

# NEWSLETTER

UNIVERSITY OF COIMBRA INSTITUTE FOR LEGAL RESEARCH

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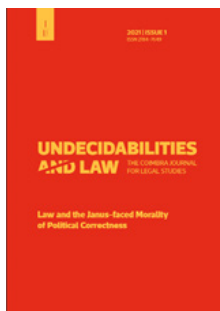


In an inspired passage from *The Year of the Flood* (the second panel of the *MaddAdam* triptych), Margaret Atwood teaches us, through the voice of Pilar, that "time is not a thing that passes", but rather a "sea in which we float" or are condemned to float. At the beginning of this new period (having exhausted the moment of pause we were all waiting for), allow me to rest with this evocation. Certainly not because of the narrative context of the "waterless flood" that, in the 2009 novel, the author of *Handmaid's Tale* brilliantly invents (that of an overwhelming pandemic, entirely designed by human hand ...), but rather by the recognition that the "floating" that makes us all responsible, at a time when the imminence of a new beginning imposes itself upon us without reservation, is far from being reduced to an exercise in resistance. UCILeR needs much more than skillful adaptation to currents and counter-currents; it needs the strength, imagination and generous enthusiasm of all its members. Without this contribution, "floating" can maintain (with greater or lesser success) its appearance; it will not, however, bring us safely to the desired harbour (the harbour that our House really needs).

J M Aroso Linhares

# I. Latest UCILeR's Publications

## a) UCILeR Publications



### 1<sup>ST</sup> VOLUME OF THE UNDECIDABILITIES AND LAW JOURNAL – THE COIMBRA JOURNAL FOR LEGAL STUDIES (ULCJ)

DOI: [https://doi.org/10.14195/2184-9781\\_1](https://doi.org/10.14195/2184-9781_1)

The first volume of the journal Undecidabilities and Law – The Coimbra Journal for Legal Studies (ULCJ) explores the subject “Political Correctness and Law”, having benefited from a generous and diverse set of contributions and featuring a first chapter authored by Professor James Boyd White.



### WHITE PAPER RESPONSIBILITY IN PUBLIC HEALTH IN THE LUSOPHONE WORLD: DOING JUSTICE DURING AND BEYOND COVID'S EMERGENCY

DOI: [https://doi.org/10.47907/livro2021\\_01pt](https://doi.org/10.47907/livro2021_01pt)

The White Paper is one of the results of the project “Responsibility for Public Health in the Lusophone World: doing justice in and beyond the Covid emergency”, led by the Legal Institute and financed by the World Health Organization. The team responsible for the book was composed of researchers from the UCILeR, the University of the Azores, the Oswaldo Cruz Foundation (Brasilia), Eduardo Mondlane University, José Eduardo dos Santos University and the University of Macau.



### GENETIC EDITING AS AN ELEMENT OF PARENTAL RESPONSIBILITIES. AN ANTICIPATION OF THE FAMILIAR JUSCIVILISTIC SCENARIO FACING THE ADVANCES OF GENETIC ENGINEERING

Author: Thaís da Nóbrega Cesa e Silva

ISBN: 978-989-8891-91-4

The present work approaches the scientific advances in the field of human genetics, precisely on genetic editing techniques, in communication with the reality of family law. It anticipates the scenario of family relations, namely paternal-filial relations, and their parental responsibilities, in the face of future regulation of germline genetic editing with preventive-therapeutic purposes, in order to demonstrate the harmony between family desires and the results achievable by bioscience and thus reinforce the indispensability of the development of biotechnology. In this context, a conflict between fundamental rights is recognised, namely the right to a human being's genetic identity, which clashes with the rights to health, scientific freedom, procreative freedom, and physical integrity.



## NON-CONSENSUAL DISSEMINATION OF INTIMATE IMAGES. AN ANALYSIS IN THE LIGHT OF THE GENERAL DATA PROTECTION REGULATION

**Author:** Érica Nogueira Soares D'Almeida

**ISBN:** 978-989889192-1

The non-consensual dissemination of intimate images (NCII), popularly referred to as “revenge porn”, consists of sharing sexually explicit or intimate images without the consent of the person portrayed. The practice has become frequent with the emergence of the so-called web 2.0, in which there is intense production and sharing of content among Internet users. The book intends to analyse the NCII from the point of view of the right to data protection, considering the European Union's General Data Protection Regulation (GDPR). It inquires about the possible application of the right to erasure provided for in the Regulation, about its relationship with the “right to be forgotten”, and about the subjects obliged to data erasure. NCII is a challenging situation from the perspective of the application of the right to the protection of personal data: it involves the publication of data of third parties, by natural persons, on social networks or other platforms – a situation that the European legislation on personal data protection did not historically thought of.



