**EDITOR’S NOTE**

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As this **18th issue** is published online the Revistas Culturas Jurídicas (RCJ), periodical edited and published by the Graduate Program in Constitutional Law at the Universidade Federal Fluminense (PPGDC/UFF), closes its seventh year of existence (**Volume 7**) – the eventful 2020. This issue brings the editorial line “***Plurality in Legal Cultures***” and was built around articles prepared by both foreign and Brazilian authors and researchers, always with focus in keeping and exceeding the excellence standard achieved by this periodical and attested by CAPES with its **Qualis A2** rating.

On this 18th issue, Volume 7, RCJ brings out an innovation by adhering to a growing practice currently being adopted by some Periodicals in Brazilian Law: the publication of a special thematic session. By bringing out relevant epistemological contributions the special thematic session allows a healthy academic and cultural cooperation – both national and international – between graduate programs, research institutes and researchers. The present thematic session – RCJ’s first ever – is titled “**Oscar Correas and his legacy to the legal culture from *nuestra America***” and was jointly organized with the IPDMS (Portuguese acronym for Institute of Research, Rights and Social Movements in order to pay homage to an important figure of the Latin American legal culture – the late Argentinian scholar Oscar Correas Vásquez. The thematic session comprises fourteen articles which were kindly prepared by authors from Latin America (Mexico, Puerto Rico, Argentina, Ecuador and Brazil) and Europe (France and Spain), each of whom were touched in some way by the honored scholar and his work. The session is organized and presented by **Efendy Emiliano Maldonado Bravo** (D.Sc. in Law by PPGD-UFSC and attorney to RENAP), **Lucas Machado Fagundes** (D.Sc. in Law by PPGD-UFSC and professor at PPGD-UNESC) and **Ricardo Prestes Pazello** (D.Sc. in Law by PPGD-UFPR and professor at PPGD-UFPR), all of them members of IPDMS.

RCJ is distinguished in the Brazilian academy by bringing legal themes into the context of Latin American Constitutional Law without overlooking the importance of the international scene, especially in a world which was shown to be smaller than one might think and more interconnected than some people assumed by the COVID-19 2020 pandemics. Notwithstanding thematic preferences, the purpose of this periodical is to show the interconnection between the several legal cultures, and this purpose do not agree with hermetic stances.

Having said that, we must realize that the selection of articles for publication is a matter of *choice*, and when we seek articles to fit into pre-established themes we knowingly take the risk of rejecting other articles, which as interesting as they may be, have little adherence to the thematic axis in hand. Therefore, although involuntarily, we end up discarding the differences – which is, by all means, exactly the opposite of this periodical’s editorial purpose!

Thus in this 18th issue we have decided to bring out articles of academic relevance and that are the result of a high level of research effort by their authors but that due to their thematic specificities would have to remain in our data bank for a long time until similarly themed articles had been submitted, evaluated and approved for publication in numbers sufficient so as to justify their own edition.

We then decided to group in this 18th issue articles containing perspectives from authors who come from different backgrounds and whose texts deal with problems that might not have yet been perceived by the general public. Their articles, however, are the result of intense research efforts, and we thought that their conclusions deserved to be published.

Therefore, the fifth article of this issue will peruse the working conditions of the court clerks in Portugal – and so readers might maybe look at the Brazilian Law Clerks in a modified way after reading it – while the ninth article delves into the concept of the “courts of justice” devised by the scholar Boaventura de Sousa Santos. The eleventh article, however, will investigate the subject of women refugees and the forced displacement in environmental disasters. What we have here are sixteen substantial articles that are scientifically relevant and who authors were very gracious to entrust RCJ with their analysis and publication. We are honored by their preference.

Our first article originates from the work of Professor **Gabriele Vestri**: *Doctor International en Derecho y Ciencias Políticas*; Professor of Administrative Law at *Universidad de Cádiz*, Spain; researcher at the research groups “*Estado, Administração Pública e Novas Tecnologias*” (“State, Public Administration and New Technologies”) with UNISINOS, Brazil and *Grupo de Investigación SEJ-582 “Administraciones públicas, libertades públicas y políticas sectoriales*” with *Universidad de Cádiz*, Spain. With the working title “***A Propósito de los Métodos de Determinación de la Edad de los Menores Inmigrantes no Acompañados. Propuestas*”(Regarding the Methods of Determining the Age of Unaccompanied Minors. Proposals)**, the text is published for the first time in its original Spanish and investigates the situation of foreign children and teenagers (immigrants) who arrive mainly at the European Southern coastline unaccompanied by their parents or guardians, when they are then subjected to testing aimed at ascertaining their age – and therefore the applicable legal statutes. Although scientific methods such as wrist radiography remain being used to ascertain the age of the minors, truth is that due to the error margin of the radiographic testing it seems appropriate to consider using the well-known holistic method that not only works as an ancillary exam, but also can be compared with the aforementioned technique.

