



# BRASILIA REGULATIONS REGARDING ACCESS TO JUSTICE FOR VULNERABLE PEOPLE

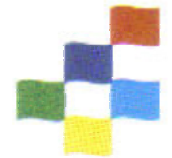
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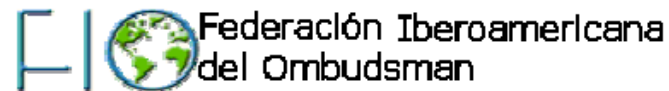
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# **BRASILIA REGULATIONS** **REGARDING ACCESS** **TO JUSTICE FOR** **VULNERABLE PEOPLE**

*This text has been drafted - with the support of the Eurosocial Justice Project - by a Work Group constituted within the framework of the Ibero-American Judicial Summit, which was also attended by the Ibero-American Association of Public Ministries (AIAMP in its Spanish acronym), the Inter-American Association of Public Defender Offices (AIDEF in its Spanish acronym), the Ibero-American Federation of Ombudsmen (FIO) and the Ibero-American Union of Lawyers' Societies and Associations (UIBA, in its Spanish acronym).*

*The Regulations Regarding Access to Justice for Vulnerable People have been approved by the XIV Ibero-American Judicial Summit, held in Brasilia on March 4 to 6, 2008. The other aforementioned Networks have initiated the process to submit them to the approval of their respective government bodies.*

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## **STATEMENT OF REASONS**

Within the framework of the works carried out on occasion of its 14<sup>th</sup> edition, the Ibero-American Judicial Summit has considered it necessary to draft some Basic Regulations regarding access to justice for vulnerable people. These expand on the principles included in the “Charter of Rights of the People before the Judiciary in the Ibero-American Judicial Space” (Cancun 2002), specifically those included in the part entitled “*A justice system that protects the weakest*” (sections 23 to 34).

All the main Ibero-American networks of civil servants and workers of the judicial system also took part in the preparatory work for these Regulations: the Ibero-American Association of Public Ministries, the Inter-American Association of Public Defence Ministries, the Ibero-American Federation of Ombudsmen and the Ibero-American Union of Lawyers’ Societies and Associations. Their contributions have greatly enriched the contents of this document.

The judicial system must be designed, and indeed is being designed, as an instrument for the effective defence of the rights of vulnerable people. It is of little use if the State formally recognises a right when its owner is unable to access the justice system effectively in order to exercise said right.

Though the difficulty of guaranteeing the efficacy of rights generally affects all scopes of public policy, this difficulty becomes even greater when dealing with vulnerable people, given that they encounter greater obstacles to exercising their rights. This is why it is important to carry out more focused, intense activities aimed at conquering, eliminating or mitigating such limitations. Thus, the justice system itself can contribute significantly to the reduction of social inequalities, favouring social cohesion.

The present Regulations are not limited to establishing the bases for reflection on the problems that vulnerable people face when accessing justice: they also include recommendations for public bodies and for those who provide their services within the judicial system. They not only refer to the promotion of public policies that guarantee access to justice for these people, but also to the everyday work of all workers and operators of the judicial system and those who contribute to the operation of the system in one way or another.

The initial Chapter of this document defines its aim and then moves on to defining its beneficiaries and addressees. The following Chapter has a series of rules applicable to all vulnerable people who must access or have accessed justice, as part of the process, for the defence of their rights. Subsequently it contains regulations that are applicable to any vulnerable person taking part in a judicial proceeding, be it as the party taking action or the party defending their right before an action, be it as a witness, a victim or in any other condition. The last Chapter includes a series of measures aimed at increasing and promoting the effectiveness of these Regulations, in order that they may contribute effectively to the improvement of the conditions of access to justice for vulnerable people.

