O controlo electrónico dos e-mails dos trabalhadores”, in Memórias do XV Congresso Ibero Americano de Derecho e Informática, Dialnet, Buenos Aires, 2011.

## **Other national publications**

Teresa Moreira, Estudos de Direito do Trabalho, Almedina, Coimbra, 2011

Teresa Moreira, “A privacidade dos trabalhadores e as novas tecnologias de informação e comunicação”, in Actas do Colóquio Internacional de Segurança e Higiene Ocupacionais, (coord. PEDRO AREZES e outros), Sociedade Portuguesa de Segurança e Higiene Ocupacionais, Guimarães, 2011.

Teresa Moreira, “O controlo das comunicações electrónicas do trabalhador”, in Direito do Trabalho + Crise = Crise do Direito do Trabalho?, (coord. CATARINA CARVALHO e JÚLIO GOMES), Coimbra Editora, Coimbra, 2011.

Teresa Moreira, “Controlo do correio electrónico dos trabalhadores: comentário ao acórdão do Tribunal da Relação do Porto, de 8 de Fevereiro de 2010”, in Questões

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Laborais, n.º 34, 2011.

Teresa Moreira, “A privacidade dos trabalhadores e o controlo electrónico da utilização da Internet”, in Questões Laborais, n.ºs 35-36, 2011.

Teresa Moreira, “Every breath you take, every move you make: a privacidade dos trabalhadores e o controlo através de meios audiovisuais”, co-authored, in Prontuário de Direito do Trabalho, n.º 87, 2011.

Teresa Moreira, “Limites à liberdade de expressão de sindicalistas: comentário à decisão do TEDH”, de 8 de Dezembro de 2009 – Aguilera Jiménez e outros c. Espanha”, in Questões Laborais, n.ºs 37, 2011.

### **Organization of conferences**

In the year of 2011 one Conference was organized by researchers of this line:

Teresa Moreira - Organization XV National Congress of Labour Law, 17th and 18th November, Lisbon, Portugal.

### **Internationalization**

International Projects:

Francisco Andrade integrates the “Ethics Advisory Board” from the 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) a project that evolves the collaboration of the Lancaster University, the Duisburg-Essen University, the Lugano University and the University of Minho.

Team researcher, Ricardo Sousa da Cunha, was invited to participate in the Jean Monnet Seminar, at the Law Faculty of the University of Macau, People’s Republic of China, in 30th November, 2011, presenting “Human Rights’ protection in Europe: The changing relationship between National Courts, the ECJ and the ECHR in light of the possible EU’s accession to the ECHR”.

Team researchers presented papers in international conferences subjected to themes in which this research line is committed to:

Francisco Andrade presented the communication "Retrieving Information in Online Dispute Resolution: A Hybrid Method" at the "Thirteenth International Conference on Artificial Intelligence and Law", University of Pittsburgh School of Law, Pittsburgh, Pennsylvania (USA), on the 9th June, 2011.

Francisco Andrade presented the communication "Privacy and Data Protection in Health Care for the Elderly" at the “Ibero-American Derecho and Informatics” Congress, Buenos Aires (Argentina), October 2011.

Teresa Moreira, “Current reflections on EU equality and non-discrimination Law” - seminar for university professors and law lecturers, ERA, Trier, Germany, 19-20th

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September, 2011.

Teresa Moreira presented the communication “O controlo electrónico dos e-mails dos trabalhadores”, at the XV Congresso Ibero Americano de Derecho e Informática, Buenos Aires, Argentina, 3rd October, 2011.

## Ciências Jurídicas Humanísticas e Criminais

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:** n/a

**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**

During 2011, as can be seen by the contributions to conferences and publications, the researchers have developed efforts to focus their research on the analysis of ADR, global justice and the capacity of democratic legal systems to deal with culturally different minorities, especially in what concerns criminal justice aspects. This will continue to be done during the year 2012, particularly by concentrating then some major initiatives.

In 2011 was reinforced the internationalization of the research group, by the invitations addressed to the researchers of this line to take part in international conferences, namely, on the 25th IVR (Internationale Vereinigung für Rechts und Sozialphilosophie), World Congress of Philosophy of Law and Social Philosophy, at Frankfurt am Main, on 15-20 August 2011, where the researcher Maria Clara Calheiros presented, on the 8th August, the communication “Justice online: a new kind of justice?” on the Working Group 3 “Legal judgement”.

The themes presented, by the researchers at international conferences concerned, mainly, Criminal Justice, Multiculturalism, Migrations and Criminal Law (see internationalization).

