



# Modernisation of the Justice Sector in Portugal



Funded by  
the European Union





# Modernisation of the Justice Sector in Portugal

This document was produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

**Please cite this publication as:**

OECD (2024), *Modernisation of the Justice Sector in Portugal*, OECD Publishing, Paris, <https://doi.org/10.1787/cbde9a7a-en>.

ISBN 978-92-64-56080-2 (print)  
ISBN 978-92-64-70457-2 (PDF)  
ISBN 978-92-64-39725-5 (HTML)  
ISBN 978-92-64-91827-6 (epub)

**Photo credits:** Cover © Sergii Figurnyi/Shutterstock.com.

Corrigenda to OECD publications may be found on line at: [www.oecd.org/about/publishing/corrigenda.htm](http://www.oecd.org/about/publishing/corrigenda.htm).

© OECD 2024

---

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at <https://www.oecd.org/termsandconditions>.

---

# Foreword

Over the past decade, Portugal has embraced a comprehensive reform of its justice system to make it more inclusive and efficient. The country has continued to develop its legal framework, focusing on initiatives to make justice more accessible to people. These reforms have included extensive efforts to modernise justice services, aligning with broader international objectives of ensuring equitable access to justice. The *Simplex* programme, *Justiça + Próxima* and, more recently, the Recovery and Resilience Plan (RRP), the *Justiça +* programme and the *GovTech* strategy are some of the strategic documents that have paved the way for reforms in the justice sector. These strategic documents reflect a vision aligned with the OECD Recommendation on Access to Justice and People-Centred Justice Systems, which supports countries in improving access to justice and establishing people-centred justice, and the United Nations (UN) Sustainable Development Goal (SDG) 16.3, which calls for all member states to “promote the rule of law at the national and international levels, and ensure equal access to justice for all”.

This report assesses Portugal's journey toward a people-centred justice system and modernised justice sector and offers recommendations to sustain and amplify these advancements. A key theme throughout is the emphasis on integrating people-centred approaches at all levels of the justice system in Portugal. Recommendations include adopting continuous assessments of legal needs; making service design and delivery more people-centred; improving the availability, quality and use of data and statistical systems; and using digital technologies and data to improve the accessibility, efficiency and responsiveness of the Portuguese justice system. The report also highlights essential skills required for future-proofing Portugal's justice sector, advocating for a systematic upskilling to meet the demands of digitally enabled and people-centred justice.

This report was developed based on fact-finding interviews with Portuguese stakeholders, a mapping of the delivery of justice services, a legal needs survey, a government questionnaire and an extensive literature review.

This report builds on the OECD Recommendations on Digital Government Strategies and on Access to Justice and People-Centred Justice Systems, the Framework and Good Practice Principles for People-Centred Justice, the OECD Criteria for People-Centred Legal and Justice Service Delivery, and the OECD Digital Government Policy Framework.

This report is the main output of the project “Modernisation of the Justice Sector in Portugal”, which supports the implementation of the modernisation agenda of the justice sector in Portugal, with a particular focus on a people-centred approach to justice. The project is supported by the European Commission under Regulation (EU) 2021/005 establishing a Technical Support Instrument (“TSI Regulation”). The action was funded by the European Union via the Technical Support Instrument, and implemented by the OECD, in co-operation with the Directorate-General for Structural Reform Support of the European Commission.

# Acknowledgements

This report was prepared by the Public Governance Directorate of the OECD under the leadership of Elsa Pilichowski, Director for Public Governance; and overall supervision of Tatyana Teplova, Senior Counsellor for Gender, Justice and Inclusiveness and Head of Division; Chloé Lelièvre, Head of Unit for Access to Justice; and Barbara-Chiara Ubaldi, Head of the Unit for Digital Government and Data.

The report was primarily co-ordinated by Mariane Piccinin Barbieri, policy analyst. The report benefitted from research, comments, and written input from a number of contributors. Geoffrey Mulherin and Paula Fernando drafted Chapters 2, 3, 4, 5 and 7, on legal needs, skills and service delivery in Portugal. Martin Gramatikov drafted Chapter 6, on justice data. Seong Ju Park and Mariane Piccinin Barbieri drafted Chapter 8 on digital transformation of justice. It includes written contributions and input from Daniela Piana, Monique Munarini, Cindy Boreillo and Renan Barbosa Fernandes. The team is also grateful to Maria Pascual Dapena, Irene de Noriega Quintanilla and Fabian Keske for contributions to the project. Andrea Uhrhammer, Melissa Sander and Clara Young provided editorial assistance. The legal needs survey in Portugal was carried out by Intercampus.

The OECD thanks the Australian Public Service Commission for acting as a peer reviewer of this report.

The OECD is deeply grateful to the Portuguese Ministry of Justice for their continued engagement and support in this project and to all the Portuguese institutions involved for their remarkable co-operation. In particular, the OECD gratefully acknowledges contributions from:

- The Ministry of Justice: Jorge Alves Costa, Former Deputy State Secretary and for Justice; Pedro Tavares, Former State Secretary for Justice; Pedro Viana, Former Deputy to the Secretary of State for Justice; Pedro Lacerda, Tiago Cunha Martins and Filipa Lemos Caldas, Former Advisors to the State Secretaries for Justice; Maria do Carmo Ribeiro, Legal Advisor to the Office of the State Secretary for Justice; Pedro Almeida, Head of International Co-operation.
- The Directorate-General for Justice Policy: Lídia Jacob, Director-General; Bruna Patrícia Ramos Costa, Sub-director General; Marta Moniz Faria Lobo San-Bento, Director of services for alternative dispute resolution; Carlos Alberto Nobre Gandarez, Head of unit of simplification and process analysis; Maria João Costa, Director of justice and informatics statistics services; Sílvia Maria Rego Mendes Boto, Technical superior; Pedro Correia, Consultant.
- The Justice Institute for Financial and Equipment Management: Maria Rosa Tobias Sá, President; Isabel Maria Mexia Esteves da Rosa, Vice-President; Vanda Isabel de Jesus Soares Simões, Director of the financial management department; Gonçalo José Semedo Ávila Trindade, member of board of directors; Henrique Pereira, Head of Project management unit; Flavio João Brandão do Carmo, Co-ordinator of Budget management unit.
- The High Council of the Judiciary: Célia Santos, Judge, and all the other judges that have graciously accepted our request to participate in the project and have shared their knowledge and experience.
- The Administrative and Tax Courts: Ana Pinhol, President of the administrative and tax courts of the south region.

- The Ministry of Labour, Solidarity and Social Security: Joana Pereira, Specialist technician.
- The Social Security Institute: Sandra Leitão, Director of Legal affairs and litigation.
- The Centre for Judicial Studies: Fernando Vaz Ventura, Judge and Director.
- The Integrated Victim Support Response (RIAV) of the Public Safety Police: Maria Aurora Marques Dantier, Commissioner.
- The justices of the peace: Vítor Gomes, President of the Council and Judge; Amélia Saraiva, Cristina Eusébio and Luisa Soares, Judges of the Peace.
- The Parish Boards National Association (ANAFRE): Olga Freire, Vice-president of the board; António Danado, Member of the board.
- The Consumer Arbitration Centres: Fernando Viana, Director of CIAB and CNIACC; Joana Jerónimo Soares Correia, Director of Arbitrare.
- The public mediation system: Lucinda Gomes, Lurdes Guerra and Maria João Castelo-Branco, Mediators.

The OECD also extends its sincerest thanks to the European Union for its financial contribution to the project through the Technical Support Instrument.

# Table of contents

Foreword	3
Acknowledgements	4
Executive summary	10
<b>1 Modernisation of the justice sector in Portugal: Assessment and recommendations</b>	<b>12</b>
1.1. Introduction	13
1.2. Establishing a clear people-centred purpose at all levels of the justice system	13
1.3. Implementing an ongoing, comprehensive programme for the assessment of legal needs	13
1.4. Enhancing access to and awareness of justice services	14
1.5. Upskilling Portugal's justice sector towards a people-centred and digitally-enabled future	15
1.6. Enhancing the design and delivery of justice services for a people-centred purpose	17
1.7. Enhancing availability, quality and use of data for people-centred justice	18
1.8. Leveraging digital technologies and data for people-centred justice	20
References	21
<b>2 Towards people-centred justice in Portugal</b>	<b>22</b>
2.1. Context	23
2.2. Overview of Portugal's strategic policy and initiatives	24
2.3. A people-centred approach to modernisation	27
2.4. Planning for the delivery of services	28
2.5. Overview of the project	30
2.6. Methodology	31
References	34
Note	35
<b>3 Legal needs in Portugal</b>	<b>36</b>
3.1. Background: Understanding and identifying legal needs	37
3.2. Legal needs in Portugal: Project assessment	40
3.3. Locating legal needs	43
References	45
Notes	46
<b>4 Justice service delivery in Portugal</b>	<b>47</b>
4.1. Planning and delivering a continuum of services for people-centred justice	48
4.2. The pluriform justice system in Portugal: Existing dispute resolution mechanisms	49
4.3. Judicial courts	51



4.4. Administrative and tax courts	55
4.5. Public prosecution office	58
4.6. Alternative dispute resolution (ADR) mechanisms in Portugal	59
4.7. Legal aid system in Portugal	69
4.8. Non-governmental organisations	70
References	71
Notes	74
<b>5 Upskilling Portugal's justice sector: Towards a people-centred and digitally-enabled future</b>	<b>76</b>
5.1. Identifying skills and competencies for a people-centred and modern justice sector	77
5.2. Skills and competencies for people-centred and modern justice in Portugal	80
References	99
Notes	99
<b>6 Assessing the landscape: Availability, quality and use of data</b>	<b>101</b>
6.1. Introduction	102
6.2. Data and evidence needs	102
6.3. Data requirements and mapping opportunities at the micro-level to support people-centred justice in Portugal	114
6.4. Institutional oversight of justice data	121
6.5. Statistical data quality	122
References	126
<b>7 Enabling responsiveness and people-centricity of legal and justice services in Portugal</b>	<b>128</b>
7.1. Evidence-based planning for people-centred justice	129
7.2. Facilitating a responsive, accessible justice and people-centred justice systems	132
7.3. Governance for people-centred justice in Portugal	141
References	148
Notes	149
<b>8 Digital technologies and data for people-centred Justice in Portugal</b>	<b>150</b>
8.1. Leveraging digital governance to modernise justice systems	151
8.2. Governance to steer the strategic use of digital technologies and data	154
References	169
<b>Annex A. OECD criteria for people-centred design and delivery of legal and justice services</b>	<b>172</b>
References	174
<b>Annex B. Past legal needs assessments in Portugal</b>	<b>175</b>
References	178
<b>Annex C. Service-mapping methodology</b>	<b>179</b>
References	185
<b>Annex D. Distribution and specialisation of judicial benches in Portugal</b>	<b>186</b>
References	188

Annex E. Specialisation in administrative and tax courts in Portugal	189
Annex F. The 2022 Portugal legal needs survey	193
References	195

## FIGURES

Figure 4.1. Dispute resolution mechanisms in Portugal	49
Figure 4.2. Organisation of the Portuguese judiciary	50
Figure 4.3. Courts of first instance	52
Figure 4.4. Alternative dispute resolution (ADR) ecosystem in Portugal	60
Figure 4.5. Territorial coverage of the justice of the peace courts in Portugal	62
Figure 5.1. Overview of survey results	81
Figure 5.2. Perceptions of current capacity-building programmes	83
Figure 5.3. Perceptions of skills development opportunities	84
Figure 5.4. Vision and culture: Share of negative and positive perceptions	85
Figure 5.5. Share of negative responses by respondents' categories	89
Figure 5.6. Share of negative responses by respondents' categories	92
Figure 5.7. Awareness and communication: Share of negative and positive perceptions	95
Figure 5.8. Services: Share of negative and positive perceptions	96
Figure 5.9. People empowerment: Share of negative and positive responses	98
Figure 7.1. Rate of representation by a lawyer in justice of the peace courts (2016 – 2021)	144
Figure 7.2. Legal help from main adviser, by adviser type (Australia, 2012)	146
Figure 7.3. Sources of legal help in Portugal	146
Figure 8.1. Portugal: Court's information system <i>eTribunal</i>	158
Figure A B.1. Share of respondents who report at least one justiciable problem	175
Figure A C.1. Sydney Region SA2s: NLAS (Capability) and service locations	180
Figure A C.2. Sydney Region SA2s: NLAS (Capability) and service locations	181
Figure A C.3. Areas of competence for the justice of the peace courts in Portugal	182
Figure A C.4. NLAS (Capability) population and services provided by postcode – Proportion of residents (ABS, 2011) & proportion of services provided (All agency 2012-2013) by postcode	183
Figure A C.5. Comparison between number of places in early childhood centres and the number of infants of employed parents in the Saint-Denis area in France	184

## TABLES

Table 6.1. People-centred and institutional data needs at the macro-level	108
Table 6.2. Civil cases completed in the first instance judicial courts	110
Table 6.3. People-centred and institutions-centred approaches in the micro-model	113
Table 6.4. Example of communication protocol RAL+	124
Table A A.1. The OECD people-centred justice criteria for design and delivery of legal and justice services	172
Table A D.1. Overview of judicial bench specialisations and territorial competence in Lisbon and Almada regions	186
Table A D.2. Specialised and general competence benches in the Bragança region: Distribution and legal jurisdiction	187
Table A E.1. Specialisation in administrative and tax courts in Portugal	189