The members of Ibero-American Judicial Summit are aware that the promotion of an effective improvement of access to justice demands a series of measures within the competency of the judicial power. Given the importance of this document for guaranteeing access to justice for vulnerable people, all public powers are hereby urged, within their respective scope of competency, to promote legislative reforms and to adopt measures that make effective the

contents of these Regulations. Likewise, International Organisations and Cooperation Agencies are hereby actively urged to take into account these Regulations in the course of their activities, incorporating them in the different programmes and projects to modernise the judicial system in which they take part.

## **CHAPTER I: PRELIMINARY**

### **Section 1.- Aim**

(1) These Regulations aim to guarantee the conditions of effective access to justice for vulnerable people, without discrimination, encompassing the group of policies, measures, assistance and support that allow these people to fully enjoy the services of the judicial system.

(2) It is recommended that public policies that guarantee access to justice for vulnerable people be drafted, approved, implemented and strengthened.

The workers and operators of the justice system shall treat vulnerable people according to their specific circumstances.

It is also recommended that priority be given to actions aimed at facilitating access to justice for people who are exceptionally vulnerable, be it due to several concurrent causes or due to severity of one cause.

### **Section 2.- Beneficiaries of the Regulations**

#### **1.- Definition of vulnerable people**

(3) Vulnerable people are defined here as those who, due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as recognised to them by law.

(4) The following may constitute causes of vulnerability: age, disability, belonging to indigenous communities or minorities, victimisation, migration and internal displacement, poverty, gender and deprivation of liberty.

The specific definition of vulnerable people in each country will depend on their specific characteristics, and even on their level of social or economic development.

#### **2.- Age**

(5) Persons under eighteen years of age are considered *children and adolescents*, except if they have reached legal age before by virtue of the applicable national legislation.

Any child or adolescent must be subject to a special guardianship by the justice system bodies in line with their development.

(6) Aging can also constitute a cause of vulnerability if an *elderly adult person* finds it especially difficult to exercise their rights before the justice system, on the basis of their functional abilities.

### **3.- Disability**

(7) *Disability* is understood here as a physical, mental or sensorial deficiency, be it permanent or temporary, which limits the ability of carrying out one or more essential activities of daily life, which may be caused or aggravated by the economic or social environment.

(8) Every attempt will be made to establish the necessary conditions to guarantee the accessibility of disabled persons to the justice system, including measures aimed at using all required judicial systems and having all resources that guarantee for them safety, mobility, comfort, understanding, privacy and communication.

### **4.- Belonging to indigenous communities**

(9) People belonging to *indigenous communities* may be in a condition of vulnerability when they exercise their rights before the state justice system. Conditions aimed at enabling indigenous people and communities to fully exercise said rights before the justice system, without any discrimination with regard to their indigenous origins or identity, shall be promoted. The judicial powers will ensure that the treatment they receive by the state justice administration bodies is respectful towards their dignity, language and cultural traditions.

This is without prejudice of Regulation 48 regarding the indigenous peoples' own ways of solving conflicts, encouraging their harmonisation with the state justice administration system.

### **5.- Victimisation**

(10) To the effects of these Regulations, a *victim* is any physical person that has suffered damages caused by a criminal offence, including physical or psychological injury, such as moral suffering and economic damages. The term "victim" may also include, if applicable, the immediate family or the people in charge of the direct victim.

(11) Any victim of a crime with relevant limitations in avoiding or mitigating the damages derived from criminal offences or in their contact with the justice system or in facing the risks of suffering a new victimisation is considered to be in a vulnerable situation. Vulnerability may be derived from their own personal characteristics or from other circumstances of the criminal offence. Some of

these victims may be minors, victims of domestic or family violence, sex crime victims, aged adults, as well as relatives of victims who died violently.

(12) The adoption of measures aimed at mitigating the negative effects of the crime (primary victimisation) shall be encouraged.

In addition, efforts shall be made to ensure that the damage suffered by the victim of the crime is not worsened as a result of their contact with the justice system (secondary victimisation).