For our second article we present the work of Professor **Vivian Lara Cáceres Dan**: D.Sc. in Sociology and Law by UFF and Professor at the UNEMAT. In order to study “***The right to work of street vendors in cities located inland Mato Grosso State***”, which is also the title of her article, the author went to the field to interview lawmakers, street vendors and shop owners of the said cities, aiming to discuss the subjects of informality and right to work in capitalist societies and the concept of ideology through the perspective of dialectical materialism. Having verified that most of the respondents considers the matter of street trading from the legality standpoint, the authors concludes that this legality is tied to the work and the movement of goods in capitalism, and it is one more manner of social control imposed on the social relations and another barrier for the street vendors to leave the “marginality state” and then be authorized to enter the regulated market.

Our third article has the title “***Rights of MERCOSUL immigrants in Brazil: between the Constitution of 1988 and the MERCOSUL Residence Agreement*”** and was written by professors **Luciene Dal Ri**: D.Sc. in Law by the *Università degli Studi di Roma – La Sapienza*, Italy; professor at the undergraduate courses in Law and in International Relations as well as the graduate program in Law and Transnational Migrations of UNIVALI, and **Aline Beltrame de Moura**: D. Sc. in International Law by the *Università degli Studi di Milano*, Italy; Professor at the undergraduate and the graduate courses in Law at UFSC and Coordinator of the “Center of Studies on Private International Law UFSC/CNPq”, of the Jean Monnet Network “*Building Rights and Developing KnowledGE between European Union and Latin America – BRIDGE*” and of the Jean Monnet Module *CCJ/UFSC*. Considering the different statutes on the matter of immigrants in Brazil, the article sets the rights granted by the Brazilian legal framework against those listed on the 2002 MERCOSUL nationals’ residence agreement with the purpose to verify by the synchronic comparative method up to which point the 2002 Agreement innovates the Constitutional provisions and where the Agreement merely reproduces dispositions established by the Constitution, the Academy or by precedents.

The fourth article was prepared by Professor **Clarissa Sampaio Silva**: D.Sc. in Law by University of Lisbon, Portugal and professor at UNIFOR and by **Fábio Carvalho de Alvarenga Peixoto**: D.Sc. candidate at UNIFOR. Writing on the subject of “**the duty of protection of diplomatic missions and the restrictions on the fundamental right of peaceful assembly**”, which is also the title of their article, the authors analyze the duty of protection of diplomatic missions as set by the Vienna Conventions of 1961 and 1963 and their impact on the right of peaceful assembly in Brazil while looking into the recent incidents registered at embassies and consulates in Brasília, Rio de Janeiro, São Paulo and Recife and come to the conclusion that Brazil is not properly fulfilling its duty of protection to the diplomatic missions. By means of a comparative study of the Brazilian, German and Portuguese legal systems and with special emphasis on the prohibition of insufficient actions (*Untermaßverbot*), the authors manage to set the legal groundwork for a potential Administrative action that ensure the full exercise of the constitutional right of peaceful assembly while guaranteeing the fulfillment of the commitments made by Brazil under the aforementioned International Treaties.

The fifth article is the outcome of teamwork from researchers from the Centre of Social Studies of the University of Coimbra, Portugal. In the text **João Paulo Dias**: D.Sc. in Sociology of Law by the School of Economics at Universidade de Coimbra, and present Executive Director of the Centre, **Paula Casaleiro**: D. Sc. In Sociology of La by Universidade de Coimbra and **Conceição Gomes**: Executive Coordinator of the Portuguese Justice permanent Observatory and of the Portuguese Legal and Judiciary Training Unit look into (or *to*) “**The invisible professionals of justice: the working conditions of court clerks in Portugal**” while aiming to draw the sociographic profile of the Portuguese court clerks while considering their differences of age, gender and education as well as perusing the evolutions of their working conditions between 2013 and 2018 and taking into account the judiciary reform of 2014. The study made use of the statistical indexes published on the social balances of the general management of the judicial administration and analyzed a set of interviews with different legal and judicial professionals and representatives of associations and unions.

The sixth article was prepared by the researcher **Teresa Maneca Lima**: D.Sc. in Law, justice system and citizenship on 21st Century by the University of Coimbra, Portugal. With the working title of “**The right to compensation on occupational accidents in Portugal: from a legal concept to a jurisprudential analysis**”. Stating that from a sociological point of view the occupational accident embodies the degradation of working conditions, the author argues that the compensation goes against the principles of dignity and recognition of the value of life. Through the analysis of Portuguese legal precedents, the article intends to contribute to the construction of analytical bridges between the sociological and legal concepts of occupational accidents. To this end, the author argues that it is essential to understand how the performance of the courts can contribute to overcoming the “gray area” between the right to compensation and the dignity of the workers.