## BOXES

Box 2.1. Portugal: Justiça + Próxima	25
--------------------------------------	----

Box 2.2. Portugal: <i>Justiça</i> + programme and approaches for justice centred on people and business' needs	26
Box 2.3. Planning cycle for legal services	29
Box 3.1. Legal needs surveys	37
Box 3.2. What we know about legal needs of people: A research summary	39
Box 4.1. Towards procedural simplification in Portugal	52
Box 4.2. Proximity sections of judicial courts in Portugal	53
Box 4.3. Portugal: Public prosecution service portals	59
Box 4.4. Types of public mediation in Portugal	66
Box 5.1. Towards an OECD skills framework for a people-centred and modern justice system	78
Box 5.2. Portugal: LAB <i>Justiça</i>	90
Box 5.3. Portugal: Simplifying communication with service users	94
Box 6.1. Data for designing and delivering people-centred approach	104
Box 6.2. Essential features to support data collection	105
Box 6.3. Data ecosystem operationalisation model	106
Box 6.4. Key questions on the macro-model	109
Box 6.5. Key questions on the micro-model	112
Box 6.6. Portugal: Social Security Institute's role in legal aid	115
Box 7.1. Portugal: Some victims' support initiatives	131
Box 7.2. Capturing awareness of justice services	134
Box 7.3. Integrated Victim Support Response (RIAV)	139
Box 8.1. The OECD Digital Government Policy Framework	151
Box 8.2. Portugal: Action Plan for Digital Transition	153
Box 8.3. The OECD Framework on the Governance of Digital Government	155
Box 8.4. Portugal: Leveraging innovation in justice – <i>Desafios Justiça</i>	159
Box 8.5. Portugal: Leveraging <i>Justiça</i> + to promote digital transformation in the justice system	161
Box 8.6. Portugal: <i>GovTech Justiça</i>	162
Box 8.7. Korea: Monitoring mechanism of digital government initiatives	164
Box 8.8. Portugal: National Strategy for Artificial Intelligence (AI Portugal 2030)	165

## Follow OECD Publications on:



<https://twitter.com/OECD>



<https://www.facebook.com/theOECD>



<https://www.linkedin.com/company/organisation-eco-cooperation-development-organisation-cooperation-developpement-eco/>



<https://www.youtube.com/user/OECDiLibrary>



<https://www.oecd.org/newsletters/>

# Executive summary

Portugal recognises the importance of responsive and accessible justice. In the past decade, the country has embraced a comprehensive reform towards a more inclusive and efficient justice system. As highlighted in the OECD report *Justice Transformation in Portugal: Building on successes and challenges*, the country has been taking active steps towards a more accessible, efficient and responsive justice system that is sensitive to the needs of people and businesses.

A dominant feature of Portugal's recent justice system reform has been "bringing justice closer to the people". People-centred justice systems aim to put people and their legal and justice needs at the centre, and thus as a core part of the justice reforms, design and delivery of policies and services. Some of the country's greatest efforts in the past decade have included legal reforms and initiatives to modernise justice services, aligning with broader international objectives to ensure equitable access to justice. The Simplex programme, *Justiça + Próxima* and, more recently, the Recovery and Resilience Plan (RRP), the Justice + programme and the *GovTech Strategy* are some of the examples that have laid the groundwork for a transformation of the justice sector in Portugal. These strategic documents inform a vision aligned with the objectives of the OECD Recommendation on Access to Justice and People-Centred Justice Systems and the United Nations Sustainable Development Goal 16.3. This report assesses Portugal's journey toward a people-centred and modern justice sector and offers a range of recommendations to sustain and amplify these advancements.

Portugal has shown strong leadership in the justice sector and a firm commitment by justice institutions to achieving their existing missions and working within their areas of responsibility and mandates. It has carried out several initiatives to take people's needs into account in designing and delivering justice policies and services. Likewise, the country made efforts to map justice services and legal needs, including through national legal needs surveys and studies. Yet, while much has been accomplished, there is still scope to strengthen a people-centred approach in the justice sector. This entails a shift from a government-led approach to one that prioritises people's needs and embeds a people-centred philosophy at all levels of the justice system. Concretely, this means reflecting a people-centred approach in the mandates, design and delivery of justice policies and services, and conducting ongoing reviews to re-align them with a people-centred purpose.

In addition, considerable progress has been made in providing legal and justice services in Portugal. Nonetheless, the service mapping conducted as part of this report identified scope to promote ongoing engagement and awareness-raising in the population about various dispute resolution options. The report also identifies a need to enhance referral strategies among government and community agencies using an omni-channel approach and not limited to official judicial institutions. To enhance the design and delivery of justice services for a people-centred purpose, Portugal should continue undertaking efforts to improve responsiveness, effectiveness and accessibility, notably through long-term strategic planning and co-ordination among various government portfolios and related services to support the effective allocation of resources and implementation of justice policies. The report also suggests strategic partnerships among public sector organisations as a useful way to develop co-ordinated mapping of legal and social service needs. In addition, particular attention should be given to equitable distribution of legal aid and reviewing

legislation to ensure that legal representation aligns with the values of accessible and people-centred justice.

Portugal has taken important steps in recent years to improve the skills of the justice workforce and the digital and legal literacy of the population more broadly. Yet, the report identifies existing gaps in skills among justice sector stakeholders and a need for continuous upskilling to meet the evolving demands of a modern justice system. There is also a clear recognition of the need to integrate a people-centred purpose into training in areas related to the design and delivery of legal and justice services. The report also recognises the need to improve other areas, including a long-term strategic vision for skills, cross-sectoral and interdepartmental collaboration, and enhancing organisational processes to better support ongoing learning and skills development.

The country made significant strides in measuring performance to evaluate and monitor progress in its justice system, principally focused on the formal elements of the justice system. A set of strategic performance goals and key performance indicators aim to provide a nuanced assessment of the justice system by considering, among other aspects, operational efficiency, simplification, timeliness and satisfaction with services. This demonstrates commitment to enhancing the transparency, efficiency, and overall effectiveness of the justice system in Portugal. However, important gaps remain in Portugal's ability to collect and utilise data that gives it a people-centred perspective of access to justice. Looking ahead, the country could consider integrating user satisfaction surveys and outcome data into the justice data framework. There is also a need to adopt standardised protocols for data collection, provide incentives for excellence in data management, and promote data integration.

Portugal has made significant efforts to accelerate the digital transformation of the justice system and integrate digital technologies and data to design and deliver people-centred justice. Portugal's strategic documents echo the government's commitment to accelerate innovation and use digital technologies and data to improve people's lives, building on previous administrative simplification efforts. Areas where further efforts could underpin the successful use of digital technologies and data to improve access to justice include improving governance arrangements that oversee the digital transformation of the justice system. This entails addressing the sustainability of strategic plans, developing a strategic vision for the responsible and trustworthy use of artificial intelligence (AI) in the justice sector, enhancing information and communication technology (ICT) infrastructure, and improving both institutional and individual capabilities. The report highlights the importance of strong, directive leadership to maintain momentum and ensure alignment with broader government objectives. The report also emphasises strategic partnerships to leverage expertise, resources, and data to improve justice services.

# **1** Modernisation of the justice sector in Portugal: Assessment and recommendations

---

This chapter outlines the main takeaways of the OECD assessment of modernisation of the justice sector in Portugal and summarises key policy recommendations to help the country advance in the main areas covered in this report. OECD recommendations have been designed to support Portugal in attaining its strategic objectives of modernisation in the areas of design and delivery of justice services, skills, data and digital governance for access to justice.

---

## 1.1. Introduction

This report describes Portugal's modernisation efforts in the justice sector, assesses opportunities and challenges, and provides recommendations for the successful transformation in the areas of design and delivery of justice services, skills, data and digital governance for access to justice.

The report identifies potential areas to establish a clear people-centred purpose at all levels of the justice system, implement ongoing, comprehensive programme for the assessment of legal needs, and enhance design and delivery of justice services by following a people-centred purpose and improving the availability, quality and use of data. Based on the OECD Recommendation on Access to Justice and People-Centred Justice Systems (OECD, 2023<sup>[1]</sup>) and the experience of other OECD countries, this chapter summarises key policy recommendations to support Portugal's ongoing efforts to modernise its justice sector and help advance its efforts in the areas of design and delivery of justice services, skills, data and digital governance for access to justice.

## 1.2. Establishing a clear people-centred purpose at all levels of the justice system

The current justice modernisation agenda in Portugal has a potential to transform people's experience with the justice services and to contribute to the increase in trust in the justice system. This is a unique opportunity for Portugal to build on the current reforms and to steer the future efforts towards a people-centred approach.

While Portugal displays strong leadership at the highest level of the justice sector and firm commitment of justice institutions to achieving their existing missions and working within their areas of responsibility and mandates, there is scope to further embrace a people-centred approach to justice. Looking ahead, there is an opportunity to articulate a clear, people-centred purpose at the highest level of the justice system. This overarching approach could be disseminated throughout the whole justice sector and reflected in updated people-centred mandates across all justice institutions.

Furthermore, Portugal may consider using the results of its legal needs survey (LNS), along with more comprehensive LNS conducted regularly. Portugal could leverage the results of more comprehensive and justice-system wide satisfaction surveys and assessments across the entire justice system as the starting point in shaping strategic programmes and initiatives in justice.

Specifically, it is recommended that Portugal:

- Consider reviewing policies and mandates of justice institutions, services and organisations to ensure clear people-centricity, based on an understanding of legal needs, in order to set the direction across the justice system in Portugal.
- Consider adopting a people-centred approach for designing, planning and delivering new components and initiatives of the current reform programmes, and new legal and justice services more broadly.

## 1.3. Implementing an ongoing, comprehensive programme for the assessment of legal needs

Among the first steps in designing and delivering people-centred justice systems is the identification of the legal and justice needs of the community. While gaining some insight into the pathways people take in response to their legal problems was among Portugal's main objectives of the diagnostic phase of this

project, legal need analysis, and especially LNS, can provide important insight into people's pathways – as it can to other key information requirements, including the impact of legal problems on people, the barriers they face to resolving their problems, and others. Portugal may wish to consider the potential of LNS data contributing to other key information requirements as part of ongoing efforts to systematically assess legal needs on a regular basis.

The following recommendations might be contemplated:

- Consider implementing an ongoing, comprehensive and cost-effective programme for assessing the legal needs of the people by conducting periodic legal needs surveys.
- Consider, (in order to support this programme and to provide data for people-centred planning), enhancing the collection and consistency of other data sources (e.g. criminal prosecution, service delivery, official demographic data) to provide further insight into the nature and location of legal needs and relative gaps in service delivery (e.g. proximity sections of judicial courts location), and targeted qualitative data from ongoing engagement with key priority groups, including vulnerable communities.

#### **1.4. Enhancing access to and awareness of justice services**

The mapping conducted in this report made it possible to identify certain aspects that might benefit from reforms to help Portugal enhance access to and awareness of dispute resolution mechanisms and related justice and support services in Portugal. There is scope to promote ongoing engagement and raise awareness about various dispute resolution options among both potential service users and referral institutions. These include any of the various courts (including proximity sections of judicial courts, and administrative and tax courts), alternative dispute resolution mechanisms (ADR) (including mediation and arbitration services), and other justice and related services. Additionally, there is a need to enhance referral strategies among government and community agencies using a multi-channel approach (and not limited to official judicial institutions only) to ensure that a broader spectrum of users is directed to the most appropriate and affordable services that cater to their specific needs. Enhanced referral strategies will likely have both local and national level dimensions, and might incorporate telephone/online referral service(s).

The mapping conducted for this report indicated that alternative dispute resolution (ADR) can be strengthened. Arbitration can be perceived by users as overly complex and could benefit from rationalisation and simplification to improve accessibility. This includes evaluating accredited arbitration centres, considering greater rationalisation of jurisdictions and organisations, and reviewing the funding model for ADR generally, noting that ADR should be considered an essential component of the overall continuum of justice services. Likewise, there is scope to fully realise the potential of justice of the peace courts, indicating a need for national network expansion, funding model review, and enhanced community and professional engagement. Lastly, the administration of data collection to guide the planning and operations of justice services, including proximity sections of judicial courts and mediation services, suggests a significant area for development to better inform strategies and enhance service delivery.

In this regard, Portugal may consider the following recommendations:

- Consider collecting people-centred data (in addition to currently collected performance data) to guide the planning and operations of the range of justice services (e.g. proximity sections of judicial courts, administrative and tax courts, justice of the peace courts and mediation).
- Enhance referral strategies among a wide range of justice sector, broader government and community agencies (within relevant region) to ensure that people can be most effectively referred to the services (legal and related) that they need. The enhanced referral strategies:



- Will likely have local as well as national dimensions, reflecting both local community engagement by many in the community, and also reflecting the economies that can be gained through online referral across the country;
- May incorporate an increased use of proximity sections of judicial courts as local referral points as part of the local 'dimension' to the strategy. It is assessed that incorporating proximity sections should be encouraged, as should the training of proximity court staff (and justice sector staff more broadly) to refer users to a greater range of most appropriate and affordable services that best meet their need;
- Might include the consideration of establishing a national referral telephone line/online call centre with the responsibility of providing basic information as well as referrals to the most appropriate legal services to address the particular legal problem, in the location and manner most suitable to the client.
- Consider evaluating accredited arbitration centres, and rationalising and simplifying arbitration processes to reduce complexity, avoid restrictive competences and mandates, and improve access by setting a smaller yet comprehensive range of appropriately funded and authorised arbitration centres across the country; a wider jurisdiction for matters permitted to be dealt with by the different arbitration service providers, without compromising the requirement for specialisation when necessary; and reviewing the funding model for ADR generally, to achieve greater consistency, access and a “no-wrong-door” approach.
- Promote ongoing and committed engagement and awareness-raising programmes for justice services (e.g. for legal aid, mediation, proximity sections of judicial courts, justice of the peace, administrative and tax courts, court services and dispute resolution mechanisms in general), targeting audiences from potential service users to government and non-government referral institutions.
- Consider reviewing the system of costs to ensure that people with financial limitations or people experiencing disadvantages are not effectively excluded from accessing administrative and tax courts.
- Consider widening the potential of justice of the peace courts by expanding the network nationally, reviewing the funding model, adopting an omni-channel approach to accessing justice of the peace courts including online channels (Digital Peace Court), and enhancing community and professional engagement.

