

NEWSLETTER

UNIVERSITY OF COIMBRA INSTITUTE FOR LEGAL RESEARCH

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INSTITUTO JURÍDICO
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COIMBRA



The moment to which this newsletter refers, involving viewpoints addressed to the past and the future (different pasts and more or less near futures), takes place under the motto of “crossing or passage and the corresponding “bridges”: on the one hand, because it connects a time of recovered effervescence (with a plural and diversified agenda) – the two months that we have just lived! - to a time of expectant silence (loaded with threats as well as with luminous promises); on the other hand because it makes the moment of full performance of our current strategic project coincide with the moment of gestation of the project that is to-come (if not directly with the signs of a forthcoming application). May this productive duality distinguish the coming year, whilst strengthening UCILeR as a true community of researchers! And may this be for once a true vote from All of Us to All of Us, capable of taking seriously an effective web of co-responsibility

José Manuel Aroso Linhares

I. Latest UCILeR's Publications

a) UCILeR Publications



THE PRINCIPLE OF PROPORTIONALITY: XIII MEETING OF PUBLIC LAW PROFESSORS

Coordinators: Dulce Lopes, Francisco Pereira Coutinho, Catarina Santos Botelho

DOI: 10.47907/clq2021_2

This collective work, "Principle of Proportionality – Texts of the XIII Meeting of Public Law Professors", is a compilation of some of the contributions from the Meeting that took place on 24th January 2019, at the Faculty of Law of the University of Coimbra, with the support of the University of Coimbra Institute for Legal Research. The texts published demonstrate the centrality of the principle of proportionality in public law, tracing its contours in constitutional law, administrative law, tax law, European law and public international law. It includes the criticisms of and critics of that principle in these areas.



FORESTS AND LEGISLATION – NEW DIRECTIONS WITH THE NATIONAL PLAN FOR INTEGRATED MANAGEMENT OF RURAL FIRES AND THE LANDSCAPE TRANSFORMATION PROGRAMME

Coordinators: Maria João Antunes, Dulce Lopes

DOI: 10.47907/clq2021_2

This collective work is a compilation of several texts on Portuguese forestry law and the legal novelties brought to the national legal order by the legislative reform that eventually results from the implementation of the National Plan for Integrated Management of Rural Fires and the Landscape Transformation Program.



ENVIRONMENT AND HUMAN DISPLACEMENT: AN ANALYSIS OF ENVIRONMENTALLY DISPLACED PERSONS

Author: Muriel Tumelero Lorenzi

ISBN: 978-989-8891-97-6

The book addresses the relationship between the environment and human migrations. Through the theoretical perspective of international environmental law and the study of international human rights law, the research brings together themes that have long been analyzed separately: the management of environmental resources and the displacement of populations, especially those most vulnerable, due to scarcity or extinction of the environment in which they live. The book brings the most current manifestations on the subject, using research reports that show the numbers of persons displaced by environmental factors in recent years, carrying out a practical case study, promoting the reflection on the lack of structure for these individuals and pointing out alternatives for its due guardianship.



THE RELEVANCE OF COMPLIANCE PROGRAMS IN THE SANCTION OF LEGAL ENTITIES

Author: Carlos Bruno Tavares Ferreira

ISBN: 978-989-9075-07-8

Within the field of Criminal Law, the criminal liability of legal entities and the compliance programs are highly controversial subjects. With regard to the compliance programs, different questions arise, such as: whether they can have effects on the sanctioning regime of legal persons; whether they will be able to obtain any advantage if, possibly, they commit a crime; if there is a relationship between the way in which the fact is imputed to the collective entity which helps to justify a certain option of the legislator to the detriment of others; whether there is a relationship between the procedural terms and the sanctioning terms that allows for the withdrawal of any understanding that justifies these effects.

Analysing four foreign legal systems, the study first questions the origin of criminal liability of legal entities and the compliance programs. It then examines our legal system and its *de iure constituto* responses. Subsequently, bearing in mind the experience of the studied legal systems, it proposes *de iure condendo* solutions.



THE JURISGENERATIVE POTENTIAL OF CONSTITUTIONAL PLURALISM: INTERACTIONS IN THE FIELD OF HUMAN RIGHTS

Author: Gabriel Garcia

ISBN: 978-989-9075-01-6

Modern constitutionalism has faced several challenges since the end of the last century. The forces of globalization have eroded the foundations of a comprehensive regulation model of public power, leading several voices to question the future of the Constitution.

