

A legal system in Spain hard to understand

This is an Easy Read factsheet



This factsheet was adapted to Easy Read and validated by:



This factsheet was written and published following the UNE 153101:2018 EX Standard on Easy Reading. Persons with intellectual disabilities trained for this purpose validated the content.



© Easy Read logo is the property of Inclusion Europe.
You can read more at <https://www.inclusion-europe.eu/>

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

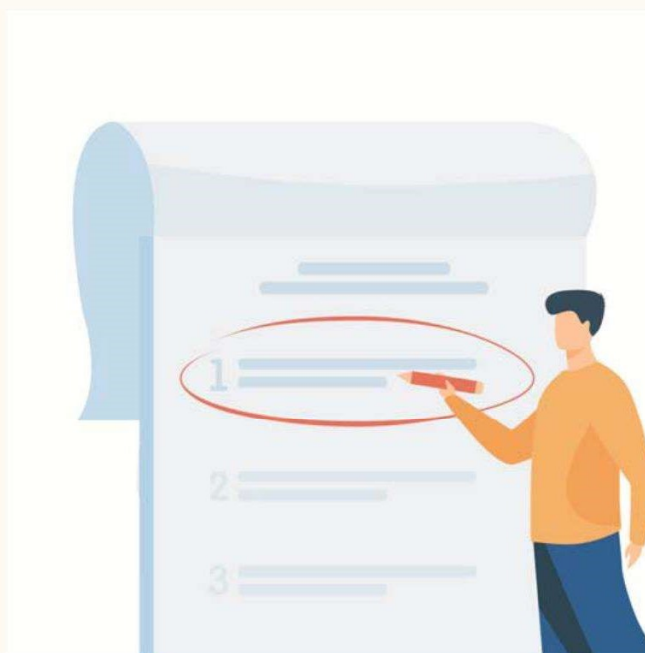
1. Introduction

We prepared this factsheet for persons who find it hard to read and understand things. This is an Easy Read factsheet. In this document, you can find some **green words**.

This factsheet is a report on the barriers that persons with intellectual or **mental disabilities experience when they are accused in the criminal justice system.** This means that maybe they committed a **crime**. A report is a document that explains a subject. For example, a report on the health of a person describes the health condition of that person.

This report describes the main barriers that persons with intellectual or mental disabilities experience in the following situations:

- **Access to information.**
- **The support people need in the legal **cases**.**



Green words:

Next to green words, you can find a box like this one. In this box, you can find an explanation of green words.

Mental: This is how people relate to their environment.

Crime: This is a serious act against a person. You can go to jail because of it. For example, theft or mistreatment.

Cases: The series of actions that a court takes to try and decide who is responsible for a crime.

The Convention on the Rights of Persons with Disabilities recognises access to justice for Persons with Disabilities.

The United Nations Convention on the Rights of Persons with Disabilities says that persons with disabilities have the right to access justice on an equal basis with others.



For this to happen, procedural accommodations in courts and tribunals need to be made and the people who work in the **Administration of Justice** must get training. **Accommodations in the legal procedure** are all changes and adaptations that are necessary to make sure that persons with disabilities can participate on an equal basis with others.

For example, to give all the information on a trial in Easy Read.

Administration of Justice:

It is the public service that provides justice. It includes, for example, courts and tribunals.

Legal procedure:

Steps that the court follows from the moment a claim or complaint is presented until the judge pronounce the sentence.

2. Objectives and methodology

This report presents the results of a study.
The objective of this study is to understand the barriers that limit the participation of persons with intellectual or mental disabilities who are accused by the criminal justice system.

The study goes from the beginning, when the research on the case starts, to the trial and the sentence that the judge pronounces.

In this study documentary research and fieldwork were used.

The documentary research included an analysis of laws and reports on how to make procedural accommodations in the legal system for persons with disabilities.

Remember that the accommodations in the legal procedure are explained on the previous page.

In the fieldwork, some interviews were made, for example, with persons with intellectual or mental disabilities who were accused or condemned, with criminal justice professionals, and with **Non-Governmental Organisations**.



Non-Governmental Organisation:

Organisation that does social work and does not try to make money. For example, Plena inclusión, UNICEF or Doctors without Borders.