## 1.5. Upskilling Portugal's justice sector towards a people-centred and digitally-enabled future

People-centred modernisation of the justice sector calls for increased capacities to further improve responsiveness of justice service design and delivery. While structural investments are necessary, skills' development strategy are also an asset for the Portuguese advancement along the path of reforms that has been launched.

This implies fully-fledged awareness of the stakeholders about their level of skills, need for upskilling, and the gaps between the current *status quo* and the ambitious goals of a people-centred justice system. It calls for skills development and learning of the whole justice stakeholders' ecosystem and requires managerial staff to support cross-sectorial and cross-field transformation embedded into concrete organisational structuring processes.

To strengthen the skills of stakeholders across the justice chain, Portugal could:

- Implement targeted upskilling programmes by:

- Continue developing and implementing targeted competency development programmes to enhance digital literacy and data analysis skills among justice sector employees, including understanding the general use of online tools, equipping them with essential knowledge on big data, cybersecurity, data protection, and ethical use of artificial intelligence in the justice system.
- Continue providing on a more frequent basis programmes and guidelines to support the development of competencies for delivering people-centred legal and justice services, including effective communication with diverse groups, understanding the needs of vulnerable populations, and designing accessible services for all, including those with disabilities, LGBTQIA+, children, and the elderly.
- Continue providing on a more frequent basis training and guidelines for justice system's employees on people-centred design principles, focusing on tailoring services to meet the diverse needs of the population, including leveraging data and digital technologies, and localising services and adaptations.
- Continue enhancing networking and leadership capabilities to facilitate co-operation across the public sector and autarchies, and between justice institutions, governmental levels, and sectors, also with a view to emphasising collaborative problem-solving, stakeholder engagement (including users), and the promotion of a common vision for modernising the justice sector.
- Encourage initiatives that promote an understanding of the interconnectedness between the justice sector and other sectors such as health and social services, including through joint development opportunities and cross-sectoral project teams.
- Ensure higher responsiveness, accessibility, and efficiency of skills development programmes by:
  - Enhancing the availability of training programmes for all stakeholders and establishing new ones where they are currently lacking.
  - Strengthening skills development opportunities with largest gaps, including people-centred approaches, digitalisation, and networking and leadership.
  - Continue tailoring upskilling programmes on the basis of the needs of different professionals (e.g. managers, ICT professionals).
  - Continue empowering justice actors and justice service users through building digital skills and capabilities.
  - Develop robust mechanisms for monitoring and evaluating the impact of skills development programmes and the overall modernisation of the justice sector, including the development of metrics for assessing improvements in service delivery, user satisfaction, and the efficiency of justice processes.
- Strengthen leadership capabilities for managers to steer modernisation of the justice sector by:
  - Equipping managers with the skills and resources to support their teams effectively, including developing competencies in staff empowerment, digital transformation leadership, and fostering an inclusive and innovative workplace culture.
  - Encouraging managers to foster and endorse upskilling initiatives, while also increasing awareness about the presence and importance of skills enhancement programmes.
  - Developing opportunities for managerial staff to exchange more frequently with each other and in their departments on the challenges relating to modernisation and people-centred approaches.
  - Introducing a regular mapping process of mismatches and gaps between the functional demands addressed by digital justice services and the capabilities of ICT professionals and users.

- Enhance organisational processes to fully support and enable unfolding of individuals' skills by:
  - Cultivating an organisational culture that values continuous learning, experimentation, and feedback, including via recognition and reward of innovation, encouragement of cross-learning among teams, and regular assessment of skills development needs.
  - Reviewing and streamlining organisational processes to support continuous learning, skills development, and effective performance management, including the creation of more flexible structures for accessing training, improving feedback mechanisms, (horizontal and vertical) communication channels and enhancing the alignment of individual skills with organisational strategic goals and government's broader vision.
  - Strengthening participative design and implementation of skills development policies from early stages.
  - Considering establishing a structured dialogue with the key actors within each organisation's ecosystem to build awareness and efficiency of organisational processes for skills development.
  - Introducing a synergic approach for organisational stakeholders (through points of contact) and training providers to advance justice transformation.
  - Developing a long-term strategic vision for enhancing skills and empowering staff at the organisational level.

## 1.6. Enhancing the design and delivery of justice services for a people-centred purpose

Assessment conducted as part of this report suggests that there is scope to embrace a people-centred approach to designing, planning and delivering justice services in Portugal. A notable concern is the identification and mapping of legal services, including legal aid, to address the needs and gaps within the justice system. This issue would be assisted by the regular legal needs surveys. Moreover, the state of play of legal aid applications suggests a need for a comprehensive review to ensure that legal aid is distributed appropriately across different regions and demographic groups in greatest need, thereby addressing the legal needs of the population more effectively.

Additionally, the planning and delivery of legal services in Portugal faces the challenge of ensuring that these services are targeted towards specific groups in need. The absence of a long-term, comprehensive justice strategy further exacerbates these issues, highlighting the need for a unified approach that encompasses different branches within the justice sector to establish a set of achievable priorities. The governance framework supporting the justice strategy in Portugal requires significant enhancement to facilitate the development of a seamless, people-centred justice ecosystem. This involves not only the identification of knowledge gaps and the adoption of good practices within Portugal and across countries but also the implementation of consistent guidelines and improved co-ordination among various government portfolios and related services.

It is recommended that Portugal might:

- Consider adopting a people-centred planning process that includes the regular conduct of legal need surveys (as part of a broader process to assess legal need), and the mapping of services delivered (including legal aid) to identify needs and gaps, and inform the design and delivery of justice policies and services.
- Develop a long-term, comprehensive justice strategy that incorporates (as far as possible) different branches within the justice sector to establish a sector-wide set of achievable priorities, enhancing resource efficiency and fostering a people-centred approach.

- Base the justice strategy on a clear, evidence-based understanding of the justice needs of the population, focusing on identifying those who need justice services the most, their specific legal challenges, and the barriers they encounter in resolving these issues.
- Consider the creation of a solid governance framework to support the comprehensive justice strategy, facilitating the strengthening of the overall justice infrastructure towards a seamless, people-centred justice ecosystem, and identification of knowledge gaps and good practices within Portugal and across countries.
- Implement consistent guidelines and improve co-ordination between different government portfolios and related services to support the effective allocation of resources and the implementation of agreed-upon priorities in a complex modern government environment.
- Prioritise and support monitoring, evaluation, trial and piloting activities to address gaps in justice service delivery.
- Ensure the knowledge of ‘what strategies work’ most effectively and efficiently, and any trials/pilots are adequately resourced to ensure the implementations of lessons learnt.
- Consider reviewing legislation and regulations related to legal representation to align with a people-centred approach, aiming to guarantee access to suitable and affordable legal services that suit the specific needs of individuals.
- Consider any mandatory requirements for legal representation to ensure that such mandatory provisions do not act as a barrier to people taking action, especially for those who may find it challenging to afford legal representation yet are not eligible for legal aid.
- Consider reviewing the effectiveness and accessibility of the legal aid application process (e.g. through mapping availability of advice and assistance, justice and legal institutions, local governments, parish boards, legal professions) by identifying the legal needs of the population, and from which groups and which regions appropriate proportions of legal aid applications might be expected.
- Consider establishing a strategic partnership between the Directorate-General for Justice Policy (DGPJ) and Social Security Institute (ISS), especially in light of the connections already established through the legal aid application process, with a view to developing enhanced and co-ordinated mapping of legal need, legal service and a range of social service datasets to enhance the understanding of the needs, capabilities and vulnerabilities of different groups of people.
- Continue engaging with the legal profession to ensure that through the adoption of a people-centred approach, the implementation of appropriate incentives and restrictions, and appropriate training and guidelines, lawyers are able to recommend and use the most effective and affordable pathways from users’ perspectives and take up innovations designed to improve access.

## 1.7. Enhancing availability, quality and use of data for people-centred justice

Portugal has made significant progress in the past years in measuring performance to evaluate and monitor progress in its justice system (OECD, 2020<sup>[2]</sup>). These steps included a set of strategic performance goals and key performance indicators intended to provide a nuanced assessment of the justice system by considering, among other aspects, operational efficiency, simplification, timeliness and satisfaction with services. These efforts demonstrate commitment to enhancing transparency, efficiency, and the overall effectiveness of the justice system in Portugal.

Scope remains, however, to significantly improve the Portuguese justice data framework. This involves adopting a people-centred approach to data collection including the collection of a range of people-centred variables, enhancing the use of satisfaction surveys, and integrating demand and intervention data to better understand and respond to users’ needs. Establishing standardised protocols, alongside

government-led strategies for data management, is another important aspect to improve data quality and consistency. Additionally, fostering strategic partnerships and promoting data integration across various sectors can enrich data-driven justice policy and services. Continuous investment in digital technologies and human resources for data management can contribute to further unlocking the use of data for people-centred justice in Portugal.

In order to take significant efforts to the next level, Portugal could consider the following recommendations:

- Follow a people-centred approach when identifying indicators, and collecting and making data available by placing the focus on information requirements to meet the users' needs rather than concentrating on an institutional perspective of justice data.
- Consider increasing the use (both in terms of the range of institutions/processes covered, and by improving respondent response rates) and broadening the scope of user satisfaction surveys, including indicators on case outcome, to obtain a more comprehensive understanding of users' needs, desired outcomes and preferred pathways across the justice system in Portugal.
- Consider developing communication strategies to support the learning and dissemination of lessons from outcome and satisfaction surveys.
- Consider integrating demand and intervention data (e.g. through legal needs surveys) regularly into the Portuguese justice data framework to monitor people's needs and the effectiveness of judicial interventions, and inform strategic planning, and the design and delivery of justice policies and services.
- Consider improving consistency, accuracy and overall quality of data by establishing standardised protocols that include common methodology across relevant stakeholders on the types of data and specific variables to be collected, legal issue taxonomies, definitions of key people-centred variables, the frequency of data collection, the format for data submission, data validation and quality monitoring criteria, and continuous adherence to national and international standards for justice statistics.
- Consider dedicating a government leadership for developing and implementing data collection and reporting strategies, which include planning and developing information systems capable of capturing and providing the necessary data to ensure consistency on data collection and reporting practices across the broader justice system.
- Consider improving human resources on data management and analysis to harness the potential of data by delivering training and implementing mechanisms for the extraction and meaningful analysis of data.
- Promote incentives to data management excellence, such as recognition programmes, performance-related bonuses and professional development opportunities.
- Promote strategic partnerships for collaboration among stakeholders (within and outside the public sector), with the long-term goal of building comprehensive datasets; exchanging data, knowledge and best practices; and co-designing justice policies and services.
- Consider promoting data integration across stakeholders at national, regional and local levels, including those from non-justice policy areas (e.g. education, welfare, social protection, child protection, emergency response), while fully respecting fundamental rights, privacy and data protection.
- Continue expanding the use of digital technologies to enable efficient data collection and analysis.

## 1.8. Leveraging digital technologies and data for people-centred justice

Portugal has made significant efforts to accelerate digital transformation of the justice system and integrate digital technologies and data to design and deliver people-centred justice. Portugal's strategic documents echo the government's commitment to accelerate innovation and leverage digital technologies and data to improve people's life, building on previous efforts for administrative simplification.

Despite these extensive efforts, there is still room for improvement in existing governance arrangements for digital transformation of the justice system. This includes areas such as ICT infrastructure, the sustainability of strategic plans over time, institutional and individual capabilities, and data governance. Addressing these areas has the potential to transform the justice system and its services to meet the evolving demands of both individuals and businesses across the justice sector with an enduring impact.

It is recommended that Portugal might:

- Sustain its efforts on improving access to justice by continuing to invest in ICT/digital infrastructure and programmes to increase digital literacy and adopting an omni-channel approach to the delivery of justice services.
- Promote interoperability among various systems and consolidate the provision of legal and justice information when feasible.
- Strengthen institutional leadership to sustain ongoing digital transformation efforts through setting clear strategic priorities in legal documents or regulations, identifying a leading organisation to drive a data-driven approach to the modernisation of justice, and continuing to foster a shared understanding on data governance in the justice sector.
- Institutionalise *GovTech Justiça* to ensure its continued relevance and sustainability over time, together with a monitoring and evaluation mechanism.
- Develop a strategic vision to ensure a responsible and trustworthy use of AI in the justice sector.
- Take an iterative approach to engage stakeholders throughout the entire service cycle.
- Develop the Justice Hub as a central point for building strategic partnerships across the justice sector.

