

Synopsis of the presentation:

Suddenly, without warning, at the beginning of 2020, the world faced a reality never experienced by modern generations. A virus has spread worldwide with unparalleled speed and deadly capacity in this century, forcing humanity to rethink its way of living, working, and relating.

The closure or limitation of various sectors of the economy, cultural, social and sport activities and the severe restriction of individual rights, freedoms and guarantees was an almost immediate consequence of the spread of the disease, quickly qualified as a pandemic by the World Health Organization (WHO).

In the context of the pandemic, the role of the Associations of Prosecutors (in Portugal, of the Union of Public Prosecutors - SMMP - the only representative association of Portuguese Public Prosecutors) took on a decisive and irreplaceable importance in monitoring the implementation of measures restricting rights, freedoms and guarantees and in monitoring compliance, even in exceptional times, with the rights of all professionals it represents in the performance of its duties.

In different jurisdictions, several measures have been adopted that have attracted the attention of the SMMP, even leading to its intervention in defense of the rights of members.

The SMMP has taken a leading role in monitoring the legality and constitutionality of the solutions adopted and the concrete rules for the implementation of the state of emergency.

The SMMP guided its actions during the pandemic by constant and increased attention, in defense of the rights of its members, with a view to the exercise of the functions entrusted to it with respect for the law and the Constitution.

Within the criminal jurisdiction, the SMMP, during the period of the state of emergency, always sought to ensure that the possibility of procedural steps, including the production of evidence, through means of distance communication did not lead to a degradation of formalities, with a decrease in the transparency of the procedure.

During the pandemic, the SMMP also directed its activity and concern to the labor area, emphasizing the need to find an adequate balance between the defense of public health and the protection of workers' rights, especially those most weakened by unemployment or termination of employment.

In the activity of the SMMP during the state of emergency, the concern for the clarification and compliance with the restrictions approved within Family and Children's Law was always present, in defense of the family life of the members themselves.

The SMMP never suspended or interrupted its activity, even during the periods of confinement decreed in the state of emergency, organizing lectures, conferences and clarification sessions, publishing articles, communications, studies and opinions on the scope of the exceptional measures adopted and also, in cooperation with the Civil Protection entities, on the best way of acting and protecting the courts, with a view to reconciling the defense of public health with the performance of the various judicial acts and diligences.

Also taking its social aspect, the SMMP even distributed personal protective material against Covid-19, such as masks, gloves and alcohol gel, to all associates and always fought for compliance in the courts with all the recommendations issued by the Directorate-General for Health (DGS).

The SMMP has continued to function entirely, without the pandemic leading to a diminishment of its responsibilities and intentions, holding its board meetings with the customary regularity, through the use of remote communication means, such as ZOOM and Webex platforms.

Even in exceptional times such as those of the Covid-19 pandemic, prosecutors' associations cannot withdraw from fully developing their activity, in the interests of their members.

For the future, the great challenge facing the SMMP and, in general, the associations of prosecutors, is to continue to perform its functions, with a view to strengthening its presence in society, in the defense of the interests of members, with autonomy and independence from the powers established.

This challenge can only be fully achieved with the permanent strengthening of the performance of the associations of prosecutors, assuming a natural role in the fight against attacks, more or less veiled, addressed to the rights of the magistrates of the Public Prosecutor's Office.

For such prominent role to be an effective and naturally accepted reality, forums such as this are decisive, through the exchange of ideas and experiences that they provide, in the encounter of so many colleagues, from various quarters, with such diverse justice systems.