

Mr. President of the Union des Avocats Européens

Mr. President of the Porto Regional Council of the Portuguese Bar

Dear Guests

Dear Delegates

It represents for the Court of Appeal of Porto a honor to host the 35th Annual Congress of the European Lawyers' Union. We are extremely pleased to welcome you all in our Palace of Justice, presenting the venue for such a significant event.

Established in 1582, the "Tribunal da Relação do Porto" has a prolonged history founded on an opulent past but also grounded on an inspiring future. Located in the historical city center, in a Palace fitted with dozens of remarkable master's pieces from Portuguese painters and sculptors, including a Statue of Justice, at the entrance, seven meters tall, with unusually unfolded eyes, wide open to those judges must serve - our fellow citizens - the Appellate Court of Porto embodies the civilizational values Europe, today, offers as its essential heritage.

On an historical point of view, among many aspects, I will just mention, in the space of this Palace, the outstanding room where we are now, the most important in the building.

On the right side the fresco portrays the marriage in Porto of João I to Filipa de Lencastre in 1387. The King must have followed, with good humor, an old Greek advise by Socrates: "By all means, marry! If you get a good wife, you will be happy. If you get a bad one, you will be a philosopher."

On a more serious note, the other fresco on the western wall represents the departure from Oporto of Prince Henry armada towards Ceuta, beginning the Portuguese maritime expansion and the process of globalization. We like to believe, based on rational historical arguments, that today's global village, our planet, Planet Earth, with the shared common values of human dignity and democracy, started exactly with this expedition, organized from Porto, in 1415.

In this unique day, the world, in its plurality, started to be known and, finally, not seen any more as foreigner to humankind, at least from the Portuguese perspective, curious and adventurous

Regarding your meeting, this year topic, Regulation of Digital Space – The Digital Services Act (DSA) and the Digital Markets Act (DMA), will have, for sure, a great impact on the legal community for years to come. Therefore, let me applaud the intuition and concrete knowledge of those who selected this subject for your discussions particularly in the challenging times Europe is now experiencing.

In times of war and uncertainty, this is the right moment, in my opinion, to underline once more the decisive role of Lawyers in modern societies.

You are, undisputedly, the front runners, the advanced guard for the protection of Fundamental Rights. Without the lawyer how to establish the crucial connection between the citizen who wants his fundamental right protected and those who can eventually grant it? Without the lawyers how can a society ensure, without recourse to violence, the right to human dignity, especially for the most disadvantaged?

In the present times, we, jurists, need to get better at explaining the basics of liberal democracy. As Mirosław Wyrzykowski, a former Polish Constitutional Tribunal judge and professor of law, recently described explaining what is unfolding in Poland "[good] lawyers are necessary to build constitutional democracy. For [its] destruction, [mere] graduates of law faculties are enough ... regardless of their grades and titles ...". Quoting Miguel Veiga, a great Portuguese lawyer from this city of Porto, only "while there are lawyers, the idea of citizenship will have content."

Speaking as a common judge allow me to translate a paragraph I wrote almost two decades ago, in 2003, on a collective book called "Interrogações à Justiça"; it remains real and truthful: "Only with vigorous and responsible lawyers the judge will be able, if he has the required skills and subtle art, to make emerge the best of his/her judgements. Indeed, in the daily life of courts, nothing enhances more the qualities of a judge than the enlightened wit of a lawyer."

Twenty years after nothing has changed. Not only on the routinary work of each day but especially in the scenery of a Continent plunged into a crisis.

Europe demands for your initiative and boldness to help us save a Europe challenged again by a Rule of Law debacle with the repeated sad examples of Hungary and Poland. In our quest for an independent judiciary consolidated in a democratic society that respects Rule of Law and treats each citizen equally, we need each other; in the decisive battles ahead we need each other.

The legal community of Porto knows that for a long time; we, in this regional Court, are proud of having a strong and unwavering institutional alliance with the corresponding regional branch of Portuguese Bar Association, here represented at the highest level by its Presidente.

Without legality there is no freedom – taught us Piero Calamandrei in 1941, a dramatic period that speaks for itself. Populist leaders and the so-called “illiberal democracies”, in fact autocratic States, are defying once again the pillars of our democracies.

In this grave setting, digital space, a decisive platform for tomorrow’s regimes, has become a fertile soil for those interested in disrupting Rule of Law. Byung-Chul Han, the well-known philosopher, wrote: digital culture “is definitively changing the ways that we act, perceive, feel, think and live together,” while we sit in “blindness and stupefaction”.

Thus, it is time to be alert. Regulation is not only desired; it should be seen as urgently mandatory in a context where politicians oversimplify problems offering binary solutions where opponents are treated as enemies and supporters exist only as accomplices for radical policies supported by “fake” facts and fabricated “news”.

Gloomily, in our troublesome days, too many of our fellow citizens are choosing dystopian political schemes, propelled digitally and controlled by wannabe tyrants. To strike a balance between the freedom of expression, a fundamental principle, and the combat against manipulation of public opinion in the digital setting is the challenge you will, surely, confront during your discussions and debates.

With a long liberal tradition rooted in the Revolution of 1820, Porto – the freest of the Portuguese cities – and its Appeal Court, the more ancient in the country, warmly salutes the participants of this Congress.

Therefore, let the Congress begin!

*José Igreja Matos*