## References

OECD (2023), *Recommendation on Access to Justice an People-Centred Justice Systems*, [1]  
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498>.

OECD (2020), *Justice Transformation in Portugal: Building on Successes and Challenges*, [2]  
OECD Publishing, Paris, <https://doi.org/10.1787/184acf59-en>.

# **2** Towards people-centred justice in Portugal

---

This chapter provides an overview of Portugal's efforts to modernise its justice system through a people-centred approach, highlighting initiatives that aim to enhance responsiveness and accessibility. The chapter explores strategic initiatives and justice-related programmes, detailing their objectives to simplify and streamline processes, promote transparency, and improve service delivery within the justice sector. This chapter also covers the broader impact of these reforms on trust in legal institutions and discusses ongoing efforts to align Portugal's justice policies with international best practices for an accessible, equitable and efficient people-centred justice system in Portugal.

---



## 2.1. Context

The demands on justice systems worldwide and in Portugal have been increasing in recent years. The COVID-19 pandemic created new legal needs and issues, and confronted justice systems and governments generally with the need to substantially transform their ways of operating. Yet the COVID-19 pandemic came in the midst of other major challenges for justice systems and governments, which included demands for environmentally responsible governments with associated energy transitions, and the rapid transformation of economies and societies prompted by the digital age.

Perhaps most important have been the recent challenges to democracy and trust in democratic institutions. The OECD Trust Survey sheds light on people's trust in justice institutions. Data shows that just over half (57%) of people on average trust the courts and legal system (OECD, 2022<sup>[1]</sup>). The OECD Trust Survey carried out in Portugal revealed that respondents are fairly confident that they can rely on their government to deliver public services and to tackle major intergenerational challenges, such as climate change and future epidemics – all significant determinants of trust in the national government. However, in line with many other OECD countries, there is scope for Portuguese institutions to enhance responsiveness to people's expectations on participation and representation.

Justice systems and institutions, and people's ability to access justice and address their legal needs are fundamental to the rule of law and democracy. With the adoption of Sustainable Development Goal (SDG) 16.3 on the rule of law and access to justice, as well as the OECD Recommendation on Access to Justice and People-centred Justice Systems (OECD, 2023<sup>[2]</sup>), OECD member countries have committed to transforming justice systems to be focused on the legal needs and justice problems of all people, identifying what these needs are and designing reform and services towards meeting those needs, resolving problems and achieving fair outcomes. This is particularly important in the context of declining trust in public institutions, increasing citizen expectations and challenges faced by democracies and the rule of law.

Timely and affordable access to effective and appropriate justice services can significantly impact people's lives. Increasingly complex, slow or inaccessible justice systems jeopardise the ability of people to enforce their rights, access services they are entitled to, resolve their problems and disputes, and to hold those in power accountable. This can, in turn, undermine democracy and the rule of law. Indeed, when justice systems are inaccessible, serving only the few or contributing to inequality, then frustration, disillusionment and discontent follow, with significant social consequences.

Global legal needs research over the last 25 years has confirmed that disadvantaged groups are particularly vulnerable to legal problems and facing obstacles to their resolution, and this was exacerbated during the pandemic. Pre-pandemic estimates show that less than a half of people experiencing a justice problem were able to access some form of help in Portugal (World Justice Project, 2019<sup>[3]</sup>). Importantly, the pandemic led not only to more disputes but also significantly affected the operations of the courts and the ability to effectively deliver justice in reasonable time in Portugal, mainly due to the suspension of procedural deadlines, postponement of hearings and social distance requirements. These circumstances require adaptable, responsive, agile justice systems to better meet the changing needs of people and business. Fast and fair resolution of conflicts are a fundamental part of rebuilding the economy.

Importantly, however, the COVID-19 pandemic showed that the justice system can quickly adapt by using digital technologies and data. For example, during confinement measures, most courts in different countries transitioned into online hearings and implemented ODR (online dispute resolution) platforms. Indeed, it became rapidly clear that digital technologies and data hold significant potential to strengthen the responsiveness and accessibility of justice to the needs of businesses and people by reducing costs of justice for individuals and states, increasing efficiency and lowering complexity of processes.

The challenge for all governments and justice systems is to maximise opportunities and benefits while minimising negative possibilities; and to maintain commitments to transparency, democracy and the

inclusive rule of law throughout. In Portugal, while improving, some challenges related to justice systems remain, including long disposition times, limited accessibility of justice and uneven experience with the use of digital technologies. In particular, while Portugal has been increasingly introducing digital technologies, the country ranks 15th in the Digital Economy and Society Index (DESI) 2022<sup>1</sup> in its composite score, a progress compared to previous years. Portugal also ranked 12th and 14th in integration of digital technology and public services (European Commission, 2022<sup>[4]</sup>).

People-centred justice can offer a strategy for governments to meet users' needs. Regular programmes of legal need assessment, the evaluation of “what works” and adopting an evidence-based agile approach to the design and delivery of justice policies and services can be an important tool in ensuring ongoing resilience and adaptability to changing circumstances. Adopting a people-centred approach helps empower justice systems to adapt to changing circumstances and demands of people, contributing to greater trust in justice institutions.

## 2.2. Overview of Portugal's strategic policy and initiatives

Portugal has recognised the importance of responsive and accessible justice. As highlighted in the OECD report “Justice Transformation in Portugal: Building on successes and challenges”, the country has been taking active steps towards a more accessible, efficient and responsive justice system that is sensitive to the needs of people and businesses. The report highlights the growing alignment between Portugal's improvement efforts and the broader trends in justice modernisation across OECD countries.

In particular, Portugal has been developing a range of strategic initiatives to drive justice sector transformation. In addition to its broader government and justice agenda, the transformation of the justice sector in Portugal is based on the *Simplex* programme, *Justiça + Próxima* and, more recently, the Recovery and Resilience Plan (RRP), the *Justice +* programme and the *GovTech Strategy*. These main guiding and policy strategies share a vision of a more collaborative and people-centred approach in policy making and service delivery. Building on the principles laid out in the Strategy for Innovation and Modernisation of the State and the Public Administration 2020-2023 (Government of Portugal, 2020<sup>[5]</sup>; Government of Portugal, 2020<sup>[5]</sup>), an outline of these most recent programmes provides an example of efforts to simplify and streamline service delivery and to foster innovation and digital technologies as enablers of transformation in the justice sector in Portugal.

In April 2022, the XXIII Constitutional Government presented to the Portuguese parliament the government programme for the 2022-2026 cycle. In the area of justice, Portugal committed to making justice closer, more efficient and transparent, and creating legislative, material and technical conditions for improving quality of justice (Government of Portugal, 2022<sup>[6]</sup>). Among the various commitments, the programme emphasised two fundamental areas: the efficiency of the justice system and transparency in the administration of justice. The lengthy procedures and the complexity of the procedural and operating models were two factors identified as obstacles to the full realisation of rights and as barriers to economic welfare. The measures are largely based on the adoption of digital technologies and data to optimise procedures, making use of the investments provided in the RRP to modernise, digitalise and interconnect justice services with the broader public sector.

Launched in 2016, the modernisation and digital transformation plan *Justiça + Próxima* aimed to leverage digital technologies and data to transform justice services in Portugal. In 2020, a second edition of *Justiça + Próxima* was launched for the period 2020–2023 (see Box 2.1). The new plan includes 140 measures committed to disseminating a culture of innovation across the justice sector and addressing some of the most pressing challenges in the justice sector, using digital technologies as key enablers.

### Box 2.1. Portugal: *Justiça + Próxima*

*Justiça + Próxima* is a major initiative in Portugal focused on modernising the justice system. It aims to make justice more accessible, efficient, and people-centred. The programme is divided into phases, and it is Portugal's significant effort to improve the delivery of services and people's experience with justice system.

The plan is based on four pillars:

1. Efficiency: Optimising the management of justice; promoting the simplification and dematerialisation of processes; assessing, changing, or eliminating outdated methodologies, procedures and unnecessary acts, with a focus on users.
2. Innovation: Developing new approaches to support the transformation of justice, leveraged by digital technologies, encouraging collaboration between civil servants, universities, researchers, companies and entrepreneurs.
3. Humanisation: Improving the welcoming aspect in public spaces and conditioned spaces of justice. This includes training and upskilling civil servants in direct contact with inmates, and valuing social reintegration (e.g. through training and employability) and prevention of criminal recidivism.
4. Proximity: Creating services that are simpler and closer to people and businesses. This includes eliminating formalities and procedures, with more integration and through different channels.

Source: Government of Portugal (2020<sup>[7]</sup>), *Justiça + Próxima Plan 2020-2023*, <https://justicamaisproxima.justica.gov.pt/sobre-o-plano/>.

In 2019, Portugal took steps to reform its administrative and fiscal litigation processes, aiming to tackle delays and make the system more efficient (Gomes et al., 2017<sup>[8]</sup>). One of the measures proposed was to encourage the use of models and forms for procedural documents to be presented in court, fostering coherence as a mechanism to render the litigation process more effective. In 2020, as one of the projects inserted in the *Justiça + Próxima* programme, such forms were made available for lawyers to fill out, thus giving substance to the legislative innovation of 2019. Another example is the dematerialisation of communications between courts and other external entities (e.g. banks, insurance companies, the Bank of Portugal, the Driver's Individual Register), as well as in developing solutions that enable interoperability between the court system and other information systems (e.g. public databases within the scope of civil enforcement proceedings, inventory platform of the Association of Notaries).

Launched in 2023, the *Justiça +* programme aims to revamp the justice system, spurred by the Recovery and Resilience Plan (PRR) and in continuation of the *Justiça + Próxima* programme. Its primary goal is to enhance trust in the justice system by making it more responsive, transparent, and aligned with the present needs of individuals and businesses. To accomplish this overarching goal, the programme structures 53 proposed measures for transforming the justice sector into 10 key responses that prioritise the needs of both people and businesses (see Box 2.2 below, and Box 8.5 in Chapter 8).

### Box 2.2. Portugal: *Justiça +* programme and approaches for justice centred on people and business' needs

The *Justiça +* programme in Portugal is a comprehensive effort aimed at modernising and improving the country's justice system. It focuses on making justice more accessible, efficient, and tailored to meet the needs of citizens and businesses. The programme encompasses various initiatives and reforms aimed at streamlining procedures, reducing delays, and enhancing the overall effectiveness of the justice system.

The programme's 10 key responses are:

1. Put justice at the service of people and the economy
2. Reform administrative justice
3. Fight corruption and new forms of crime with determination
4. Innovate in justice
5. Strengthen the resilience of information systems
6. Manage justice buildings and equipment more efficiently
7. Manage, strengthen and dignify the human resources of justice
8. Train human resources
9. Protect the most vulnerable in the care of justice
10. Justice for Europe

The programme's commitments are part of a continued effort since 2015, with *Justiça + Próxima*. Since the launch of *Justiça +* in 2022, 172 measures have been implemented to modernise, simplify and digitalise justice services.

Source: Government of Portugal (2023<sup>[9]</sup>), *Justiça +*, <https://mais.justica.gov.pt/#continuaravancar>.

A significant part of the investment is directed to the "economic justice and business environment" component (C18), which foresees an investment of EUR 233 000 000 for the period 2022 to 2026 (Diário da República, 2022<sup>[10]</sup>). These investments aim to modernise processes and procedures and to reduce lengthy delays in case finalisation throughout the justice system, with special focus on Administrative and Tax Courts (TAF) and on the areas of insolvency and debt from commercial and enforcement courts (Government of Portugal, 2021<sup>[11]</sup>). In this context, and with a particular focus on administrative and fiscal justice, the *Justice +* programme provides for a series of specific measures: improving the management of the judiciary; optimising the performance of the higher courts by introducing technical assistance for judges of the Administrative and Tax Courts; simplifying and speeding up procedures; promoting digital transformation; strengthening human resources; creating a new court of appeal.

The investments also addressed structuring digital platforms for Administrative and Tax Courts, with Magistratus and Public Prosecutor's Codex, and developing a single interface for lawyers, solicitors and representatives of public entities. Other examples are the modernisation of the court registries and legal aid information system, and the dematerialisation of communications with various external entities (Government of Portugal, 2021<sup>[11]</sup>).

Component 8 of the performance review report (PRR), which concerns forests, also provides for investment in up-to-date and detailed knowledge of the territory, with implications for projects developed

in the justice sector. A sum of EUR 55 million has therefore been earmarked to continue efforts to operationalise the BUPi, a single platform for dealing with citizens and businesses. and their relations with the public administration, and the simplified land registry system, based on the three pillars of promoting the registration of property, the rapid acquisition of data on the geometry of buildings and the harmonisation of tax information (Government of Portugal, 2021<sup>[11]</sup>).

Despite strong commitment and significant progress, there remains a range of areas for further progress in the justice sector. For example, while Portugal has made significant advancements in relation to the disposition time of court proceedings, dropping from 417 days in 2010 to 253 days in 2021 in civil and commercial courts of first instance (European Commission, 2023<sup>[12]</sup>), lack of efficiency seems to persist among the main challenges for access to justice. In addition, while Portugal has implemented significant initiatives in the area of alternative dispute resolution (ADR) mechanisms, including mediation, arbitration and the introduction of justices of the peace across the country, there is scope for simplifying and rationalising processes associated with arbitration services, as well as an untapped opportunity to further expand the justice of the peace courts and strengthen their use across the country. Importantly, comprehending ADR services as an integral part of the continuum of justice services is an important step in achieving their more coherent integration into the funding and co-ordination of the overall justice system.