Efforts shall be made to guarantee, throughout all the phases of the criminal proceedings, the protection of the physical and psychological integrity of the victims, especially in favour of those who are at the highest risk of intimidation, reprisal or reiterated or repeated victimisation (the same person being a victim of more than one crime over a certain period of time), It may also be necessary to grant specific protection to victims who are going to give evidence in the trial. Special attention shall be paid to cases of family violence, as well as to cases where the person accused of having committed the crime is set free.

## **6.- Migration and internal displacement**

(13) The displacement of a person outside the state of their nationality can be a cause of vulnerability, especially in the case of migrating workers and their families. A *migrating worker* is defined here as a worker who is going to carry out, is carrying out or has carried out a paid activity in a state of which he is not a national. In addition, special protection shall be given to the beneficiaries of the *refugee* status in accordance with the 1951 Refugee Convention, as well as to *asylum seekers*.

(14) *Internal migrants* may also be in a situation of vulnerability. These are people or groups of people who have been forced or obliged to escape or flee from their home or place of habitual residence, specifically as a result of or to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural catastrophes or catastrophes caused by humankind, and which have not crossed an internationally recognised state border.

## **7.- Poverty**

(15) *Poverty* is a cause of social exclusion, in economic terms, and also in social and cultural terms. It is also a serious obstacle for the access to justice, especially for those people who are in a vulnerable situation due to other additional reasons.

(16) Legal culture or literacy shall be promoted among people in a situation of poverty, as well as the conditions to improve their effective access to the justice system.

## **8.- Gender**



(17) The discrimination suffered by women in several spheres is an obstacle for their access to justice, which is worsened in cases where other vulnerability factors are also present.

(18) *Discrimination against women* is understood as any distinction, exclusion or restriction based on gender, aimed at or resulting in undermining or cancelling the recognition, enjoyment or exercise by women, regardless of their marriage status, on the basis of the equality of man and woman, of the human rights and fundamental freedoms in political, economic, social, cultural, civil or any other field.

(19) *Violence against women* is understood as any action or conduct, on the basis of their gender, causing death, physical, sexual or psychological damage or suffering to the woman, both in the public and private spheres, by means of the use of physical or psychological violence.

(20) The necessary measures required to eradicate discrimination against women in the access of justice for the custody of their legitimate rights and interests shall be promoted, in order to achieve effective equality of conditions.

Special attention shall be paid to cases of violence against women, establishing efficient mechanisms aimed at protecting women (and their property, home and family), their access to trials and speedy and timely proceedings.

### **9.- Belonging to a minority**

(21) Belonging to a national, ethnic, religious or linguistic minority can be a cause for vulnerability. The dignity of people belonging to minorities should be respected when they come into contact with the justice system.

### **10.- Confinement**

(22) *Confinement*, ordered by a competent public authority, can generate difficulties to exercise fully before the justice system the rest of rights pertaining to the person in confinement, especially if any of the other causes of vulnerability listed in the previous sections concur.

(23) To the effects of these Regulations, confinement is understood as that which has been ordered by a public authority, whether for reasons of crime investigation, a criminal sentence, mental illness or any other reason.

### **Section 3<sup>a</sup>.- Addressees: agents of the justice system**

(24) The addressees of the content of these Regulations are:

- a) Those responsible for designing, implementing and assessing public policy within the judicial system;

- b) Judges, Prosecutors, Public Defenders, Attorneys and other civil servants who work in the Justice Administration system in accordance with the internal legislation of each country;
- c) Lawyers and other Law professionals, as well as Societies and Associations of Lawyers;
- d) People who work at Ombudsmen bodies.
- e) Prison police officers and services.
- f) And, generally, all operators of the judicial system and those who take part in any way in its operation.

## **CHAPTER II: EFFECTIVE ACCESS TO JUSTICE FOR THE DEFENCE OF RIGHTS**

This Chapter is applicable to those vulnerable people who must access or have accessed justice, as part of the process for the defence of their rights.

(25) The necessary conditions should be promoted so that the judicial custody of the rights recognised by law is effective, adopting the measures that best adapt to each condition of vulnerability.