Realizing that the constitutional discourse breaks the ties that once tied it to the state context, this study explores the concept of constitutional pluralism from which the existence of a jurisgenerative potential is observed, which consists in the translation of meaning to constitutional rights from the impact exerted by the European and American regional systems of human rights protection



THE NEW CONSTRUCT OF CRIMES OF SEXUAL COERCION AND ASSAULT IN THE LIGHT OF LAW 101/2019, OF SEPTEMBER 6, ALONG WITH ITS IMPLICATIONS

Author: Tiago Braga North

ISBN: 978-989-9075-08-5

The present work aims at an initial stage, to temporarily frame the crimes of sexual coercion and rape (provided for and punished in articles 163 and 164 of the current Penal Code) in the history of Portuguese Sexual Criminal Law, culminating in Law n. 101/ 2019, of September 6th.

Then, and through a brief study of other European legal systems, it tries to unveil the incrimination models chosen by these countries, in order to understand their similarities and differences. And, in parallel, it tries to understand and develop the various basic concepts related to the legal interest in crisis, the sexual freedom of citizens.

Only in this way is it possible to advance towards the construction of different models of incrimination, with the aim of finding the one that can best be adapted and applied to the Portuguese socio-juridical situation.

II. Latest UCILeR events



15 NOVEMBER 2021

III JUST SIDE INTERNATIONAL CONGRESS – TIG FOR TERRITORIAL JUSTICE AND THE EFFECTIVENESS OF PUBLIC POLICIES: OBSTACLES AND CHALLENGES

The third Just Side Congress – Land Justice and Sustainability brought together researchers from ten countries, with the aim of reflecting on the difficulties and obstacles in the use of data and in effecting the transfer of knowledge to society, contributing to the promotion of an area of legal investigation with great potential for social transformation and to the consolidation of an important vehicle for supporting public policy.



23 NOVEMBER 2021

INTERNATIONAL SEMINAR “NEOLIBERAL RATIONALITY AND THE PLACE OF HUMAN RIGHTS”

The International Seminar “Neoliberal Rationality and the Place of Human Rights” resulted from a partnership between the Legal Research Institute and the Human Rights Laboratory of the UFRJ Law School (Federal University of Rio de Janeiro) and aimed to shed light on the approach to human rights in the face of the predominant economic, political and ideological orientation of neoliberalism, from perspectives influenced by different contexts.



25 AND 26 NOVEMBER 2021

III INTERNATIONAL CONGRESS ON SUSTAINABILITY DIPLOMACY

The event was under the theme “Diplomacy and paradiplomacy of vulnerability for sustainability”, having been held under the scientific direction of Clarissa D'Isep (PUC-SP/BR), Philippe Billet (CNRS, Lyon3/FR) and Alexandra Aragão (UCILeR-FDUC/PT). In view of the various environmental threats to humanity, the fundamental principle of non-interference in the internal affairs of states can no longer be understood and followed in the same way. There needs to be a new approach in the legal sphere that looks at the environmental impact of the actions of states on the territory of other states. Thus, the objective of the congress was to analyse the new forms of relationships that are influencing the health, environmental and social policies of states.



26 NOVEMBER 2021

OPENING INTERNATIONAL WEBINAR - CELEBRATING 100 YEARS OF THE HAGUE RULES

As part of the celebrations for the 100th Anniversary of the Hague Rules – In connection with the 1924 Brussels Convention on the Unification of Certain Rules on Bills of Lading, the Legal Research Institute organized the International Webinar for the opening of the commemorations. Although the Brussels Convention that contains the so-called “Hague Rules” dates back to 1924, its text owes much to the Rules that, in 1921, were adopted at the Conference of the International Law Association, which justifies beginning the commemoration of the centenary this year.



30 NOVEMBER 2021

II INTERNATIONAL RESEARCH TALKS

The second edition of the UCILeR’s International Research Talks was based on the theme “Transformations in Law and Innovation in Legal Research” and, like the previous edition, aimed to disseminate the research carried out by visiting researchers at the Legal Research Institute.



9 DECEMBER 2021

“JURINVESTIGAR”: DOING LEGAL RESEARCH WITH PEOPLE AND FOR PEOPLE

“Responsible Research and Innovation” (RRI) is a central concept in scientific research policy in the European Union. Corresponding to the idea of doing science with and for society, the RRI is also applicable to the production of legal science through individual or collective research aimed at sustainable development goals. The Legal Research Institute of the Faculty of Law of the University of Coimbra is organizing a study on views, perceptions, and practices of RLRI among its researchers, specifically focused on interdisciplinarity. The event that took place was part of the process leading to the elaboration of this study.