## 2.3. A people-centred approach to modernisation

### 2.3.1. *People-centred justice*

A dominant feature of Portugal's recent justice system reform has been "bringing justice closer to the people" (Government of Justice, 2023<sup>[13]</sup>). People-centred justice provides the best available means to ensure effective, affordable and sustainable access to justice. Further, because people-centred justice ensures that the justice system is more focused on the needs of all people in the jurisdiction, it therefore increases the likelihood of improving the levels of trust between people and government.

People-centred justice systems aim to put people and their legal and justice needs at the centre of the justice system, and thus at the centre of justice-system reforms, and design and delivery of policies and services. This means that people-centred justice systems focus – as a priority – on:

- Understanding what exactly people's legal and justice needs and experiences are;
- Designing and delivering policies and services that effectively and affordably meet those needs;
- Monitoring, evaluating and collecting people-centred data to provide the necessary evidence-based ecosystem to support an evidence-based people-centred approach (see Planning for the delivery of services).

Importantly, these steps will likely be fully implemented when there is commitment at the highest levels to a people-centred approach to justice systems and institutions.

### 2.3.2. *People-centred purpose at all levels of the justice system*

Strong leadership helps ensure effectiveness, consistency and conformity of institutions regarding their respective mandates, responsibilities, overarching policies and guidelines. Fact-finding interviews revealed that strong leadership is widely reflected across institutions of the justice sector in Portugal. Stakeholders showed strong commitment of justice institutions to achieving their existing, given missions and working within their areas of responsibility and mandates. This is commendable and emphasises the strong role and importance of leadership within the broader justice system in Portugal.

Furthermore, with the aim of strengthening leadership and the alignment of strategies between the different areas of justice, between October 2022 and April 2023, LAB Justiça carried out an intensive six-month

training programme tailored to the challenges faced by the bodies and entities of justice, bringing together around 100 leaders and project managers from 18 bodies and entities of justice, including the Supreme Council of the Judiciary, the Supreme Council of Administrative and Tax Courts, the Public Prosecutor's Office and the Council of Justices of the Peace. In December 2023, a protocol was signed to hold the second edition for another 50 employees of the justice sector, as well as a 60-hour training programme for the participants of the first edition, aiming to deepen some topics of the previous training (see Box 5.2 in Chapter 5).

Despite strong leadership at the highest level of the justice sector, there appears to be scope to further embrace a people-centred approach to justice. Fact-finding interviews revealed that there is room to reflect on the extent to which existing mandates and mission statements of individual institutions and programmes, and within Ministry of Justice functions, clearly and unambiguously focus attention for policy and investment on the needs of the people first.

### **2.3.3. A unique opportunity**

The current justice modernisation programme in Portugal has a potential to transform people's experience with the justice services and to contribute to the increase in trust in the justice system. This is a unique opportunity for the Portuguese government to build on the current reforms and to steer future efforts towards a people-centred approach.

Looking ahead, Portugal may consider using the results of its legal needs survey (LNS), along with a potentially more comprehensive LNS in the future. Additionally, Portugal could leverage the results of more comprehensive satisfaction surveys and assessments across the entire justice system. These results could serve as the starting point in shaping the next phases of the *Justiça +* programme, among other initiatives, all while adopting a forward-looking strategic approach.

Furthermore, there is an opportunity to articulate a clear, people-centred purpose at the highest level of the justice system. This overarching approach could be disseminated throughout the whole justice sector and reflected in updated people-centred mandates across all justice institutions. In this context, it could be beneficial to review existing mandates and competences to clearly reflect a people-centred approach.

## **2.4. Planning for the delivery of services**

Countries aiming to shift their justice systems toward a more people-centred approach do not start with a blank slate. On the contrary, justice systems like in Portugal have undergone various evolutions over centuries. The current efforts present an opportunity to understand the needs of the people to plan and deliver people-centred legal and justice services in Portugal.

### **2.4.1. Planning and mapping people-centred services**

Countries rarely have the resources to deliver justice services at the desired quality and comprehensiveness. Given this reality, legal services need to be planned in such a way that effectively and efficiently address legal needs where and when they arise.

A people-centred justice system offers timely, appropriate, affordable and sustainable legal and related services. These services aim to help all people address their legal problems and needs, and should be available to ensure that all members of the community can participate effectively in society and not be left behind. Importantly, appropriate and timely services match the specific needs of individuals in their particular situations, considering factors like disabilities, low income, and limited legal understanding. Affordable and sustainable services are reasonably priced for both individuals and the government, and at a sustainable cost over time.

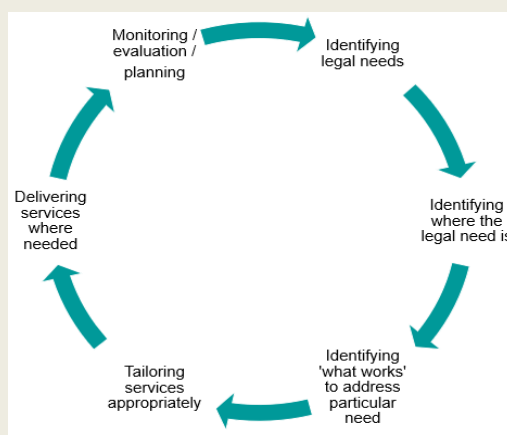


Services need to be available and used. It is not enough that services are theoretically available. If they are not used by some/many, this may indicate that they are effectively inaccessible for some. To achieve this objective, it is important to assess: (a) what the legal needs of the community are, (b) where the legal needs are and (c) what strategies work to meet each different legal need in the different circumstances, to (d) plan and deliver the services tailored and targeted according to this knowledge, and finally (e) whether the services are actually reaching those intended and whether they are achieving the final outcomes.

Planning legal and justice services can be approached in a logical sequence described in Box 2.3. The assessment of the range of legal and justice services provided in the following sections utilises the themes of this planning cycle and of the OECD Framework and Good Practice Principles for People-Centred Justice.

### Box 2.3. Planning cycle for legal services

A comprehensive planning model portrays the planning legal services sequence as a cycle, as shown by the figure below:



1. Identify legal needs of the community from their perspective.
  - Relying on the small proportion of matters that reach the formal justice system does not yield a representative picture of the needs of the community.
  - Methods are necessary to understand the needs of the entire community, encompassing the majority who do not engage with the justice system, and to reach out to the most disadvantaged groups.
2. Identify where the need is: geographically and in relation to particular groups.
  - Utilise sound legal needs data with official census (or equivalent) data to locate population groups.
3. Identify what strategies and interventions work most effectively and efficiently to address particular needs for particular groups in particular circumstances.
4. Create, develop, tailor and/or improve to deliver effective and sustainable services based on the available evidence.
5. Target and deliver those services where needed (mapping) and to whom.
  - Matching service delivery data with legal and justice needs data.
  - Countries wishing to identify gaps in service delivery and monitor the delivery of relevant services to address particular needs may consider mapping service delivery data against legal/justice needs data.

#### 6. Monitoring and evaluation.

- Are the services available where and when they are needed?
- Are the right people being reached with the right services in a timely fashion, and are they using the services? This comprises assessing available approaches to monitoring service delivery data against relevant needs variables.
- Are services achieving expected outcomes?

A suitable data ecosystem is needed to give effect to the planning cycle above and support people-centred and efficient justice service delivery. To develop such a data ecosystem, countries need to be working towards a coherent data strategy and data ecosystem across the agencies and elements of the justice system. This will ideally, over time, involve moving towards common systems of definition, terminology, data collection and retention, and data management. There will also need to be a common, supported approach to mapping the justice data as the model describes.

Source: Mulherin (2018<sup>[14]</sup>), *Planning and delivery of legal assistance services*, OECD Global Roundtable on Equal Access to Justice.

## 2.5. Overview of the project

Portugal has requested support from the European Commission under Regulation (EU) 2021/240 in establishing a Technical Support Instrument ("TSI Regulation") with the purpose of strengthening responsiveness and access to justice for all. Following the assessment, the European Commission has decided to provide technical support to Portugal, together with the OECD.

The aim of the project is to support the implementation of the modernisation agenda of the justice sector in Portugal, with a particular focus on a people-centred justice approach. The proposed project also aims to provide a strategic, evidence-based stock-taking of the direction the country is taking in advancing its justice and legal assistance reforms. This includes support of inclusive recovery, and effective monitoring and implementing of SDG 16.3 on promoting the rule of law and ensuring equal access to justice for all. To this purpose, the project has focused on the following areas:

1. Legal and justice needs of people and their pathways to justice;
2. Skills and competencies for modern and people-centred justice sector;
3. Availability, quality and use of data, and statistical information systems in the justice sector;
4. Responsiveness of justice service delivery along the continuum of services within and without the court system;
5. Use of digital technologies and data for a people-centred justice system.

During the inception phase, the OECD gathered pertinent information and conducted in-depth review of relevant documents and legislation to produce an inception report. This was followed by a diagnosis phase, with findings contained in this report. The recommendations of this diagnostic report will serve as a basis for a roadmap to provide a strategic and actionable framework for strengthening equal access to justice for all people. The roadmap will take into account accessibility and responsiveness of the justice sector through different channels, with a particular focus on legal and justice needs and improving the design and delivery of justice services. The roadmap is also intended to strengthen the development and use of digital technologies and data in justice.

It is important to note that the incorporation of the people-centred justice approach into the design and delivery of justice systems, and into the design and delivery of specific legal services, is relatively new. It is praiseworthy that Portugal is striving to execute reforms centred on people's needs throughout the



country in a sustainable and cost-effective manner. These efforts align with the OECD Framework and Good Practice Principles for People-Centred Justice (OECD, 2021<sup>[15]</sup>) and also resonate with the OECD Recommendation on Access to Justice and People-Centred Justice Systems (OECD, 2023<sup>[2]</sup>).

## 2.6. Methodology

The study was based on several main methodological components:

### 1. Government questionnaire

The OECD designed a questionnaire to help identify key aspects of the state of play of the justice system in Portugal, its degree of people-centredness, as well as the application of digital technologies and data in the justice sector. The questionnaire was directed to the Ministry of Justice which then co-ordinated with other relevant justice institutions to complete it. The Ministry of Justice provided the response to the questionnaire to the OECD in November 2022. Data collected to date has been used to inform the analysis, findings and key recommendations in the diagnostic report.

### 2. Fact-finding meetings

The OECD conducted a series of fact-finding meetings, both in person and online, between July 2022 and April 2024.

- In the first in-person mission in July 2022, the OECD met the advisory group and high-level stakeholders of the justice sector in Portugal. This was an important opportunity to connect with the new leadership of the project and ensure alignment of the scope and activities with the new policy priorities for the justice sector in Portugal. Separate meetings were also conducted across a range of justice institutions and with a variety of key justice stakeholders in order to complement the desk research, surveys and data analysis conducted in this project.
- A set of fact-finding interviews were conducted as part of a second in-person mission in October 2022. The interviews aimed to feed into the service delivery a mapping exercise, identifying locations of existing justice services and exploring pathways that justice users follow to address their legal and justice needs.
- A second set of fact-finding interviews (in-person and remotely) took place in March 2023. They aimed at collecting additional insights on the availability, exchange, usage and governance of data in the justice sector, and close gaps from previous fact-finding meetings on service mapping.

During the missions and fact-finding interviews, visits were conducted to a number of courts, alternative dispute resolution institutions, government departments, professional bodies, non-governmental organisations and important pilot projects in the area of domestic violence. The limited time available for the exploratory interviews naturally led to the selection of some organisations. Care was taken to ensure not only that the different structures in the justice sector were covered, but also that there was geographical diversity, and that institutions of different sizes and type of support were considered.

Although the main focus of the project was on civil issues, fact-finding interviews with organisations and pilot projects working in the field of domestic violence allowed the findings to have greater depth and scope. The justice system's responses to people's individual legal problems are not, or should not be, delivered in isolation, confining them into legal categories that do not reflect the everyday life experience of people and/or are difficult for people to understand (e.g. civil/criminal). Moreover, this is not a people-centred approach. Furthermore, some of the most important examples of collaboration between community, social services and legal responses are actually found in the area of domestic violence. It has been recognised that the issue of domestic and family violence cannot be dealt with in an efficient way if it is not integrated with other services. Portugal is no exception and has developed a number of initiatives aimed at this

integrated response (for example, the victim support offices operating within the public prosecution service).

A number of in-person meetings occurred in major cities in Portugal as part of the diagnosis phase of the project. Organisations consulted following in-person fact-finding meetings provided relevant data and follow-up information. To fill in some gaps, additional interviews with stakeholders were also conducted at later stages of the diagnosis phase. Fact-finding meetings provided an essential grounding to the diagnostic report. Important insights and lessons gathered aligned with findings from the legal needs survey. This confirms the significance of fact-based interviews and qualitative data.

### **3. Legal needs survey**

As part of the project, the OECD conducted a legal needs survey in Portugal, with a view to provide a representative understanding of legal and justice needs from people's and businesses' perspectives. Although the 2023 survey conducted in Portugal was limited in scope, the survey was adapted to the particular circumstances of Portugal and followed the underlying principles developed for a comprehensive legal needs survey model published in the 2019 Open Society Foundations (OSJI)-OECD report. The adapted legal needs survey serves as a basis of an in-depth analysis on challenges and opportunities to strengthen access to justice in Portugal for people and businesses, while contributing to justice modernisation initiatives. It also provides a basis to report on SDG indicator 16.3.3 on access to justice.