## FUNDAMENTAL RIGHTS AND TRANSCONSTITUTIONALISM. PARADIGM, METHOD, AND THEORY

**Author:** Ednan Galvão Santos

**ISBN:** 978-989889198-3

Traditional Constitutional Law, with a Westphalian profile, reveals itself incapable of responding to the problems arising from the emerging paradigm. Ednan Galvão Santos examines the effectiveness of human and fundamental rights in the light of Transconstitutionalism: a three-dimensional phenomenon (paradigm, method, and theory) concerning the new challenges of a Constitutional Law that has transcended state borders and achieved relevance for other legal orders. The study of comparative law, the doctrinal analysis and the jurisprudential examination demonstrate the existence of transconstitutional manifestations of the protection of the efficacy of human and fundamental rights in the scope of legal relations between individuals and between the individual and the State, which is why the cleavage between horizontal and vertical efficacy remains current and relevant, as a mean or theoretical tool tending to provide a contextualised understanding of the current global panorama of safeguarding these rights.



## BETWEEN THE TRANSMISSION OF THE LITIGIOUS RIGHT AND THE PROCEDURAL QUALIFICATION. A DYNAMIC TRANSFIGURATION OF THE PARTIES

**Author:** Ana Margarida Novais

**ISBN:** 978-989889199-0

When one of the procedural parties (plaintiff or defendant) transfers a certain right brought before a court, the hitherto established instance will change. The Portuguese procedural legislator responded on two fronts to the incorrectness of the instance. If, on the one hand, it allowed the entry of the new party in the position in which the transferring party was (Article 356), on the other hand, it guaranteed that the course of the proceedings and the production of their effects did not depend on the empowerment of the acquirer (Article 263/1/3). Two levels should be dealt with here: that of the process, which begins, exists, is fulfilled, and ends by and in the right(s) put before the court, and that of the transfer of the right. This allows to understand why the process is not (and cannot be) watertight with legal commerce. The system refuses to see the process (or litigation) as a temporal bubble where the rights that are being petitioned are interrupted or their full potential is suspended.

# I. Latest UCILeR events



15 JULY 2021

## LAUNCH OF THE WHITE PAPER “RESPONSIBILITY IN PUBLIC HEALTH IN THE LUSOPHONE WORLD - DOING JUSTICE DURING AND BEYOND THE COVID EMERGENCY”

The launch event of the White Paper “Responsibility in Public Health in the Lusophone World - Doing Justice During and Beyond the Covid Emergency” took place in mixed mode: the in-person event, at the Auditorium of the Doctor Ricardo Jorge National Health Institute (INSA), in Lisbon, was also broadcasted online. At the event, the project “Responsibility for Public Health in the Lusophone World: doing justice in beyond the Covid emergency” was presented as well as the content of its final work.



16 JULY 2021

## INTERNATIONAL RESEARCH TALKS

The UCILeR organized, for the first time, Talks with the participation of researchers from foreign institutions that are hosted by the UCILeR to partially carry out their investigations. The conversations took place in Portuguese and Spanish and were moderated by Professors Suzana Tavares da Silva and Dulce Lopes.



# I. UCILeR's Internal life

**i.** The ECI: From A to Z Project has launched the second edition of its Newsletter, with project updates and progress. This edition highlighted the launch of the e-learning course, whose support material is already available on the University of Coimbra's distance learning platform.

**ii.** The Legal Institute announces that it will organize a series of conferences in preparation for the 100th anniversary of the Hague Rules. The "Hague Rules" (1924 Brussels Convention) are, even today, a text of great importance for the international transport of goods by sea, so in 2024 it will be time to celebrate its centenary. The UCILeR intends to be at the centre of these celebrations. Several initiatives are being planned (an anniversary volume, a congress, webinars...) to discuss the "Rules" and their application, but also to take a look at the challenges that maritime transport will have to face in the years to come: safety risks, environmental concerns, autonomous ships... The Anniversary will be an opportunity to reflect on the multiple societal challenges emerging from maritime transport, as well as to honour the Portuguese maritime tradition. The UCILeR will create an online page dedicated to the commemoration project, where it will be possible to follow all activities and information about the project.