10 DECEMBER 2021

COLLOQUIUM COMPANIES' DUTY OF DILIGENCE AND CORPORATE RESPONSIBILITY

A legislative initiative at European Union level, which is underway, aims to establish a duty of diligence for companies and a corresponding corporate liability, with the European Parliament having approved, on 10 March 2021, a recommendation for a Directive on the subject. This instrument seeks to ensure that companies fulfil their duty to respect human rights, the environment and good governance, both directly and in their respective value chains. The International Colloquium "Companies' Duty of Diligence and Corporate Responsibility", part of the new research area of the Legal Research Institute entitled "Corporate Social Responsibility: between recommendations and the law", sought to analyse and discuss the paths that might be taken.



17 DECEMBER 2021

CRIMINAL JUSTICE IN PREDICTIVE SOCIETY: A DIALOGUE BETWEEN CHRISTOPH BURCHARD AND ANABELA MIRANDA RODRIGUES

The Legal Research Institute organized the event "Criminal Justice in Predictive Society: a dialogue between Christoph Burchard and Anabela Miranda Rodrigues", which constituted the concluding session of the General Seminar of the Doctoral Course "Social Challenges, Uncertainty and Law", which was, on an exceptional basis, open to the general public.



17 DECEMBER 2021

IV DEBATE: FORESTS AND LEGISLATION

The Legal Research Institute organized the IV Debate on Forests and Legislation: the New Integrated Management System for Forest Fires, which took place in the Municipal Auditorium of Pampilhosa da Serra. The fourth edition of this debate demonstrated the UCILeR's continuing concern with legal research in the field of forestry and fire prevention, and it was organized in partnership with the House Refuge project, of which the UCILeR is a member. The event was attended by researchers and professionals with experience in fire fighting.



I. UCILeR's Internal life

i. As part of the research projects Pri Alt Eur and FIPP (*Fondation Internationale Pénale et Pénitentiaire*), a Workshop on non-custodial penalties and measures was held on 4th November 2021, with the participation of Penal Reform International, the UCILeR/FDUC investigation team and various professionals in the criminal justice system. The first part of the aforementioned event was dedicated to the impact of the pandemic on the application and execution of alternative sentences to prison and on the preparation of prisoners for freedom. In the second part, a training action plan and the design of a pilot project on non-custodial sentences and measures were drafted, with a special focus on people in vulnerable situations.

ii. On November 19, the Conference on “Law and Geomatics: the use of spatial data to guide public policies for social justice” was held, organized by the Research Center in Environmental Geography of the National Autonomous University of Mexico. This conference is part of the international research network on “Justice and Sustainability in the Territory through Spatial Data Infrastructure Systems” (Just Side) and was attended by the researcher Alexandra Aragão, from the Legal Research Institute. The Conference was held in digital format and is available on YouTube in its entirety.

iii. The conference “Timor and g7+: post-pandemic challenges” took place on December 6, at 4:30 pm, at Colégio da Trindade, promoted by the University of Coimbra (UC), in partnership with the intergovernmental organization g7+ and the UCILeR. The session was attended by the former President and Prime Minister of Timor-Leste, Xanana Gusmão (Doctor Honoris Causa of the UC since 2011), who gave a lecture dedicated to the post-pandemic challenges of Covid-19 that arise for Timor-Leste and for the other members of the g7+ (an intergovernmental organization of 20 fragile or post-conflict states, founded in 2010 on an East Timorese initiative (and which has as members two other Portuguese-speaking countries, São Tomé e Príncipe and Guinea-Bissau)). Suzana Tavares da Silva, professor at the Faculty of Law of the University of Coimbra was in charge of the moderation. Before that, the opening of the event counted on the contributions of UC Vice-Rector for External Relations and Alumni, João Nuno Calvão da Silva, the General Secretary of the g7+, Helder da Costa, and João Carlos Loureiro, also a professor at the Faculty of Law. In closing the conference, the Director of the Legal Research Institute, José Manuel Aroso Linhares, the Deputy Director of the Faculty of Law, Paula Veiga, and the Rector of the University of Coimbra, Amílcar Falcão, also spoke.

iv. The Webinar “Evacuation Decisions and Plans in Forest Fire Scenarios – The Portuguese Reality” took place on December 7th. This was the first webinar of the EVACUAR FLORESTA Project, of which the Legal Research Institute is a partner institution.

