



Accessible Justice
Portugal Report

ENABLE - Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities.

FENACERCI created this briefing paper as part of the project ENABLE.

This document has been produced with guidance from Inclusion Ireland on accessibility and proofread by a group of self-advocates.

VALIDITY


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Human Rights


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European Institutions (ICJ-EI)


K
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CENTRO DE PRAXIS JURIDICA
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Plena
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MENTAL
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Inclusion Ireland
The National Association for People
with an Intellectual Disability.



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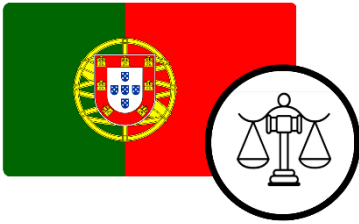
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Contents

What This Document Is About	4
The project	4
Understanding Access to Justice	7
What have we done.....	9
What we found out	9
Some things we were told by people with disabilities	10
Some things we were told by legal professionals	11
Good things going on.....	11
What Needs to Change:	12
Conclusions and Recommendations.....	13

What This Document Is About



This document is about how people with intellectual and psychosocial disabilities are treated in the legal system in Portugal.



The project

The ENABLE project is about making sure that people with intellectual and psychosocial disabilities are treated fairly in the legal system.

It is about making sure they get a fair chance when they have to go to court.



This project is happening in 8 countries in Europe.

This is what we want:

- **Understand the Problems**
We want to learn about the things that make it hard for people with disabilities to be part of the legal system.
- **Help Legal Professionals**





We want to help lawyers, police officers, and judges to make the legal system fair for people with disabilities.

We want them to follow the laws that protect the rights of people with disabilities.

- **Work Together**

We want to bring together people who help those with disabilities and those who work in the legal system. When we work together, we can make sure that people with disabilities get the help they need in the legal process.



This is what we are doing;

- **Research**

We will talk to people with disabilities and we will talk with professionals working in the legal system to understand the problems better.

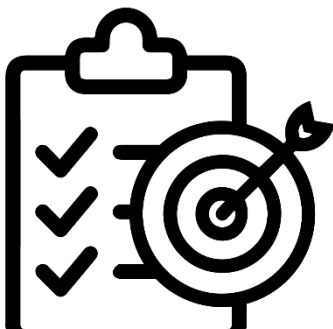


- **Create Guides**

We will make easy-to-follow guides for lawyers, police officers, and judges. These guides will help them treat people with disabilities fairly.



- **Plan Services**



We will make a plan to improve the services that help people with disabilities in legal matters. This will make it easier for them to get legal help, like having a lawyer to work with them.



We want to make sure that everyone is treated fairly in the legal system.

Understanding Access to Justice



Access to justice means that everyone has the right to be treated fairly by the law.

Sometimes, people with disabilities are not treated fairly.

This is because:

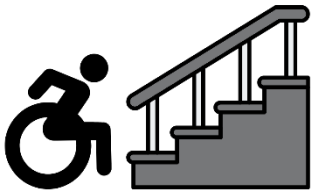
1. Limited Legal Rights:

Their rights may not be protected properly by the law.



2. Physical Barriers:

Some places like courts and police stations can be hard to get to.



3. Transportation Issues:

They might not have a way to get to these places.



4. Legal Help Challenges:

It can be difficult for them to get the help they need from lawyers.





5. Information Barriers:

Information about their rights is often not explained in a way they can understand.



6. Bad Attitudes:

Some people think that because they have disabilities, they can't take part in the justice system.



7. Lack of Training:

Many people in the justice system don't know how to work with people with disabilities.

In the justice system, they might be protected like others.

What we have done

- We talked to people and did research.
- We looked at international laws and agreements and discussed with experts.
- We also interviewed people who know about this topic.

What we found out

- People with disabilities often struggle to use the legal system.
This happens in many countries, including Portugal.
- The law says people with disabilities should get help to use the legal system.
But this does not always happen.
- We need to change how we think about disabilities.
It is not just about the person.
It is about what people in their community can do to make things easier for them.
- Portugal must do more to help people with disabilities in the legal system.
- The law does not say clearly how to make sure people with disabilities understand their rights.
- There is no law allowing someone to help people with disabilities in the courts of justice.
- The law does not allow friends or family to support people with disabilities in the court.

- People with intellectual or psychosocial disabilities often struggle to get information in a way that's easier to understand.
- Many court buildings in Portugal are not accessible to people with disabilities.
- The accessibility of websites about the law needs to improve.
- People in the legal system are not trained on how to support those with disabilities.
- Patients who are placed in hospitals by a court decision do not always have a say in their treatment.
- Nobody is reporting problems people with disabilities have when they go to court.

Some things people with disabilities told us

- Many people could not remember being told about their rights when they were arrested.
They relied on their lawyers to explain things.
- Some were allowed to have someone they trusted with them, who supported them to communicate.
- Lawyers were important to help them to understand the legal process.
- Police officers rarely asked them what kind of help they needed.
- There were no special arrangements made for people with disabilities during their Court case.
For instance,
sign language interpreters or support with communication.
- Conversations with judges were difficult because they could not understand what was being said.

Some things legal professionals told us

- It is hard to make sure people understand the legal process, especially those with intellectual disabilities.
- Sometimes, disabilities are not taken into account early in the legal process, causing problems later.
- Legal professionals do not always know what accommodations are available.
- Legal professionals need more training on disabilities and accommodations.

Accommodations are support provided to a person with disabilities so that they can take part in the court.

- Legal professionals are often busy and don't have enough time to help people with disabilities.

Good things going on

- Having local groups with police, disability organisations, and others working together to help people with disabilities to understand the court system.

What Needs to Change

- Portugal needs to help people with disabilities in legal cases.
They should have laws that say how to help people with disabilities.
This is important when they are accused of a crime.
- People working in the legal system should use simple language.
They need to provide information in ways that are easy to understand.
- People with disabilities should have a say in how the legal system can be better for them.
- People working in the legal system need better training about disabilities.
They should set up support services to help people with disabilities to understand the legal process.
They should learn the best ways to help people with disabilities and share that information.
- People who can't be held responsible for crimes should have better options to going to jail.

These changes aim to make sure that people with disabilities are treated fairly in the Portuguese justice system.

Conclusions and Recommendations

To make things better, we should:



- Make clear rules for getting help during legal processes, including having someone to provide support.



- Train judges and legal professionals on how to talk with people with disabilities.



- Allow supporters in court to make things easier for people with disabilities.



- Make it easier for people with disabilities to do community service instead of paying fines.



- Make helping people with disabilities in the legal system a top priority in Portugal.



- Rewrite the laws to say how to help people with disabilities, especially when accused of



- Use simple and easy-to-understand language in court cases.



- Talk to people with disabilities and their groups about how to make the legal system better for them.



- Make sure people with disabilities who need to go to the hospital can talk to a lawyer.

- Train the legal professionals and create guides on how to help people with disabilities.