The 2023 Portuguese LNS had 1 500 respondents, with a sample stratified randomly by year of birth, gender, education level and region (Portugal mainland NUTS 2 – Regional Co-ordination Commissions and Autonomous Regions), following the 2022 population estimates of the Portuguese National Statistics Institute (INE) (INE, 2022<sup>[16]</sup>). The data was collected through computer-assisted telephone interviewing (CATI). Detailed methodological information about the legal needs survey can be found in Annex F. The 2022 Portugal legal needs survey.

### **4. Service delivery mapping**

Service-mapping is an important step in gaining an evidence-based understanding of the state of play in the delivery of justice services to those in need. Depending on the data collected and available, service delivery mapping can provide essential answers for justice systems and legal service planning. At the most basic level, service-mapping can help locate justice system service delivery organisations in geographical relationship to areas of identified legal need, priorities and vulnerable groups. At a more complex level, by mapping the delivery of legal services at individual, unit record level, service-mapping can help identify which services are actually available to and are used by which people. Likewise, it can help identify which people and legal needs are proportionally unmet. Finally, service-mapping can also provide insight into the pathways people follow when confronting legal problems.

Combined with sound legal and justice needs data, service delivery mapping is an important and powerful tool in assisting governments and service providers to target and deliver services most efficiently and effectively. The methodology employed in this project has been driven by the initial requirement to determine what data is collected and available, and what mapping of services and of priority groups has already been conducted.

### **5. Skills and competency assessment of justice civil servants**

The OECD, in co-operation with the Portuguese government, designed a skills survey to help map and assess skills and competencies to promote people-centricity and responsibilities among justice stakeholders in Portugal. The online survey<sup>2</sup> was disseminated to justice sector officials and public service providers and assessed respondents' perception of their own skills, of management support, and organisational processes in place within their department or ministry. Five competency areas were surveyed: vision and culture; governance; services; planning and monitoring; people empowerment. By assessing this large range of competencies, the survey provides a substantial mapping of skills related to

people-centricity, the capability to be operational in a digital environment, and to collect, use and process justice data.

While questions on key competency areas were asked of all respondent's, targeted skillsets were explored through a branched survey based on respondent's functions. For example, only ICT professionals were asked certain questions about digital and data skills. The rationale for these foci – on competencies and targets of competencies – stems from a people-centred approach to justice system. Skills needed in a fully-fledged people-centred system relate to all four dimensions of the people-centred framework. Moreover, individuals' competencies interplay with managerial support and organisational processes.

The survey employs a self-measuring methodology on a 1-to-4 scale (and the possibility not to answer), with responses serving as indicators of self-perceptions, representations, mindsets, and motivations. While the survey results are not statistically representative of Portugal's justice stakeholders, the responses from 948 people provide useful insights into respondents' perceptions of their skills and opportunities to develop them. Combined with objective evidence concerning the functional performances of the system, they provide a comprehensive understanding of the system and a consequent set of recommendations to advance alongside the path opened with *Justiça +* and more generally with the digitalisation process.

## References

- Diário da República (2022), *Lei n.º 24-C/2022, de 30 de dezembro – Law on Major Planning Options*, <https://diariodarepublica.pt/dr/detalhe/lei/24-c-2022-205557191>. [10]
- European Commission (2023), *The 2023 EU Justice Scoreboard*, [https://commission.europa.eu/system/files/2023-06/scoreboard\\_factsheet-quantitative-v4.pdf](https://commission.europa.eu/system/files/2023-06/scoreboard_factsheet-quantitative-v4.pdf). [12]
- European Commission (2022), *Digital Economy and Society Index 2022*, <https://digital-strategy.ec.europa.eu/en/library/digital-economy-and-society-index-desi-2022>. [4]
- Gomes, C. et al. (2017), *Justiça e eficiência: O caso dos Tribunais Administrativos e Fiscais*, <https://estudogeral.uc.pt/handle/10316/87266>. [8]
- Government of Justice (2023), *Justiça+*, <https://mais.justica.gov.pt/>. [13]
- Government of Portugal (2023), *Justiça +*, <https://mais.justica.gov.pt/#continuaravancar>. [9]
- Government of Portugal (2022), *Programa do XXIII Governo Constitucional 2022-2026*, <https://www.portugal.gov.pt/gc23/programa-do-governo-xviii/programa-do-governo-xviii-pdf.aspx>. [6]
- Government of Portugal (2021), *Plano de Recuperação e Resiliência*, <https://recuperarportugal.gov.pt/wp-content/uploads/2021/10/PRR.pdf>. [11]
- Government of Portugal (2020), *Justiça + Próxima Plan 2020-2023*, <https://justicamaisproxima.justica.gov.pt/sobre-o-plano/>. [7]
- Government of Portugal (2020), *Resolution of the Council of Ministers 55/2020*, <https://data.dre.pt/eli/resolconsmin/55/2020/07/31/p/dre/pt/html>. [5]
- INE (2022), *Demographic Statistics*, [https://www.ine.pt/xportal/xmain?xpgid=ine\\_tema&xpid=INE&tema\\_cod=1115](https://www.ine.pt/xportal/xmain?xpgid=ine_tema&xpid=INE&tema_cod=1115). [16]
- Mulherin, G. (2018), *Planning and Delivery of legal assistance services*. [14]
- OECD (2023), *Recommendation on Access to Justice an People-Centred Justice Systems*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498>. [2]
- OECD (2022), *Building Trust to Reinforce Democracy: Main Findings from the 2021 OECD Survey on Drivers of Trust in Public Institutions*, Building Trust in Public Institutions, OECD Publishing, Paris, <https://doi.org/10.1787/b407f99c-en>. [1]
- OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [15]
- World Justice Project (2019), *Global Insights on Access to Justice 2019*, <https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019#:~:text=Global%20Insights%20on%20Access%20to%20Justice%202019%20is%20the%20first,100%2C000%20people%20in%20101%20countries> (accessed on 21 July 2023). [3]

## Note

---

<sup>1</sup> From 2014 to 2022, the Digital Economy and Society Index (DESI) summarised indicators on digital performance and tracked the progress of EU countries.

<sup>2</sup> The survey was deployed in Portuguese as *Capacitação para uma Justiça Centrada nas Pessoas em Portugal Avaliação das aptidões e competências dos profissionais da justiça em Portugal – INQUÉRITO* between 21 June and 17 September 2023.

# 3

## Legal needs in Portugal

---

This chapter delves into legal needs in Portugal, employing a people-centred approach to understand and address these requirements comprehensively. The chapter outlines the methodology and findings of recent legal needs surveys (LNS) conducted in the country. It discusses some of the main strengths, gaps and implications of unmet legal needs. It examines the types of legal problems most commonly reported, and the broader social impacts of these unresolved issues. Additionally, the chapter explores the strategic use of LNS to inform policy and improve access to justice, highlighting the role of such surveys in shaping responsive, inclusive, and effective legal systems. By focusing on the real experiences of individuals and the systemic barriers they face, the chapter underscores the importance of tailoring justice policies to the actual needs of the populace, thus enhancing the overall efficacy and fairness of the justice system in Portugal.

---

### 3.1. Background: Understanding and identifying legal needs

People-centred justice refers to an approach that adopts the perspective of people as a starting point and places them at the core when designing, delivering and evaluating public policies, services and legal procedures within and beyond the justice system. A people-centred approach considers the perspectives and needs of all, including specific communities such as marginalised, underserved and groups in vulnerable situations (OECD, 2023<sup>[1]</sup>). The first step in designing and delivering people-centred justice policies and services is the identification of legal and justice needs of the community.

Measuring legal and justice needs is not a straightforward task. Many people do not recognise problems they experience as “legal”, and as a result are unlikely to pursue legal assistance or remedies. Further, years of global legal needs research have consistently shown that only a very small proportion of legal problems reach the traditional justice system or even legal services. Any administrative or service data about the matters taken to these services or the users of these services can only provide information about that very small proportion of matters that reach formal legal services. In other words, administrative data cannot give a comprehensive picture of the legal needs of the community. In fact, it may give a skewed picture of the overall legal needs in the community, in favour of the type of matters that reach formal justice.

Since the *Paths to Justice* reports in the United Kingdom in the late 1990s, legal need surveys (LNS) have become increasingly popular across the globe as a means of identifying the legal needs of the community from a people’s perspective. Legal needs surveys have many benefits. They do not rely on individuals recognising that a problem is legal or not. Instead, they delve into people’s real experiences, actions taken, and encounters when facing legal or justice issues. Importantly, LNS are the most feasible tool available to gain a representative picture of the legal needs of people across a country or jurisdiction (see Box 3.1).

#### Box 3.1. Legal needs surveys

Legal needs surveys are based on representative samples of a target population that investigate the experience of legal and justice problems from the perspective of those who face them rather than the professions and institutions that may play a role in their resolution. Therefore, legal need surveys:

1. Focus on experience (and the actions people took or not) rather than perceptions and attitudes as they ask respondents about specific events experienced rather than hypothetical situations.
2. Enable the quantification of justiciable problem experience across populations; identify and explore the full range of responses to problems and, within this, the different paths to justice and the full range of sources of help and institutions available.
3. Are an essential complement that contextualise administrative data and provide an overview of a population’s perspective on access to justice.
4. Are distinct from crime victimisation or offending surveys, generally focusing on civil legal issues (e.g. family, commercial, administrative), although many also enquire into the experience of matters relating to criminal law.
5. Do not rely only on people who experienced a legal problem knowing their problem was “legal”; likewise, do not rely on the person experiencing the problem having taken action and/or used a legal service.

Legal needs surveys provide a uniquely comprehensive overview of the justice system and people’s experience of resolving justiciable problems. It is an overview that cannot be achieved by other means and, as such, legal needs surveys provide vital data concerning access to justice. Such surveys provide an empirical basis for understanding how people’s justice issues arise and how they affect numerous

development sectors. At a national level, they are increasingly viewed as an important tool for policy makers and civil society.

Legal needs surveys thus provide the “big picture” of people’s efforts to access justice. They can:

1. Enable the quantification of justiciable problem experience across populations and the mapping of patterns of problem-resolving behaviour;
2. Shed light on experience and behaviour over time;
3. Identify obstacles to accessing legal services and processes, such as poor service delivery, from individual and community perspectives;
4. Help identify areas for policy reform and serve as a mechanism to monitor changes in experience and behaviour against a backdrop of legal service reform;
5. Enable more targeted justice services, inform government’s investment, and strengthen the delivery of other public services,
6. Improve understanding of and responding to the demands of populations, including marginalised communities whose legal needs are often ignored;
7. Enable countries to measure progress and report against the Sustainable Development Goals’ “access to justice” indicator SDG 16.3.3. Importantly, a legal needs survey has the potential to enable countries to report against several other SDG 16 indicators.

LNS are international “good practice” and essential for people-centred justice. The OECD People-Centred Justice Framework and OECD Recommendation on Access to Justice and People-Centred Justice Systems emphasise that the design and delivery of justice services must commence with a sound understanding of the legal needs of all the people. Conducting legal needs surveys is an essential part of this.

Source: OECD/Open Society Foundations (2019<sup>[2]</sup>), *Legal Needs Surveys and Access to Justice*, <https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-q2g9a36c-en.htm>; Adams et al (2017<sup>[3]</sup>), *Global Insights on Access to Justice 2017*; Adams et al (2018<sup>[4]</sup>), *Global Insights on Access to Justice 2018*, <https://worldjusticeproject.org/our-work/publications/special-reports/global-insights-access-justice-2018>; OECD/Pathfinders for Peaceful, Just and Inclusive Societies (2023<sup>[5]</sup>), *Improving the monitoring of SDG 16.3.3: Towards better access to justice*, <https://www.oecd.org/publications/improving-the-monitoring-of-sdg-16-3-3-3-c5fbed7e-en.htm>; OECD (2021<sup>[6]</sup>), *OECD Framework and Good Practice Principles for People-Centred Justice*, <https://www.oecd.org/publications/oecd-framework-and-good-practice-principles-for-people-centred-justice-cdc3bde7-en.htm>; OECD (2023<sup>[1]</sup>), *Recommendation on Access to Justice and People-Centred Justice Systems*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498>.

Legal needs surveys, however, have limitations. Firstly, they might not be the best tool for delving into technical aspects of service delivery or formal legal procedures. Additionally, when it comes to rare types of problems or behaviours, it might not provide extensive insights unless the survey employs a suitable sample frame. Moreover, these surveys might not fully explore the reasons behind or the effects of legal issues going beyond people’s perceptions. They also might not thoroughly assess the effects of particular legal services or the impact of specific reforms (OECD/Open Society Foundations, 2019<sup>[2]</sup>). LNS also do not usually provide the needed disaggregation to support small area modelling capability. LNS also cannot generally provide details about the particular needs and experiences of minority groups in particular circumstances.