v. After three virtual sessions, the first face-to-face session of the “Conversations on Research and Science” took place at the Trinity College. Under the theme “The best competition for your project idea”, this fourth meeting had as its objective debating ideas and possible projects for the Legal Research Institute, in order to find the best competition and form of financing. At first, researchers André Dias Pereira and Dulce Lopes shared their experiences of participating in projects. Subsequently, there was a brainstorming session of project ideas, which was followed by the presentation of clues for the elaboration of projects to be submitted to calls.

vi. Two internal calls are open with the aim of supporting and promoting research and scientific publication by the Legal Research Institute researchers, with a duration of up to 12 months:

- Legal Research Institute's Exploratory Projects Call: proposals must present the exploration of original ideas and/or concepts with reference to international standards, which contribute to increasing the scientific potential of the UCILeR's Strategic Project.
 - Maximum funding: €3,000
 - Submission deadline: January 14, 2022
- Q Publishing Call: proposals must present work plans, which must be integrated into the UCILeR's Strategic Internationalization Project, for the publication of articles in international journals, with Q1 and/or Q2 indexing.
 - Maximum funding of: €5,000
 - Submission deadline: January 14, 2022

Applications must be submitted to the Coordinating Council of the Legal Institute, using the appropriate form (Form P, for exploratory project applications, and Form Q, for publication applications) submitted to the UCILeR general email (geral@ij.uc.pt).

II. Scheduled Events of the UCILeR

18 AND 19 FEBRUARY 2022

XII CONFERENCE ON LAW THEORY, LAW PHILOSOPHY AND SOCIAL PHILOSOPHY

On February 18 and 19, 2022, from 2:30 p.m. on Friday to 7:30 p.m. on Saturday, the XII Conference of the Portuguese Association of Theory of Law, Philosophy of Law and Social Philosophy will once again take place in Coimbra. The theme of the Conference is "Legislation and Jurisdiction: discursive continuity(ies) and discontinuity(ies)". The Conference will be accessible to the public, in modalities that will be identified soon.



I. Scholarship Calls

i. ERC - Starting Grants 2022

The ERC Starting Grant 2022 call will be open until the beginning of the next calendar year. The ERC's core activity is to provide attractive, long-term funding to support outstanding researchers and their research teams in carrying out high-risk/high-earning research.

The call ERC-2022-StG is addressed to promising researchers who:

1. Are starting their own independent research team or program; and
2. Present a profile of scientific independence.

Application deadline: January 13, 2022

More information: [Portal Funding & Tenders UE](#)

ii. *Francisco Manuel dos Santos* Foundation Studies

The Francisco Manuel dos Santos Foundation was created in 2009 with the statutory mission of promoting and deepening knowledge about the state of affairs in Portugal. With this in mind, an area of studies was created which, since 2012, has seen more than five dozen academic studies published 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, to guarantee the rigour 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. CFP: Law Review Symposium on Artificial Intelligence and the Law

The Northern Kentucky Law Review solicits speakers, articles, and abstracts for its symposium issue entitled "Artificial Intelligence & Law". Articles may be on artificial intelligence legislation, the use of artificial intelligence in the criminal justice system, digital surveillance, facial recognition technologies or any other relevant topic in this field.

Submission deadline: **February 7, 2022**

More information: <http://legalscholarshipblog.com/2021/10/06/cfp-law-review-symposium-on-artificial-intelligence-and-the-law/>

ii. CFP: Eighth Annual International and Comparative Urban Law Conference

The Urban Law Center at Fordham University' School of Law and the Peter A. Allard School of Law at the University of British Columbia are soliciting papers for the Eighth Annual International and Comparative Urban Law Conference, which will be held from 14 to 16 July 2022. Since 2014, this annual Conference has been welcoming leading scholars of Urban Planning Law from around the world to present their research and work in progress. Now in its eighth year, the Conference continues to reinforce this tradition, providing a dynamic forum for sharing diverse international, comparative, and interdisciplinary perspectives on the rich interchange of cities and law.

Submission deadline: **January 14, 2022**

More information: <http://legalscholarshipblog.com/2021/10/05/cfp-eighth-annual-international-and-comparative-urban-law-conference/>

iii. Forced Migration Review

In recent years, debates about race, representation and inequality have brought the power and voice of people hitherto excluded from the debate to its very centre, while at the same time giving greater impetus to other actors who had already been actively challenging the status quo. Social movements such as Black Lives Matter and broader debates about decolonization have generated reflection on the inequalities that exist in the field of forced migration, in research and knowledge, in policy and in practice. Forced Migration Review issue number 70 focuses on how knowledge is produced, shared, and received, and what changes can and should be made to ensure that power is shared and that more diverse voices are heard and valued.