3. Results of the research

The Barriers

Persons with intellectual disabilities who were interviewed for this research experienced many barriers to access justice on an equal basis with others. Here are the main barriers that persons with intellectual disabilities experience:



- **Laws do not recognise the support needs of persons with intellectual disabilities** and the importance of making accommodations in the cases in which they participate.
- **The language is very technical and hard to understand** for persons with intellectual disabilities.
- People who work in the legal system often **do not know the rights of persons with disabilities** or the procedural accommodations that must be made.
- **Intellectual disability is discovered late**, often when the person is already in prison.
- **There is no system in place to report that a person has an intellectual disability** and needs procedural accommodations.
- People who work in the legal system **often do not use Easy Read documents** to inform persons with intellectual disabilities of their rights.

- **There are no resources for people who need help to communicate,** such as alternative and augmentative communication systems. For example, a person who does not speak to use an alternative communication system such as a pictogram board.
- People who work in the legal system **do not understand disability and its effects and misinterpret the behaviour** of persons with disabilities. For example, they think that persons with disabilities do not want to help but they do not see that persons with disabilities need more time to answer the questions.
- The **facilitator** usually appear for the first time at the trial and not at the first contact of the person with a disability with the justice system.



Facilitator:

This is a trained person who support persons with intellectual or developmental disabilities on legal cases.



Recommendations

Persons with intellectual disabilities who were interviewed for this research recommended the following:

- **Modify criminal laws**
so that they recognise the rights of persons with disabilities and the need to make procedural accommodations.
- **Get the opinion of persons with disabilities**
on how to make the justice system more accessible to them.
- **Guarantee the participation of the facilitator**
so that people who need a facilitator can have access to one during the whole legal case.
- **Create a protocol of action for people who work in the legal system**
when the accused person is a person with a disability.
- **Create a Code of the Defendant**
that protects the rights of persons with disabilities who are **defendants or under investigation**.
The Code of the Defendant should be a document that describes the rights of defendants or persons under investigation.
- **Improve the coordination** of people who work in the legal system.
- **Make sure of the early detection of intellectual disability**
so that the person with a disability can follow the criminal cases on an equal basis with others.

Protocol of action:

This document explains the instructions a person needs to follow.

Defendant or person under investigation:

A person who was accused in court of committing a crime.

- **Train people who work in the legal system** on the rights of persons with disabilities.
- **Give more information about support resources** that are available for persons with disabilities.
- Give persons with intellectual disabilities **accessible information about their rights, and about what happens during the legal procedure.**



Glossary

Report

A report is a document that explains a topic, for example, a report on the health of a person describes the health condition of that person.

Mental

This is how people relate to their environment.

Criminal justice system

It is a group of people and organisations who are responsible for implementing the laws on crimes.

Crime

A crime is a serious act against someone and you can go to jail because of it. Theft, mistreatment, or sexual abuse are examples of crime.

Legal cases

It is a way to resolve conflicts with the help of a legal authority.

Legal procedure

It is a series of legal processes that resolve the conflict.

Procedural accommodations

All changes and adaptations that are necessary to guarantee the participation of persons with disabilities on an equal basis with others. For example, to give all the information on a trial in Easy Read.

Administration of Justice:

It is a public service that provides justice. It includes, for example, courts and tribunals.

Glossary

Trial

It is an act in which a judge examines facts and considers whether people broke the law. At the end of the trial, there is a decision. This decision is called a sentence.

Documentary research

It is a research method that collects and selects information by reading documents.

Fieldwork

It is a research method that collects and selects information by observing people and interacting with them in their environment.

Non-Governmental Organisations

We also call them NGOs. It is an organisation that does social work and does not try to make money. For example, Plena inclusión, UNICEF or Doctors without Borders.

Facilitator

A trained person who support persons with intellectual or developmental disabilities on legal proceedings.

Protocol of action

This document explains the instructions that a person must follow.

Defendant or person under investigation

A person who was accused of committing a crime.

Comprehension difficulties in the legal system in Spain

This is an Easy Read factsheet



Co-funded by the
European Union

This project is co-funded by the European Union. The views and opinions expressed are those of the author(s) and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.