### **Section 1.- Legal culture**

(26) Actions aimed at providing basic information on the rights of vulnerable people shall be promoted, as well as about the procedures and requirements to guarantee an effective access to justice for vulnerable people.

(27) The participation of civil servants and operators of the justice system will be encouraged in the design, dissemination and training of a legal civil culture, and especially that of people who collaborate with the administration of justice in rural areas and in underprivileged areas of large cities.

### **Section 2.- Legal assistance and public defence**

#### **1.- Promotion of technical legal assistance to vulnerable people**

(28) The relevance of technical legal advice for the effectiveness of the rights of vulnerable people is confirmed:

- As regards legal assistance, that is, legal consultation regarding any issue that may affect the legitimate rights or interests of the vulnerable person, even if a trial has not been initiated;
- As regards defence, to defend their rights in the proceedings before all jurisdictions and in all legal courts;
- And as regards the provision of legal assistance to the arrested.

(29) It is advisable to promote public policy aimed at guaranteeing technical legal assistance to the vulnerable person for the defence of their rights in all jurisdictions; whether through extending the responsibilities of the Public Defence office, not only in the criminal jurisdiction but also in other jurisdictions; or by creating mechanisms of legal assistance: legal consultancy with the participation of universities, *casas de justicia* (justice centres), intervention of bar associations or societies...

This is without prejudice to the review of the procedural requirements and procedures as a means of facilitating access to justice as referred to in Section 4 of this Chapter.

## **2.- Quality, specialised and free assistance**

(30) Emphasis on the need to guarantee *quality* and *specialised* technical legal assistance. To this aim, instruments aimed at controlling the quality of the assistance provided shall be promoted.

(31) Actions aimed at guaranteeing the *gratuity* of quality technical legal assistance to people who are in a position where they are unable to pay the expenses with their own resources and conditions shall be promoted.

## **Section 3.- Right to an interpreter**

(32) The use of an interpreter shall be guaranteed when the foreigner does not know the official language or languages or, if applicable, the official language of the community, and when it is necessary to interrogate them or for them to make a statement, or if it were necessary communicate a resolution to them personally.

## **Section 4.- Review of procedural requirements and procedures as a means of facilitating access to justice**

(33) The procedural regulations shall be reviewed to facilitate the access of vulnerable people, adopting any organisation and legal management measures that are conducive to this aim.

## **1.- Procedural measures**

This category includes actions that affect the regulation of the procedure, both with regards to its processing and with regards to the requirements demanded for the practice of the procedural acts.

(34) Requirements for accessing the process and legitimation

Measures shall be promoted for the simplification and dissemination of the requirements demanded by law in the practice of certain acts, in order to favour the access to justice of vulnerable people, and without prejudice to other participating bodies which may assist in the exercise of the rights of these people.

(35) Oral hearings

Oral hearings shall be promoted in order to improve the conditions under which legal actions are held, as contemplated in Chapter III of these Regulations, and in order to favour increased swiftness in the processing, reducing the effects of the delays in the legal decision regarding the situation of vulnerable people.

(36) Forms

Promotion of easy-to-handle forms for the exercise of certain actions, establishing conditions so that they are accessible and free for the users, especially in those cases in which legal assistance is not required.

(37) Accepting evidence in advance of the trial

It is recommended that the procedures be adapted to allow advance evidence-taking for vulnerable people in order to avoid having to repeat statements, and to avoid the worsening of a disability or an illness, if applicable. To these effects, it may be necessary to make an audiovisual recording of the court proceedings in which the vulnerable person is taking part, so that it can be replayed in future judicial instances.

## **2.- Organisational measures and judicial management**

This category includes policies and measures that affect the organisation and management models of the judicial system bodies, in such a manner that the way in which the justice system is organised facilitates in itself access to justice for vulnerable people. These policies and measures may be applicable both to professional judges and to non-professional judges.