The seventh article is the result of teamwork of two Professors at UNICERRADO who are also respectively the Coordinator and a researcher at the research project “*Right to Memory, to the truth and to justice: Military-Civilian-Business dictatorship (1964-1985) and transitional justice in the State of Goiás*”. Professors **Geraldo Miranda Pinto Neto**and **Marília Freitas Lima**, both D. Sc. in Sociology and Law by UFF wrote their article with the title “**Right to memory and truth in Goiás: identification of human rights violations from the national truth commission**” with the purpose of systematizing data from the report of the National Truth Commission (CNV) on the rights violations on the State of Goiás during the dictatorship period. Using empirical research and perusing the data from CNV, the authors start by socializing the cartographic results that contains the locations of the violations and the descriptions of the cases addressed. Socializing the cartographic results that contains the locations of the violations and the descriptions of the cases addressed.

Our eighth article was written by Professor **Joice Graciele Nielsson**: D. Sc. in Law by UNISINOS; Professor/researcher at the graduate program in human rights at UNIJUI and member of the research group on Biopolitics and human rights. Titled “**Gender necropolitics, feminicide and systematic death of women in Latin America: an analysis from the Inter-American Human Rights System**”, the article was prepared with the historical method of approach and the inductive method of procedure in order to analyze cases of feminicide as dealt by the Inter-American Human Rights System with the purpose of verifying the presence of elements of what the author argues to be a real gender necropolitics which, by perpetuating the biopatriarchal power logic – patriarchal, neocolonial, racist and neoliberal – of the modernity, needs to produce the systematic death of women as a way of maximizing the forms of exploitation of life.

The ninth article of this 18th issue was prepared by the researcher **Caio Santiago F. Santos**: D.Sc. in Law by USP. Titled “**Courts in the work of Boaventura de Sousa Santos: theoretical contributions**”, the article develops a bibliographic review that summarizes Santos’ works on courts, some of which are still little known in Brazil. Santos’ theoretical perspective contributes to analyze courts in society, and not isolated or apart from society, which the author argues to characterize the predominant trend in the legal literature.

The tenth article is another group effort where Professors **Rodrigo de Souza Tavares**: D.Sc. in Law by PUC-Rio and **Letícia Lobato Anicet Lisboa**: D.Sc. in Law by UERJ – both professors at UFRRJ – and candidates (M.Sc.) on Interdisciplinary Graduate Program in Digital Humanities (UFRRJ) **Renan Procópio Duarte** and **Bruno Oliveira Valverde** present their conclusions on their study titled “**The judicialization of the COVID-19 pandemic in Brazil: a case study on the application of topic modeling for grouping legal documents**”. In the article, the authors undertake an empirical and exploratory investigation on the judicialization of the COVID-19 pandemic in Brazil, having created a *corpus* of legal documents on the subject and that later was put through the natural language processing and computational linguistic tools. At the end of the analysis, the authors found a great predominance of discussions regarding the management of the population of the prison and socio-educational systems, mainly due to the great repercussion achieved by Recommendation Nº. 62/2020 of the CNJ. The study points to future lines of investigation on the subject of the impacts of COVID-19 on the Brazilian judicial system and signals the potential that exists in using the computational approach to analyze large amounts of legal data.

Our eleventh article was initially published as an “Ahead of Print” article, and delves into the subject of “**Human consequences of climate change in the anthropocene age: women refugees in forced displacement in environmental disasters**”. Written by Professors **Elisa Goulart Tavares**: M.Sc. in Law by UCS; professor at the graduate program in Law and Public Politics of FUCAP and **Cleide Calgaro**: D. Sc. in Social Sciences by UNISINOS, D. Sc. in Philosophy by PUCRS and D.Sc. candidate in Law at UCS, the article analyzes the social inequality of refugee women (environmental displaced) as a result of climate change in the Anthropocene era. Thus, it is intended to provide a reflection on the international socioenvironmental responsibility of States in the field of climate change with regard mainly to environmental displaced women.

The twelfth article of this 18th issue of RCJ is from researcher **Carlos Eduardo Krüger**: M. Sc. in Law by UFSM and was titled “**The reproduction of labor analogous to slave and the links to labor reform in recent Brazil**”. The article study investigates the slave labor in Brazil, the abolition of slavery and work analogous to slave labor, as well as analyzing the impact of federal statute nº 13.467/2017 (“labor law reform”) on the Labor Law while seeking to understand the similarity in the social regression between the labor law reform and contemporary slave labor. Reviewing doctrine and legislation, the author has made use of the hypothetical-deductive method, arguing that despite being illegal, contemporary slave labor persists in Brazil and that labor reform has removed rights from workers, as there are similarities between work analogous to slavery and the worker hired after the effective labor reform.