**iii.** The third session of the "Conversations on Research and Science at the Colégio da Trindade" was organized in partnership with PERIN, under the theme "Europe Horizon: Cluster 2- Culture, Creativity and Inclusive Society". The event was part of the UCILeR's strategic plan, but was open to investigators from other investigation units in the country, with the presence of two national contact points, Natália Dias and Margarida Oliveira.

The project *"Addressing gaps in the implementation and management of alternatives to imprisonment and post-release support during the COVID-19 global pandemic"*, funded by the *Fondation Internationale Pénale et Pénitentiaire* and coordinated by *Penal Reform International*, in partnership with the UCILeR and the non-governmental organisation *Hungarian Helsinki Committee*, was approved for the period between March and December 2021. The research team includes Integrated Researchers from the UCILeR Anabela Miranda Rodrigues, Maria João Antunes, Sónia Fidalgo, Inês Horta Pinto and Karla Tayumi Ishiy.



# II. Scheduled Events of the UCILeR



1 OCTOBER 2021

## COLLOQUIUM – UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS (ADOPTED IN VIENNA ON APRIL 11, 1980) AND THE PORTUGUESE LEGAL ORDER ON THE DAY OF ITS ENTRY INTO FORCE

The United Nations Convention on Contracts for the International Sale of Goods, adopted in Vienna on April 11, 1980, will enter into force in Portugal on October 1, 2021. Since it is an international instrument applicable in most countries' national legal orders with which Portugal is related, the aim of this event is to make known its essential features and highlight some of the potentially problematic aspects that the respective entry into force allows us to put into perspective. The event has the participation of renowned international experts, from Brazil and the United States.



25-26 OCTOBER 2021

## II IBERO-AMERICAN MEETING OF DOCTORAL CANDIDATES OF PROCEDURAL LAW

The second Ibero-American Meeting of PhD Students of Procedural Law will take place on 25 and 26 October. The opening conference will be held by the President of the International Association of Procedural Law. The event will take place in a hybrid format and will include interventions from PhD students from the faculties of Coimbra, Medellín, Sevilla, Salamanca, and Hidalgo.



# I. Scholarship Calls

## i. Ignacio Hernando de Larramendi Research Grants

The 2021 edition of the Ignacio Hernando de Larramendi Research Grants will finance projects in the areas of Health Promotion and Insurance and Social Security. Candidate research projects must address the following topics:

In the area of Health Promotion:

- Strategies for changing habits: obesity prevention and physical activity promotion;
- Education for patients;
- Assessment of bodily injuries;
- Health management: medical quality and safety;
- Longevity and quality of life.

In the area of Insurance and Social Security:

- Insurance;
- Social security: the aging economy.

Application deadline: **October 11, 2021.**

More information: <https://www.fundacionmapfre.org/premios-ayudas/investigacion-ignacio-larramendi/>

## ii. Francisco Manuel dos Santos Foundation Studies

The Francisco Manuel dos Santos Foundation (FFMS) was created in 2009 with the statutory mission of promoting and deepening knowledge about Portuguese reality. With this in mind, an area of studies was created which, since 2012, has published more than five dozen academic studies in the areas of Economics, Institutions and Society.

The priority themes to be explored in the projects awarded by the Foundation are defined in advance by its Governing Bodies and published in the triennial Study Programme. The authors of the Foundation's studies, generally academics linked to universities and national and international research centres, are selected through a public and transparent application process, in order to guarantee the rigor and independence of the research produced.

The application process for the preparation of studies promoted by the Francisco Manuel dos Santos Foundation is permanently open during the current Study Program (2021-2023).

More information: <https://www.ffms.pt/destaques/detalhe/5355/programa-de-estudos>

# II. Calls for Papers

## i. Undecidabilities and Law

Undecidabilities and Law's second volume welcomes contributions that highlight the modes of interpretation of values, interests and rights in situations where cultural conflicts arise. We are interested in articles that showcase the forms by which international and national Courts as well as other legal operators, such as the legislature and the administration (for instance during the recent pandemic), deal with structural or intensive diversity of legal rules, principles, and values.