(38) Swiftiness and priority

The necessary measures shall be adopted to avoid delays in processing each case, guaranteeing a prompt judicial resolution, as well as the fast execution of the resolution. When the circumstances of the situation of vulnerability so require, priority shall be given to the attention, resolution and execution of the case by the bodies of the system of justice.

(39) Coordination

Intra- and inter-institutional coordination mechanisms, both organic and functional, shall be established with the aim of managing the interdependencies of the acts of the different bodies and institutions, both public and private, that form part of or take part in the system of justice.

(40) Specialisation

Measures shall be adopted aimed at the specialisation of professionals, operators and civil servants of the judicial system for the attention of vulnerable people.

Where necessary, it is advisable to place the matter in the hands of specialised bodies of the judiciary system.

(41) Interdisciplinary action

Importance is given to the action of multidisciplinary teams, made up of professionals of different fields, to improve the response of the judicial system to a vulnerable person's demands for justice.

(42) Proximity

The adoption of measures shall be promoted such that encourage a bridging of distances between the justice system services and those groups of

people which, due to circumstances related with their vulnerability, are in remote locations or in very poorly communicated places.

## **Section 5.- Alternative means of conflict-resolution**

### **1.- Alternative means and vulnerable people**

(43) Alternative means of conflict-resolution shall be promoted in cases where it is appropriate, both before the start of the process and during the process itself. Mediation, reconciliation, arbitration and other means that do not require the resolution of the conflict in a court can contribute to improving the conditions of access to justice for certain groups of vulnerable people, as well as to decongest the operation of the formal services of the justice system.

(44) In any case, before resorting to an alternative means of conflict resolution, the specific circumstances of each of the persons affected shall be taken into account, especially if they are in any of the situations of vulnerability contemplated in these Regulations. The training of mediators, arbitrators and other people who take part in the resolution of conflict will be promoted.

### **2.- Dissemination and information**

(45) The existence and features of these means of conflict resolution should be disseminated and communicated among all groups of people that may be potential users in the cases where the law allows their use.

(46) Any vulnerable person who takes part in the resolution of a conflict by any of these means should be previously informed of their content, form and effects. Said information shall be provided in accordance with the provisions contained in Section 1 of Chapter III of these regulations.

### **3.- Participation of vulnerable people in Alternative Conflict Resolution**

(47) Promotion should be carried out for the adoption of specific measures that allow the participation of vulnerable people in the mechanism chosen for the Alternative Conflict Resolution, such as the assistance of professionals, the participation of interpreters or the intervention of the parental authority for minors when necessary.

The Alternative Conflict Resolution activity should take place in an environment that is safe and appropriate for the circumstances of the persons taking part.

## **Section 6.- System for the resolution of conflicts within indigenous communities**

(48) Based on the international instruments drafted on the subject, it is convenient to stimulate own justice procedures in the resolution of conflicts that have arisen within the context of indigenous communities, as well as to encourage the harmonisation of the state and indigenous justice administration systems based on the principle of mutual respect in accordance with the international human rights regulations.

(49) Also applicable will be the remaining measures included in these Regulations in cases of conflict resolution outside indigenous communities by the state justice administration system, where it is also convenient to tackle the issues related to cultural appraisal and the right to express oneself in one's own language.

## **CHAPTER III: EXECUTION OF JUDICIAL PROCEEDINGS**

The contents of this Chapter are applicable to any vulnerable person who takes part in a judicial proceeding, whether as a party or in any other capacity.

(50) All efforts will be made to ensure that the dignity of the vulnerable person is respected in any intervention as part of a judicial proceeding, granting them a specific treatment according to their specific circumstances.

### **Section 1.- Procedural or jurisdictional information**

(51) Conditions aimed at guaranteeing that vulnerable people be duly informed with regard to the relevant aspects of their intervention in the judicial proceedings will be promoted, in a manner adapted to the circumstances that determine their vulnerability.

