



FACULDADE DE DIREITO  
Universidade de Lisboa

## Ficha de unidade curricular

### Curso de Mestrado em Direito e Prática Jurídica (Penal)

#### Unidade curricular

#### **Estudos de Criminalidade**

#### **Estereótipos, enviesamento implícito e discriminação: impacto no sistema de justiça penal**

#### Docente responsável e respetiva carga letiva na unidade curricular

**Inês Vieira da Silva Ferreira Leite** (duas horas semanais)

#### Objetivos de aprendizagem

Os/as alunos/as devem alcançar um bom domínio dos conceitos básicos da sociologia judicial no que respeita aos enviesamentos possíveis na ótica da psicologia judicial, para que possam adquirir ferramentas moderadas para refletirem sobre três temas focais: o discurso de ódio e os limites à liberdade de expressão, o populismo penal e seus impactos na jurisprudência e perceções sociais sobre a criminalidade, e o impacto dos fatores de discriminação social no sistema de justiça.

#### Conteúdos programáticos

1. **Estereótipos, enviesamento implícito e discriminação**
  - 1.1. Breve introdução à sociologia judicial
  - 1.2. Sociologia judicial, criminologia e sociologia do Direito: conceitos e distinções
  - 1.3. Estereótipos: conceito e funcionalidades
  - 1.4. Enviesamento implícito: construção e desconstrução
  - 1.5. Discriminação negativa e discriminação positiva: legitimidades
2. **O discurso de ódio e o crime de discriminação**
  - 2.1. Conceito (sociológico) de discurso de ódio
  - 2.2. Discurso de ódio, preconceito e “crítica razoável”: critérios de distinção
  - 2.3. Discurso de ódio, discriminação e conflitos interpessoais: critérios de distinção
  - 2.4. O tipo legal de discriminação e incitamento ao ódio e à violência
  - 2.5. Critérios de concordância prática ante a liberdade de expressão
3. **O crime como entretenimento: o novo populismo penal**
  - 3.1. Populismo penal: história e contextos
  - 3.2. A mediatização do crime na história do direito
  - 3.3. O novo populismo penal: media e redes sociais
  - 3.4. Impacto da mediatização do crime no sistema judicial
  - 3.5. Impacto da mediatização do crime na perceção social da criminalidade
4. **Estereótipos e enviesamento implícito: impacto no sistema judicial penal**
  - 4.1. Os “critical legal studies” e o conceito de “legal consciousness”
  - 4.2. O sistema de justiça e os movimentos ativistas modernos em Portugal
  - 4.3. Impacto dos estereótipos e enviesamento implícito em matéria de género
  - 4.4. Impacto dos estereótipos e enviesamento implícito nas pessoas racializadas
  - 4.5. Interseccionalidade e hegemonias discursivas no sistema de justiça



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### **Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular**

O programa começa por apresentar os conceitos básicos que irão ser trabalhados ao longo do semestre, partindo de um ponto focal mais próximo da dogmática penal (o crime de discriminação e incitamento ao ódio e à violência) para ir desbravando os dois pontos focais mais distantes desta (o populismo penal e o impacto da discriminação no sistema de justiça), dando aos alunos/as tempo para irem treinando e aplicando os novos conceitos aos desafios programáticos.

### **Metodologias de ensino (avaliação incluída)**

O ensino assenta numa distribuição das aulas entre aulas de exposição teórica dos conteúdos fundamentais, com referências jurisprudenciais mais relevantes e aulas de trabalho de casos a análise de jurisprudência nacional, estrangeira e internacional. As aulas incluem ainda visionamento de documentários e semelhantes, professores convidados (sociologia judicial). A avaliação assenta na participação contínua dos alunos nas aulas (opcional), na realização de um trabalho escrito e num teste escrito final.

Os/as alunos/as vão ainda participar de um projeto de investigação integrado na docência desta disciplina. O projeto de investigação destina-se a medir as perceções de criminalidade, o nível de confiança na justiça e indicadores de preconceitos e potenciais núcleos discriminatórios. Para quem prestar consentimento, poderá ser feito um teste de identidade genética, com o estrito propósito de identificação de famílias étnicas. A avaliação dos vários indicadores será feita em duas ou três fases (consoante os/as alunos/as tenham feito a recolha de ADN): fase inicial, antes do início da aprendizagem da disciplina; fase intermédia, no final da aquisição de conhecimentos da disciplina (e antes da avaliação); fase final, após a revelação dos resultados do teste genético (apenas para quem prestou consentimento. Os inquéritos são preenchidos nas respetivas fases, online, pelos/as alunos que, voluntariamente, aderirem ao projeto. Porém, o conteúdo dos inquéritos é tratado apenas por equipa de investigadores/as do Centro de Investigação de Direito Penal e Ciências Criminais (CIDPCC). O conteúdo dos inquéritos e respetivos resultados apenas serão conhecidos pela Docência após época de avaliação. Os resultados serão apresentados e discutidos pela equipa de investigação, docência e alunos/as numa sessão especial, após a época de avaliação.

### **Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular**

O estudo da criminologia em torno de casos reais e a partir da análise da jurisprudência coloca em perspetiva as perspetivas criminológicas, permitindo aplicar as teorias à prática. A presença de oradores convidados com formação multidisciplinar reforça a natureza não estritamente penal da abordagem da criminologia à violência de género.

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