In 2011, several communications were presented by the researchers on national

## Objectives & Achievements

conferences, namely:

Maria Clara Calheiros - “Os valores na Constituição Portuguesa”, communication presented at the III Seminar of the ATDF, Law Faculty of the University of Porto, on the 1st and 2nd April 2011.

Maria Clara Calheiros - “Verdade e Justiça”, communication presented at the Seminar organized by the Instituto Jurídico Interdisciplinar do Porto, Law Faculty of the University of Porto, on the 15th March 2011

Mário Monte - “Comparticipação e associação criminosa no âmbito da criminalidade organizada”, communication presented at the Seminar of Criminal Law and Criminal Procedural Law organized by the University Autónoma de Lisboa, on the 16th May, 2011.

Mário Monte - “A tutela penal dos interesses das crianças”, communication co-presented in a seminar about Family Law and Children, organized by the Vila Verde Delegation Bar Association in collaboration with the City Council and the Commission for the Protection of Children and Youth, on March 18, 2011.

Mário Monte - “Códigos do Direito e da Vida”, communication presented in a Seminar organized by the Biology Department of the University of Minho, Braga, on the 17th March, 2011.

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### **Other international publications**

Maria Clara Calheiros, O jurista-narrador, in “Tópica, retórica y dialéctica en la jurisprudência”, Santiago de Compostela: Universidad de Santiago de Compostela”, 2011, pp. 103-111.

### **Other national publications**

Maria Clara Calheiros, Um conceito de direito existencialista, in “Diamantino Martins. Uma filosofia existencialista e cristã”, Braga: Publicações da Faculdade de Filosofia, 2011, pp. 73-85.

Mário Monte, “O tráfico de pessoas. Levantamento de algumas questões sobre a tutela jurídico-penal”, in Conferência Tráfico DESumano – 3 dias de sensibilização, Ministério da Administração Interna, Lisboa, 2011.

Mário Monte, “A relevância de aspectos onto-axiológicos-normativos na tutela da eutanásia”, in As Novas Questões em Torno da Vida e da Morte em Direito Penal. Uma Perspectiva Integrada, Coimbra Editora, 2011.

Mário Monte, “Um balanço provisório sobre a Lei de mediação penal de adultos”, in Pinto de Albuquerque (Coord.), Jornadas de Viseu em Homenagem a Jorge de Figueiredo Dias, Coimbra Editora, 2011.

Mário Monte, “Prefácio”, in Gonçalo de Melo Bandeira, Abuso de Mercado e

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responsabilidade Penal das Pessoas (Não) Colectivas - Contributo para a Compreensão dos Bens Jurídicos e dos "Tipos Cumulativos" na Mundialização, Curitiba, Editora Juruá, 2011.

Joana Aguiar e Silva, "Para uma teoria hermenêutica da justiça. Repercussões jusliterárias no eixo problemático das fontes e da interpretação jurídicas", Coimbra, Almedina, 2011.

## **Internationalization**

Researchers of this unit published with international authors:

Mário Monte, "Prefácio", in Gonçalo de Melo Bandeira, Abuso de Mercado e responsabilidade Penal das Pessoas (Não) Colectivas - Contributo para a Compreensão dos Bens Jurídicos e dos "Tipos Cumulativos" na Mundialização, Curitiba, Editora Juruá, 2011.

Team researchers presented papers in international conferences subjected to themes in which this research line is committed to:

Maria Clara Calheiros - Justice online: a new kind of justice? Lecture presented on the Working Group 3 "Legal judgement", 18th august 2011, at the 25th IVR (Internationale Vereinigung für Rechts und Sozialphilosophie) World Congress of Philosophy of Law and Social Philosophy, Frankfurt am Main, 15-20th August 2011

Mário Monte - Crimes de contrafacção, lecture presented on the 6th June at "Jornadas sobre criminalidade económica", organized by Direcção Nacional de Inspeção Investigação das Actividades Económicas, Luanda, Angola.

Mário Monte - Multiculturalidad, migraciones y sistema penal en Portugal, co-presented lecture, on the 16th May at the Workshop "Mestizaje, identidad y cohesión social. El gobierno de los movimientos de población", organized by the University of Navarra.

Mário Monte - Os desafios da justiça penal na sociedade democrática, lecture presented on the 20th March at the conference by the Supreme Court of Justice of São Tomé e Príncipe, at São Tomé e Príncipe.

Fernando Conde Monteiro - A Pena de Morte enquanto realidade epistemologicamente relevante, lecture presented on the 27th October, by invitation of the CECRI (Centro de Estudos do Curso de Relações Internacionais of University of Minho) for the Fórum on the Death Penalty.