While LNS provide the only means of gaining a representative picture of legal needs (see Box 3.2), other data sources can be used to complement LNS data and analysis to gain more comprehensive and nuanced understanding of legal needs. These data sources include:



- **Criminal court/prosecution data.** This data can give insight into the specific criminal defense/representation needs by court/location and, depending on data collected, by user characteristics;
- **Official data** (e.g. census data). Legal needs surveys can provide insight of particular vulnerabilities of different groups to different legal problem types. Official demographic data, by providing insight into the conditions in regions and communities, can help to locate vulnerable groups and areas where higher levels of particular legal needs are likely.
- **Service delivery data.** Notwithstanding its limitation of only providing insight into those matters/people that reach formal service, such data can nevertheless provide insight about those receiving legal assistance;
- **Detailed, qualitative research data.** Rare legal problems, minority and other hard-to-reach communities are difficult to capture through LNS. More nuanced and comprehensive understandings of legal and justice needs may arise from long-term engagement with the lived experiences of vulnerable communities.

### Box 3.2. What we know about legal needs of people: A research summary

Growing empirical research provides an overview of the nature and distribution of legal needs and the capability of different people to manage their legal issues. In summary, the research indicates that:

- There is a concentration in the experience of legal problems. For example, in Australia, the Legal Australia Wide (LAW) legal needs survey found that 9% of respondents accounted for 65% of legal problems.
- About one-third of people experience at least one justiciable problem over a two-year period, although this varies from country to country.
- Consumer problems are routinely among the three most prevalent justiciable problems, along with those concerning neighbours and money. Problems relating to families, housing, employment, social safety net assistance, public services and nationality are also commonly experienced.
- Inequity links to social disadvantage. Research has consistently shown that legal problems are particularly prevalent among people with chronic ill health or disability, single parents, the unemployed and people in disadvantaged housing. Thus, the concentration reflects inequality in the experience of legal problems.
- Social disadvantage is linked to a lower capability to deal with legal problems. The evidence further indicates that those most vulnerable to legal problems tend to have less knowledge, resources and self-help skills to deal with legal problems. They also tend towards delayed and crisis-driven help-seeking.
- Legal problems do not exist in isolation. They often occur in defined “clusters”, co-existing with “everyday life” problems.
- Globally, around one-half of the people who experience a civil or administrative justiciable problem cannot meet their legal needs, amounting to approximately 1.4 billion people. Only a minority of legal needs surveys have found that courts or tribunals resolved more than 10% of justiciable problems, with some suggesting a rate of 5% or lower. Furthermore, where a formal process is used, it tends to be used in relation to particular problem types, such as those concerning family breakdowns.

Source: OECD/Open Society Foundations (2019<sup>[2]</sup>), *Legal Needs Surveys and Access to Justice*, <https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-q2g9a36c-en.htm>; World Justice Project (2019<sup>[7]</sup>), *Measuring the Justice Gap*, <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>; Coumarelos et al. (2012<sup>[8]</sup>), *Legal Australia-Wide Survey: Legal Need in Australia*, Law and Justice Foundation of New South Wales, Sydney.

## 3.2. Legal needs in Portugal: Project assessment

### 3.2.1. Prevalence of legal problems

In the 2023 Portuguese legal needs survey, 505 respondents from the sample of 1 500 people (34%) reported experiencing at least one legal or justice problem during the two-year reference period. This is consistent with the general picture from the large number of LNS conducted across many countries over the last two decades that legal and justice problems are ubiquitous across the globe (OECD/Open Society Foundations, 2019<sup>[2]</sup>). Most commonly, estimates of prevalence fell in the range of 30% to 60% over a three- or four-year period.

The ubiquity of legal problems is common, given the extent of law and its impact in contemporary life. Importantly, the nature of legal problems is often similar across jurisdictions, as people engage in many of the same activities (OECD/Open Society Foundations, 2019<sup>[2]</sup>). In the 2023 legal needs survey in Portugal, the most common problems interviewees experienced were consumer matters (16%, or 119 out of 726 problems), neighbours (14.6% or 106) and money/debt (8.7% or 63). These findings closely paralleled results from other legal needs surveys, where consumer problems are among the three most prevalent problems, along with those concerning neighbours and money (OECD/Open Society Foundations, 2019<sup>[2]</sup>). Other legal needs surveys have generally found that problems relating to families, housing, employment, social safety net assistance, public services and nationality are also commonly experienced (OECD/Open Society Foundations, 2019<sup>[2]</sup>). In the 2023 LNS in Portugal, legal problems relating to housing (8%), family (8%), crime (8%) and employment (7.6%) were the next most common problems experienced.

Legal needs surveys have found that legal problems are not randomly or equally distributed across populations. Particular problems are associated with particular social groups or stages of life. It appears that socio-economic disadvantage is pivotal to the social patterning of problems (Coumarelos et al., 2012<sup>[8]</sup>). Surveys have repeatedly demonstrated associations between disadvantage, and legal and justice problem experience (OECD/Open Society Foundations, 2019<sup>[2]</sup>).

Disadvantaged groups associated with elevated experience of justiciable problems include those people receiving social safety net assistance, suffering from a disability, particularly mental health problems, or long-term health problems (Pleasence and Balmer, 2013<sup>[9]</sup>). Single parents (Buck, Pleasence and Balmer, 2004<sup>[10]</sup>). Victims of crime and displaced persons are other examples of groups found to be highly vulnerable (OECD/Open Society Foundations, 2019<sup>[2]</sup>). To illustrate, findings from the 2008 Australian LAW Survey indicate that people with combined mental and physical illness/disability of a high severity were more than 10 times as likely to report legal problems as those with no illness/disability (Coumarelos, Pleasence and Wei, 2013<sup>[11]</sup>).

While patterns of vulnerability vary between jurisdictions owing to differences in social structures and behaviour, a systematic review of findings has previously concluded that patterns are fairly similar across jurisdictions, with few conflicts (Pleasence and Balmer, 2013<sup>[9]</sup>). There are various reasons for the link between legal and justice problem experience and disadvantage. Certain problems are a feature of groups in vulnerable or disadvantaged situations, such as those concerning social safety net assistance. Groups in disadvantaged situations are generally able to draw on fewer resources and are less able to avoid or mitigate problems. Moreover, legal and justice problems have an additive effect, meaning that the

experience of problems increases the likelihood of further problem experience, exacerbating disadvantage (OECD/Open Society Foundations, 2019<sup>[2]</sup>).

The narrower scope of the LNS in Portugal has made it challenging to conduct similar analysis of legal need by different vulnerable groups. Nevertheless, the results align reasonably well with international findings. The main studies carried out in Portugal on national legal needs give some indication of the different experiences of litigation perceived by people from different social classes. The two most comprehensive surveys representative of the Portuguese population were carried out by the Centre for Social Studies in 1993 (Santos et al., 1996<sup>[12]</sup>) and in 2001 (Santos et al., 2004<sup>[13]</sup>), and the "Survey of feelings of justice in an urban environment", carried out in 2002 in Lisbon (Hespanha, 2005<sup>[14]</sup>). These studies highlight that the most vulnerable groups face significant barriers in accessing formal conflict resolution mechanisms. They not only have limited opportunities to utilise these formal systems but also tend to be more dissatisfied with the outcomes.

### **3.2.2. Impact of justiciable problems and problem clustering**

Legal and justice problems often follow on from one another, or broader social, health or economic problems. They have been repeatedly found to have a substantial impact on the lives of those facing them (OECD/Open Society Foundations, 2019<sup>[2]</sup>).

In the 2023 Portuguese legal needs survey, 68.5% of the respondents who experienced at least one legal or justice problem also experienced at least one form of substantial impact on their lives (e.g. illness, property damage, economic or relationship loss) as a result of that problem. For the Portuguese respondents, 52% experienced stress, 22% experienced financial loss, while 11% reported experiencing a loss of confidence or the rise of fear.

While the 2023 Portuguese LNS did not include questions to support a quantification of the cost to individuals and/or the public as a result of experiencing the legal or justice problem, it is worth noting that the economic cost of the impact of justiciable problems on individuals and public services was estimated to exceed USD five billion per year on the basis of the 2004 English and Welsh Civil and Social Justice Survey (Pleasence, 2006<sup>[15]</sup>). Similarly, according to the 2014 Canadian National Survey of Everyday Legal Problems, the annual cost to public services was estimated to be approximately CAD 800 million (OECD, 2019<sup>[16]</sup>).

The impact of justiciable problems can provoke and worsen broader social problems, including poverty. Research on legal needs and access to justice has shown that there is a relationship between legal problems and poverty. Unresolved legal issues can have serious economic and social consequences, potentially driving individuals in vulnerable situations into poverty. For instance, issues like wrongful job termination, financial debts, or being denied social safety net benefits can directly contribute to this situation. Moreover, unaddressed legal problems can act as barriers preventing someone already in poverty from breaking free from it (Prettitore, 2015<sup>[17]</sup>).

The impact of justiciable problems also contributes to the phenomenon of problem clustering, which is the increased tendency of particular justiciable problems to co-occur when more than one problem type is experienced. The most commonly identified problem clusters have been observed in the context of family breakdown, where domestic violence, divorce, ancillary issues and problems concerning children link closely. Other identified clusters include clusters centred on economic activity (e.g. problems concerning employment, money, consumer transactions, welfare benefits and housing), and problems centred on poor-quality housing (OECD/Open Society Foundations, 2019<sup>[2]</sup>).

Problem clustering also occurs when some problem types arise from similar sets of circumstances or are associated with the same demographic factors. Results in the 2011 Moldovan survey showed how domestic violence can cause relationship breakdown, unemployment, tenant-landlord and debt problems (Gramatikov, 2012<sup>[18]</sup>). While the size and scope of the 2023 Portuguese LNS limits the possibility to

undertake cluster analysis, it is important to note that of the 34% (505) of respondents who reported experiencing at least one legal or justice problem, 28% (141) experienced more than one problem.

### **3.2.3. Pathways: Responding to legal problems**

Gaining some insight into the pathways people take in response to their legal problems was among the main objectives of the diagnosis phase of this project. Based on the LNS data, it has been possible to gain some insight into the pathways people take by examining their (a) actions when seeking and obtaining assistance, (b) actions concerning problem resolution, and (c) awareness of available legal services and pathways.

#### *Obtaining assistance*

The 2023 Portuguese LNS inquired if respondents obtained advice, information or representation to help them understand or resolve a legal problem. This aimed at identifying actions of advice- and assistance-seeking that might or not be directly linked to a final problem resolution step. Results showed that 43% (215) of those who experienced a legal problem obtained either information, advice or representation, while 57% did not. Of those who obtained assistance (more than one possible):

- 36% (183) sought assistance from family, a friend or an acquaintance;
- 26% (132) sought assistance from a lawyer, professional legal organisation, or online advice services;
- 20% (103) sought assistance from another person, such as a doctor, schoolteacher or pharmacist.

This is an important finding and consistent with previous LNS around the world. The significance of these findings from a people-centred perspective are that results reveal what people actually do in response to problems. These results shed light on the importance of providing services and pathways that suit people in their particular circumstances.

#### *Solving a problem*

The 2023 Portuguese legal needs survey also asked if respondents or their representatives turned to a court or some of the following mechanisms to bring about resolution to their problem. This question aimed to identify the mechanism used to address problems that had been resolved. In brief, only 186 (of the 505 legal or justice problems followed up in the survey) had been referred to one of the dispute resolution processes. Within the top three, 75 were referred to the police (40%), 59 referred to a court (32%) and 41 (22%) were taken to a government or municipal authority.

Actual problem resolution provided a different picture. Many problems were resolved outside of formal dispute resolution mechanisms. Likewise, not all problems that were referred to such a mechanism were resolved there. When inquired about which people or organisations took the final decision to resolve the problem, of the 314 respondents who reported their problem solved:

- for 24.5% (77), the most frequent was government or municipal authority; while
- for 14% (45), the next most frequent decision-making person/organisation was third-party online complaints or dispute resolution mechanisms, such as provided by commercial services.

In terms of importance for younger individuals, third-party online dispute resolution mechanisms stood out as the most prevalent method, being used in 21.2% of resolved issues among those aged 18 to 24 and in 22.7% of cases among the 25-to-34 age group. Moreover, in the Algarve region, it accounted for 22% of resolved legal and justice problems, making it the most commonly employed resolution method there.

## Awareness

Another important element in understanding the pathways people take to resolving their legal problems is their awareness of organisations, institutions or individuals that can help them, either by explaining or assisting them with the processes, or in resolving the problem. The 2023 Portuguese LNS asked two questions to get some insight about level of awareness of available services. The first question was *unprompted* to assess general awareness without leading respondents with names of services. The second question was *prompted* by referring to names of specific justice organisations and related institutions.

In the unprompted question, when inquired to name any services that provide free or affordable information, advice or assistance to help people facing problems, results showed that only 640 respondents (43%) could name at least one organisation. There was a variety in the organisations mentioned. Many respondents could name multiple organisations, although their knowledge of their roles was not asked. The top 10 organisations identified were the Portuguese Association for Consumer Protection (DECO)(18%), the Portuguese Association for Victim Support (APAV) (12%), the police (5%), Social Security Institute (4.4%), including legal aid services (0.6%), Authority for Work Conditions (ACT) (3.1%), courts (2.5%), lawyers (2%), ombudsperson/public prosecution service (1.8%), councils or municipalities (1.5%), Child and Youth Protection Commissions (CPCJ) (1.3%).