All areas of legal research are welcome, from those which reinvent traditional human rights issues in national and international settings, through those which reconstitute the exacerbated cultural conflicts of our times, to those which consider discrimination and the failure to recognize diversity, and those which explore the contrast between freedom of trade and export restrictions, for instance in situations of trade embargoes, or the export (and restitution) of nationally valuable works of art.

Submission deadline for abstracts (500 words max.): **30 september 2021**

Decision of acceptance: **8 october 2021**

Submission deadline for full articles: **30 november 2021**

More information: <https://impactum-journals.uc.pt/undecidabilitiesandlaw/announcement/view/205>

## ii. German Yearbook of International Law

The editors of the German Yearbook of International Law have extended the deadline for submission of general articles for volume 64 (2021), inviting interested parties to submit contributions for consideration by 1 October 2021.

The year 2020 proved to be the most consequential year in modern history. Recent world events have highlighted the existence of serious challenges to international law and its institutions. The German Yearbook of International Law is interested in receiving articles on all topics and fields of interest that are relevant to Public International Law.

Submission deadline: **1 October 2021**

More information: <https://voelkerrechtsblog.org/calls-for-papers/german-yearbook-of-international-law-vol-64-2021-2/>



# III. Calls for Projects

## i. Bilateral Relations Fund – Portugal & Norway - Partnerships for Innovation - FBR Open Call#2

Funding will be made available for bilateral initiatives, in any strategic area, that clearly contribute to the strengthening of bilateral relations and can produce tangible results. Bilateral initiatives can take place in Portugal and/or Norway or in any other territory of the European Economic Area that, from a bilateral perspective, may be of interest to the Portuguese and Norwegian partners. Examples of potentially supported activities are: matchmaking events; technical cooperation and exchange; training and intensive courses; workshops and seminars; field trips; studies and publications; campaigns, exhibitions and advertising material.

Application deadlines:

- 1<sup>st</sup> phase: **November 26, 2021;**
- 2<sup>nd</sup> phase: **May 27, 2022**
- 3<sup>rd</sup> phase: **November 25, 2022;**
- 4<sup>th</sup> phase: **May 26, 2023**

More information: <https://www.eeagrants.gov.pt/pt/programas/fundo-de-relacoes-bilaterais/cursos/portugal-e-noruega-parcerias-para-a-inovacao-fbr-open-call-2/>

## ii. EU funding under the EU4Health project

On June 24, the European Commission approved the EU4Health Work Program, oriented towards the following priorities:

- Responding to the COVID-19 crisis and strengthening the EU's resilience to cross-border health threats;
- European Plan to Fight Cancer;
- Pharmaceutical Strategy for Europe

In addition to these topics, the program also covers other areas such as the digitization of health systems, antimicrobial resistance and improving vaccination rates in Europe. EU4Health will provide funding to eligible legal entities from Member States in the form of grants, purchases of services and prizes to be allocated directly by the Commission or by the Health Digital Executive Agency (HaDEA) – operating from October 2021.

More information [https://ec.europa.eu/health/sites/default/files/funding/docs/wp2021\\_annex\\_en.pdf](https://ec.europa.eu/health/sites/default/files/funding/docs/wp2021_annex_en.pdf)

## IV. Calls for Awards

### i. 2030: A new horizon for International Economic Law?

The year 2020 unfolded in a highly unpredictable and tumultuous manner, leaving no sphere of legal, economic, or social life untouched by the global crisis generated by Covid-19. The year 2021 continues to reveal multiple tensions arising from the persistent global pandemic. In this volatile context, the Second Edition of the Global Jurist Prize wishes to look to the future, encouraging new written contributions to the development of International Economic Law. Taking the year 2030 as its target, the Second Edition of the Global Jurist Prize seeks to recognise author(s) who present rigorous assessments of the present of International Economic Law and offer lucid proposals on how the changes that have occurred in this legal branch during the present decade should be addressed.

Submission deadline: **15 november 2021**

More information: <https://revistas.uexternado.edu.co/index.php/contexto/announcement/view/43>



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