Submission deadline: **February 17, 2022**

More information: <https://www.fmreview.org/issue70>

iv. Isonomía – Journal of Theory and Philosophy of Righteousness

Isonomía – Revista de Teoría y Filosofía del Derecho will dedicate a special issue to the ethical thinking of Hans Jonas and his seminal concern with climate change. *Isonomía* invites submissions of articles that address ethical, philosophical, and legal responsibilities and the challenges arising from climate change in the context of Hans Jonas’ famous “principle of responsibility” and his environmental ethics.

Submission deadline: **February 28, 2022**

More information: https://ivronlineblog.files.wordpress.com/2021/12/cfpjonas_en_final.pdf

v. Conference “The political and legal philosophy of climate litigation”

The number of climate change cases has almost doubled in three years, with around 1550 cases in 38 countries, including flagship cases proposed against States (*Urgenda v. Netherlands*) and companies (*Milieudefensie et al. v. Royal Dutch Shell*). While the growth of climate litigation has given rise to a growing body of legal literature, climate litigation also raises important but still undeveloped questions for legal and political philosophy. The latter are the focus of the conference on “The Political and Legal Philosophy of Climate Litigation”, which intends to see them addressed both within the framework of democratic theory and the theory of justice. The Hoover Chair in Economic and Social Ethics at the University of Louvain is soliciting papers for presentation at this conference.

Abstract submission deadline: **January 21, 2022**

More information: <https://uclouvain.be/fr/chercher/hover/evenements/call-for-papers-the-political-and-legal-philosophy-of-climate-litigation.html>

III. Calls for Projects

i. FCT Competition for R&D Projects in All Scientific Domains

The FCT has published the Notice for Submission of Applications for the next Project Competition in all Scientific Domains. The competition has a budget of 75 million euros and will support two types of projects:

- Scientific research and technological development (IC&DT) projects, with a duration of 36 months and maximum funding per project of 250,000€.
- Exploratory research projects (PeX), with a duration of 18 months and maximum funding per project of 50,000€.

Application deadline: **between February 8th and March 10th 2022**

More information: <https://www.fct.pt/apoios/projectos/concursos/ICDT/index.phtml.pt>

ii. "Promove" 2022 Program

FCT and the "La Caixa" Foundation have renewed their collaboration agreement, so continuing the "Promove" Program and launching the 4th edition of the competition for projects. This programme aims to encourage innovative initiatives that contribute to the sustainable development of regions in the interior of Portugal. It will support innovative pilot projects, innovative ideas and mobilizing research projects in four strategic domains identified by the Portuguese government: thermal water, parks and nature reserves, studies on biological risks and development, promotion and enhancement of new cultures and natural products for the national and international markets.

Application deadline: **January 19, 2022**

More information: <https://fundacaolacaixa.pt/pt/concurso-promove>

iii. JUST Grants 2022

The JUST Grants work program reaches its second year in the current framework programme. Among the program's objectives, the following stand out, to:

- a) Facilitate and support judicial cooperation in civil and criminal matters and promote the rule of law, independence and impartiality of the judiciary, including by supporting efforts to improve the effectiveness of national judicial systems and the effective enforcement of decisions;
- b) Support and promote judicial training with a view to fostering a common legal, judicial and rule-of-law culture, as well as the coherent and effective application of the EU's legal instruments relevant in the context of this programme;
- c) Facilitate effective and non-discriminatory access to justice for all and effective redress, including by electronic means (e-Justice), promoting efficient civil and criminal proceedings, and promoting and supporting the rights of all victims of crime, as well as procedural rights of suspects and defendants in criminal proceedings.

Multiple calls are open, including the following:

- Call for proposals for action grants to support transnational projects on judicial training covering civil law, criminal law, or fundamental rights.
 - o Submission deadline: **March 22, 2022;**
- Call for proposals for action grants to support transnational e-Justice projects.
 - o Submission deadline: **March 15, 2022;**
- Call for proposals for action grants to promote judicial cooperation in civil and criminal matters.
 - o Submission deadline: **March 16, 2022;**

More information: [Funding & Tender Portal](#)

iv. Citizens, Equality, Rights and Values Program

Under the Citizens, Equality, Rights and Values (CERV) programme, funding is provided to support grassroots civil society organisations, as well as to support training and awareness-raising on the EU Charter of Fundamental Rights and strategic litigation, namely on areas such as European values, citizenship participation, fight against discrimination and protection of children rights.

There are 9 open calls in the CERV program, whose deadlines run from February to April.

More information: [Funding & Tender Portal](#)



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