#### **1.- Content of the information**

(52) When a vulnerable person takes part in a judicial action, in any condition, they will be informed on the following issues:

- The nature of the judicial action in which they will be participating
- Their role within that action
- The type of support they may receive with reference to the specific action, as well as the information on the body or institution that can provide it

(53) If they take an active part in the proceedings or may take it, they will be entitled to receive any relevant information for the protection of their interests. Said information should include at least:

- The type of support or assistance that they may receive within the framework of the judicial action
- The rights they may exercise during the process
- The manner and conditions under which they can access free technical-legal assistance or judicial advice in the cases in which this possibility is contemplated by law
- The type of services or organisations which they can go to in order to receive support

#### **2.- Provision of information**

(54) Information must be provided from the start of the process and during the entire process, even from the first contact with the police authorities, in the case of criminal proceedings.



### **3.- Manner or means for the provision of information**

(55) The information will be provided in accordance with the circumstances that determine the person's vulnerability and in such a way that guarantees that the addressee will receive the information. It would be especially convenient to create or develop information offices or other bodies created for said purpose. It is also interesting to point out the advantages derived from the use of new technologies in order to adapt to the person's specific vulnerability.

### **4.- Specific provisions regarding the victim**

(56) It will be encouraged that victims receive information regarding the following elements of the jurisdictional process:

- Possibilities of obtaining relief for damages suffered
- Place and manner in which they may present a report or a document by which they exercise an action
- Giving effect to their report or document
- Relevant phases in the development of the process
- Resolutions issued by the judicial body

(57) Whenever there is a risk to the victim, their property or their home, every attempt will be made to inform them of any judicial decisions that may affect their security and, in any case, of all those which refer to setting free the accused or condemned person, especially in cases of alleged intra-family violence.

## **Section 2.- Understanding of judicial actions**

(58) All necessary measures will be adopted to reduce any difficulties in communication that affect the understanding of the judicial proceeding in which a vulnerable person is taking part, guaranteeing that they can understand its scope and significance.

### **1.- Notices and summons**

(59) Simple and easily understandable terms and grammatical structures will be used in notices and summons, in line with the specific needs of the vulnerable persons referred to in these Regulations. Likewise, intimidating expressions or elements will be avoided, without prejudice of the occasions when it is necessary to use admonishing or threatening expressions.

### **2.- Contents of the court resolutions**

(60) Simple terms and syntax will be used in court resolutions, without prejudice to their technical accuracy.

### **3.- Understanding of oral hearings**

(61) The necessary mechanisms will be promoted for the vulnerable person to understand the judgements, trial, hearings and other oral judicial actions in which they take part, in accordance with the contents of paragraph 3, Section 3 of this Chapter,

### **Section 3.- Appearance at court**

(62) Every effort will be made for the appearance of a vulnerable person at court to be made in a manner appropriate for the circumstances of their vulnerability.

#### **1.- Information regarding the appearance at court**

(63) Prior to the judicial proceeding, the vulnerable person should be provided with information directly related to the way in which the appearance will be held and its contents, whether describing the court and the people who will be taking part, or aiming to familiarise the vulnerable person with the legal terms and concepts, as well as any other relevant details.

#### **2.- Assistance**

(64) Prior to the appearance

Assistance will be provided by specialised personnel (professionals of Psychology, Social Work, interpreters, translators or any other professionals considered necessary) in order to confront the worries and fears related to the proceedings.

(65) During the appearance

When the specific situation of vulnerability makes it advisable, the statement and other procedural acts will be carried out in the presence of a professional, whose function will be to guarantee the rights of the vulnerable person.

It may also be convenient to have a person present at the act to provide emotional support for the vulnerable person.

#### **3.- Conditions of the appearance**

##### **Place of appearance**

(66) It is convenient for the appearance to take place in a comfortable, accessible, safe and quiet setting.

(67) In order to mitigate or avoid emotional tension or anxiety, every effort will be made to avoid the victim coinciding with the person accused of the crime in the court premises, as well as their confrontation during judicial proceedings, ensuring the victim is protected visually.