Our thirteenth article is again the work of a group of researchers, this time Professor **Joana de Souza Machado**: D. Sc. in Law by PUC-Rio and professor of the graduate program in Law at UFJF, **Rafael Carrano Lelis**: M. Sc. candidate in Law at PUC-Rio and **Mizael Moreira de Paula Júnior**: B.Sc. candidate in Law at UFJF bring on their study titled “**The precarity of LGBTI+ persons deprived of liberty: an analysis of ADPF nº 527 through literature review of empirical data**” wherein the authors analyze the potential of the ADPF nº 527 (a type of constitutional control lawsuit specific to the Brazilian Supreme Court) in improving the precarious condition of the said incarcerated minority by the theoretical framework of Judith Butler. The article was written using techniques of document analysis to investigate the lawsuit processing by the Supreme Court, as well as to review related literature in order to obtain secondary empirical data to be considered.

The fourteenth article was titled “**Transnational legal pluralism: a legal expression of hegemonic globalization**”, and was prepared by Professor **Aleida Hernández Cervantes**: professor at the graduate program at UNAM, Mexico and full-time principal researcher on the *Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades*. The text was translated into Portuguese by the M. Sc. candidates and assistant editors at RCJ Bruna Jakobi and Lilian Vitor do Nascimento Ferreira. This article intends to go deep into the modern forms of legal production, starting from the assumption that in the context of globalization the idea that only producer of law is the State, has been overcome by new forms of economic organization that pursue to self-regulate and generate conflict resolution mechanisms more flexible than the jurisdictional processes of the States. These new standards constitute genuine transnational legal systems that coexist with the domestic law of States; that is to say, a Transnational Legal Pluralism has been generated in which modern legal producers are characterized, as being relevant economic agents at a global level, and these can be both public and private organizations.

The fifteenth article is also a teamwork effort, but this time a multidisciplinary one. Here, Professors **Paulo Gilberto Cogo Leivas**: D. Sc. in Law by UFRGS and adjunct faculty member of the department of Education and Humanities of the UFCSPA, **Aline Aver Vanin** (D. Sc. in linguistics by PUCRS, adjunct faculty member of the department of Education and Humanities of the UFCSPA, **Alexandre dos Nascimento Almeida**: D. Sc. in applied linguistics by UFRGS; professor at UFCSPA and **Paula Sandrine Machado**: D. Sc. in Social Anthropology and professor at the graduate program in social and institutional psychology at UFRGS) and the researchers **Aline Hertzog Resadori**: D. Sc. Candidate in Law at UFRGS, **Carlos Eduardo de Oliveira Alban**: D. Sc. candidate in public law at UNISINOS and **Amanda de Almeida Schiavon**: M. Sc. candidate in social and institutional psychology at UFRGS joined forces to tackle the subject of “**Overcoming gender binarism: towards the civil recognition of intersex people**”. The article intends to analyze how intersex persons are recognized by the national legal framework and by international decisions or even by rulings from other countries and how these alien decisions could contribute to the definitions of non-discriminatory standards that protect that minority’s human rights in Brazil.

Closing the list comes our sixteenth and last article , which was prepared by Professor **Rodrigo Vieira Costa** (D. Sc. in Law by UFSC, professor and deputy coordinator of the graduate program in law at UFERSA. In the text, titled “**The social legal effects of the registry of Brazilian intangible heritage**”, the author argues that the Registry is a mechanism for safeguarding the Brazilian intangible cultural heritage, stating that during its creation through Decree 3.551/2000, the Federal Public Administration attributed only immediate explicit declaratory effects that require permanent documentation on the registered intangible cultural good and creates a duty for the Public Power to support and promote it. This article aims to develop the hypothesis of the existence of implicit mediate effects constituting the mechanism, based on various uses of the Registry by the holders of know-how and expressions to the recognition of intellectual collective rights. For this purpose, in qualitative research, supported by the documentary analysis method and subsidized by socio-legal references, the functioning of the safeguard policy of the National Program for Intangible Cultural Heritage and the influence of the uses of communities and traditional groups on their actions were investigated.

The present issue is published with the reassurance that the selection of articles included herein both keep and raise the high standard of excellence that RCJ continuously aim to uphold with regards to the academic legal research. Once more we pay homage to the authors who have gracefully submitted their work for our consideration, and we remind our “open doors” policy to all who may be interested in publishing their articles in this periodical, as long as those articles aim to strengthen dialog among the several legal cultures.

Niterói, October 13, 2020

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