#### Duration of appearance

(68) Every effort will be made to limit the amount of time that the vulnerable person has to wait before the celebration of the judicial proceeding.

Judicial proceedings must be held in a timely manner.

When justified by the appropriate concurrent reasons, preference may be given to holding a judicial proceeding in which a vulnerable person is taking part.

(69) It is advisable to avoid unnecessary appearances, in such a way that vulnerable people should only have to appear when it is strictly necessary in accordance with judicial regulations. Efforts will be made to try to concentrate in the same day the different actions in which the same person must take part.

(70) It is recommended that the possibility of presenting evidence in advance be examined, whenever possible in accordance with applicable Law.

(71) On certain occasions, it may be possible to proceed to the audiovisual recording of the act, in cases where this may avoid it being repeated in successive judicial instances.

#### Manner of appearance

(72) Efforts will be made to adapt the language used to the conditions of the vulnerable person, such as their age, degree of maturity, educational level, intellectual abilities, degree of disability and socio-cultural conditions. The questions formulated should be clear and should have a simple structure.

(73) All those taking part in the appearance should avoid issuing judgement or criticism regarding the behaviour of the vulnerable person, especially in the case of crime victims.

(74) Whenever necessary, the vulnerable person will be protected from the consequences of having to declare before a public audience; it may be possible to consider them participating in the judicial proceeding under conditions that make it possible to reach said objective, even excluding their physical presence at the place of the trial or hearing, provided this is compatible with the Law in force.

To said effect, it may be useful to use the videoconference system or a CCTV system.

#### **4.- Safety of victims in a vulnerable condition**

(75) It is recommended to adopt the necessary measures to guarantee an effective protection of the safety of the vulnerable people who are taking part in the judicial proceedings as victims or witnesses, as well as that of their belongings, home and family; in addition to guaranteeing that the victim be heard in those criminal proceedings in which their interests are at stake.

(76) Special attention will be paid in those cases in which the person is subjected to the danger of reiterated or repeated victimisation, such as victims threatened in cases of organised crime, minors who are victims of sexual or physical abuse, and women who are victims of violence within their families or couples.

#### **5.- Accessibility of disabled people**

(77) Accessibility will be provided for disabled people when celebrating proceedings in which they have to intervene; in particular, every effort will be made to overcome architectural barriers, making it easier to access and to be present in the judicial premises.

#### **6.- Participation of children and adolescents in judicial proceedings**

(78) In judicial proceedings where minors must take part, it is important to take into account their age and general development, as well as observing the following:

- The acts shall be celebrated in an appropriate court or room.
- The language used must be simple, making it easier to understand.
- Any unnecessary formalities must be avoided, such as the use of robes, the physical distance with the tribunal and other similar formalities.

#### **7.- Persons belonging to indigenous communities**

(79) When holding judicial proceedings, the dignity, customs and cultural traditions of people belonging to indigenous communities shall be respected, in accordance with the internal legislation of each country.

### **Section 4.- Protection of privacy**

#### **1.- Restriction of judicial proceedings**

(80) There may be occasions when, out of respect towards the rights of the vulnerable person, it may be advisable to consider making the acts of the oral and written proceedings unavailable to the public, in such a way that only the people involved may access their contents.

## **2.- Image**

(81) In cases where the dignity, emotional situation or safety of the vulnerable person may be affected, it may be convenient to forbid taking and disseminating images, be they in a photographic or video format.

(82) In any case, it is forbidden to take and disseminate images related to children and adolescents, given that this affects their personal development in a decisive manner.

## **3.- Personal data protection**

(83) In cases of special vulnerability, all efforts will be made to avoid any unwanted publicity of personal data related to vulnerable people.

(84) Special attention will be paid in cases where the data is held digitally or any other way that allows its automated treatment.

## **CHAPTER IV: EFFECTIVENESS OF THE REGULATIONS**

This Chapter expressly focuses on a series of measures destined to increase the effectiveness of the Regulations, in such a way that they contribute effectively to the improvement of the conditions of access to justice for vulnerable people.

### **1.- General principle of collaboration**

(85) The efficacy of these Regulations is directly linked to the degree of collaboration between its addressees, as defined in Section 3 of Chapter I.

The assignment of the bodies and entities called upon to collaborate depends of the specific circumstances of each country, and therefore the main promoters of public policies must be especially careful both in identifying them and obtaining their participation, and in maintaining their collaboration throughout the process.

(86) The implementation of a permanent instance where the different agents referred to in the previous section will be promoted, which may be established by sectors.

(87) It is important for the Judicial Power to collaborate with other State Powers in the improvement of access to justice for vulnerable people.

(88) The participation of federal and central authorities, autonomic and regional government and state bodies in federal states will be promoted, given that, in the scope of their competencies, they are frequently closer to directly managing social protection for the most disadvantaged sectors of society.

(89) Every country will consider the convenience of promoting the participation of civil society bodies given their relevant role in social cohesion and their close relationship and involvement with the most disadvantaged sectors of society.

### **2.- International cooperation**

(90) The creation of spaces that enable the exchange of experiences among different countries will be promoted, analysing the causes of the success or failure in each of them and establishing good practices. These spaces for participation may be sectorial.

These spaces may also welcome the participation of representatives of any permanent instances that may be created in each of the States.

(91) *International Organisations and Cooperation Agencies* are called upon to:

- Continue providing their technical and financial assistance for strengthening and improving access to justice.

- Take into account the contents of these Regulations in their activities, and to incorporate them across the different programmes and projects to modernise the judicial system in which they participate.
- Promote and collaborate in the development of the aforementioned spaces for participation.

### **3.- Research and studies**

(92) Studies and research on this subject will be promoted, in collaboration with academic and university institutions.

### **4.- Awareness-raising and training of professionals**

(93) Activities will be carried out to promote an organisational culture geared to providing the appropriate assistance to vulnerable people on the basis of the contents of these Regulations.

(94) Initiatives will be adopted with the aim of supplying an adequate training to all those people within the judicial system who, due to their intervention in the process, are in contact with vulnerable people.

It would be necessary to integrate the contents of these Regulations into the different training and updating programmes aimed at those working in the judicial system.

### **5.- New technologies**

(95) Every effort will be made to make the most of the possibilities offered by technical progress in order to improve the conditions of access to justice for vulnerable people.

### **6.- Sectorial good practices handbooks**

(96) Handbooks will be drafted, containing the best practices for each of the vulnerability sectors, which can expand on the contents of these Regulations, adapting them to the specific circumstances of each group.

(97) In addition, a catalogue of international instruments will be drafted, referred to each of the sectors or groups mentioned earlier.

### **7.- Dissemination**

(98) The dissemination of these Regulations will be promoted among their different addressees as defined in Section 3 of Chapter I.

(99) Activities with the media will be promoted in order to contribute to encouraging the right approach and attitudes with regard to the contents of these Regulations.

### **8.- Monitoring committee**

(100) A Monitoring Committee will be formed, which will have the following aims:

- Drafting a report after each Summit Meeting regarding the application of these Regulations.
- Proposing an Activities Framework Plan, in order to guarantee the monitoring of the implementation of these regulations in each country.
- Via the corresponding bodies of the Summit, proposing to the international, hemispherical and regional bodies, as well as to the Summits of Heads of State and Government of Ibero-America, the definition, adoption and strengthening of public policies that promote the improvement of the conditions of access to justice for vulnerable people.
- Proposing modifications and updates to the content of these Regulations.

The Committee will be made up of five members appointed by the Ibero-American Judicial Summit. Other representatives of the other Ibero-American Networks of the judicial system that assume these Regulations may form part of this Committee. In any case, the Committee will have a maximum of nine members.