The results above suggest some interesting insights on general awareness of the population regarding services the legal system offers, and the important role of the third sector in providing information, advice or assistance to help people encountering problems. These results also confirm findings from stakeholders' interviews, suggesting very good practices by DECO and APAV in raising awareness among the population. In contrast, stakeholder interviews suggested that many formal justice and other government agencies relied heavily on government websites and related modes for awareness communications. The survey results raise questions about the effectiveness of relying on formal government websites and similar mechanisms to encourage awareness of and access to services.

In the prompted question, the 2023 Portuguese legal needs survey listed a number of entities/organisations and asked respondents (1 500) whether they knew about them and what they do to help people solve problems. The top 11 entities or organisations identified were DECO (83%), Social Security Institute (80%), APAV (78%), Parish Councils (76%), ACT (70%), trade unions (69%), public prosecutors (66%), Child and Youth Protection Commissioner (66%), ombudsperson (54%), legal aid<sup>1</sup> (52.7%) and justice of the peace courts (43%).

### 3.3. Locating legal needs

Legal services may only be effective and efficient if they provide the most appropriate services based on the specific legal needs of people and delivered at a time and place where and when they are needed. A people-centred justice system seeks to know which groups of people are most vulnerable to which legal and justice problems and maps those problems. It identifies and delivers the suitable service type to address specific legal and justice problems in unique circumstances for each individual. Mapping legal services against needs is a key evidence-based tool in this planning process.

Locating legal needs geographically and temporally is not a simple task, and LNS rarely has large enough samples to provide small area detail. However, as discussed in Chapter 6, the type of data sources that can be employed include:

- **Official data:** LNS rarely provides sufficient insight into justice needs in small regions within a jurisdiction. However, the insights from legal needs surveys in relation to particular groups or issues

can be applied to official census and other population-level datasets to provide insights into the location of likely legal and justice needs.

- **Service delivery and administrative data:** While the utility of these data can be limited by a relative scarcity of justice services delivered, or data being collected, they can provide insight into local demand on services for particular legal and justice needs.
- **Data from community service organisations and non-governmental organisations (NGOs):** Civil society organisations (CSOs) and NGOs generally have long-term service and support relationships with targeted disadvantaged communities. If given adequate support, data from these agencies can provide useful insight into legal and justice needs and their location.

Locating legal needs, the matching of services to that need, the data presently available for these purposes in Portugal and recommendations from that are discussed further in Chapter 6.

Overall, while the LNS conducted as part of this project was of limited scope and scale, its results provided some important insights. In particular, results highlight the prevalence of legal problems among the Portuguese population, the types of problems, and some of the impacts these problems have for those who experience them. Likewise, results have also provided insight into the awareness people have of legal service options in Portugal as well as the pathways that they take in relation to addressing legal problems.

## References

- Adams, K; Botero, J.C.; Coto, A; Evangelides, A; Gryskiewicz, A; Gutiérrez Patiño, C; Chamness Long, S; McDaniel, L; Mujeeb, M; Ponce, A; Treacy, N (2017), *Global Insights on Access to Justice*. [3]
- Adams, K; Botero, J.C.; Evangelides, A; Gryskiewicz, A; Gutiérrez Patiño, C; Harman, M; Hopkins, A; Chamness Long; Chamness Long, S; Martin, R; Ponce, A; Solís Saravia, L (2018), *Global Insights on Access to Justice 2018*, <https://worldjusticeproject.org/our-work/publications/special-reports/global-insights-access-justice-2018>. [4]
- Buck, A., P. Pleasence and N. Balmer (2004), “Lone parents and civil law: Their experience of problems and their advice-seeking behaviour”, *Social Policy and Administration*, Vol. 38/3, pp. 253-269, <https://doi.org/10.1111/j.1467-9515.2004.00389.x>. [10]
- Coumarelos, C. et al. (2012), *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of New South Wales, Sydney. [8]
- Coumarelos, C., P. Pleasence and Z. Wei (2013), *Law and disorders: Illness/disability and the experience of everyday problems involving the law*. [11]
- Gramatikov, M. (2012), *Met and Unmet Legal Needs in Moldova*. [18]
- Hespanha, A. (2005), *Inquéritos aos Sentimentos de Justiça num Ambiente Urbano*. [14]
- OECD (2023), *Recommendation on Access to Justice an People-Centred Justice Systems*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498>. [1]
- OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [6]
- OECD (2019), *Building a business case for access to justice, OECD White Paper*, <https://www.oecd.org/gov/building-a-business-case-for-access-to-justice.pdf>. [16]
- OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>. [2]
- OECD/Pathfinders for Peaceful, Just and Inclusive Societies (2023), “Improving the monitoring of SDG 16.3.3: Towards better access to justice”, *OECD Public Governance Policy Papers*, No. 38, OECD Publishing, Paris, <https://doi.org/10.1787/c5fbed7e-en>. [5]
- Pleasence, P. (2006), *Causes of Action: Civil Law and Social Justice*. [15]
- Pleasence, P. and N. Balmer (2013), *English and Welsh Civil and Social Justice Panel Survey: Wave 2*. [9]
- Prettitore, P. (2015), *Poverty and legal problems in Jordan: Defining the relationship*. [17]
- Santos, B. et al. (2004), *Inquérito à opinião pública sobre o funcionamento dos tribunais em Portugal*. [13]
- Santos, B. et al. (1996), *Os Tribunais nas Sociedades Contemporâneas: O Caso Português*. [12]
- World Justice Project (2019), *Measuring the Justice Gap*, <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>. [7]

## Notes

---

<sup>1</sup> The Social Security Institute is responsible for processing all applications for legal aid in Portugal, which is likely to imply that a large proportion of people who selected SSI in their responses may actually be “legal aid”, and vice versa. At the same time, it is possible that some respondents selected SSI in their social security capacity, which may have led to a certain overlap, with the note that 736 respondents selected both SSI and legal aid.



# 4 Justice service delivery in Portugal

---

This chapter explores the design and delivery of a continuum of justice services in Portugal, emphasising a people-centred approach to legal and justice services. It identifies the variety of legal needs across the population and stresses the importance of providing appropriate, accessible, and proportionate services tailored to these diverse needs. Highlighting the integration of both formal judicial processes and alternative dispute resolution mechanisms, the chapter underscores the significance of flexibility in service delivery to ensure cost-effectiveness and accessibility. Additionally, the chapter details the existing legal infrastructure, including the spectrum of dispute resolution mechanisms from justices of the peace to complex judicial processes, and evaluates their geographical distribution and accessibility. It argues for the need to continue expanding and adapting these services to meet the evolving legal challenges people face, ensuring that all segments of the population can access the justice system effectively and efficiently.

---

## 4.1. Planning and delivering a continuum of services for people-centred justice

### 4.1.1. *The need for a continuum of services*

Legal needs findings globally and in Portugal have confirmed that different people in different circumstances facing different legal problems need different solutions to most appropriately address their legal problems (see Chapter 3). Therefore, jurisdictions require a continuum of legal services which, if they are to be both effective and efficient, should have a scope and range that is linked to the assessment of legal need, the location of that need, the prioritisation of the needs of particular vulnerable groups, and knowledge about what strategies work best in which circumstances. One-size-fits-all solutions are, in general, neither appropriate nor cost-effective.

Indeed, when resources available for justice services are constrained, there is growing pressure to ensure cost-effectiveness of services to provide value for money. A people-centred approach that seeks to provide targeted services that are accessible, proportionate and appropriate for the circumstances, is likely to generate best value for public resources. Such services targeted to meet the specific needs of people are most likely to avoid the waste associated with overservicing (i.e. by providing expensive court/judicial services to solve problems that do not require that level of decision-making nor justify the high cost) and underservicing (i.e. by providing some services to people but not a sufficient level of service to deliver the desired outcome). Therefore, a people-centred and cost-effective justice system implies the availability of a differentiating framework of effective dispute resolution options.

Different options could be both more effective, more suitable, and more cost-effective for the state and for the individual, given the nature of the individual and the nature of their legal problem. A people-centred justice system provides a range of justice and related services over a continuum from the most local and informal through to formal judicial processes. These should be made sufficiently approximate and accessible for those experiencing legal need to utilise the most appropriate, timely, and cost-effective solution to assist them in resolving their problem (OECD, 2021<sup>[11]</sup>).

The 2023 Portugal LNS highlights that sources of advice and pathways to dispute resolution other than formal legal processes were more likely to be used by respondents. For example, as noted, when problems were resolved by third-party decision makers, government or municipal authorities (24.5%) and third-party dispute resolution mechanisms (14%) were the most common (compared to 8.9% by courts).

As such, it is important to continue Portugal's efforts to put in place a continuum of legal and justice services that can provide proportionate and effective responses to legal needs. There is not one type of dispute resolution that is better than the others for addressing all problems in all circumstances. Courts and other institutionalised dispute resolution mechanisms are an essential component of this continuum and are the most appropriate path for some legal problems, particularly the more serious. However, for many other legal and justice problems and circumstances, other options could be more effective, more affordable and more appropriate. Adopting a people-centred approach to the planning, funding and delivery of legal services is the way to optimise this matching of appropriate and cost-effective services to need.

### 4.1.2. *Planning for an appropriate and cost-effective continuum of services*

A model for a people-centred approach to planning legal and justice services was outlined in Chapter 2. After the identification of legal needs, it includes steps to identify 'what works' to best address the particular need; tailor services to suit the circumstances and the need; deliver the services when, where and how they are needed; and monitor and evaluate the delivery and effectiveness of the services.

The identification of what works is a challenge for all jurisdictions. There is room to develop the research and analysis in this area for the justice sector, which is discussed further in Section 4.2. The remaining steps will inform the following discussion in relation to particular services.

## 4.2. The pluriform justice system in Portugal: Existing dispute resolution mechanisms

In Portugal, there is currently a plurality of channels to deliver legal information and dispute resolution services, including courts and alternative dispute resolution mechanisms. The diagnosis phase identified various legal services based on their relevance according both to the desk research carried out and to interviews conducted during the mission to Portugal. The mapping considers the purpose and context of selected justice services, their geographical distribution, and accessibility (see Figure 4.1).

**Figure 4.1. Dispute resolution mechanisms in Portugal**



Source: Author's own design.

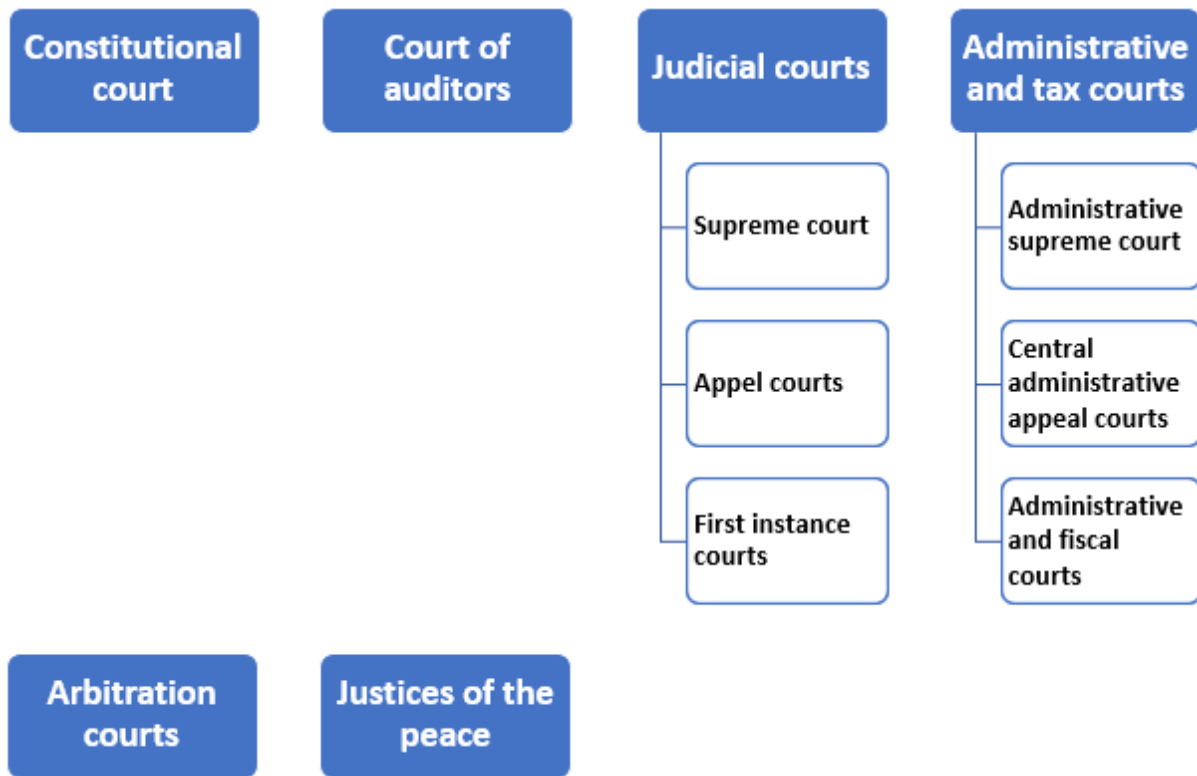
At the top of the range of dispute resolution mechanisms are the courts. They are the most complex and formal instance of dispute resolution. They are also intended (as in most other jurisdictions) to be the last resort when other dispute resolution mechanisms are inaccessible (due to lack of knowledge or availability) or have failed to resolve the conflict. The Portuguese judicial system contains a plurality of courts with different material and territorial competences.

The Portuguese constitution makes express reference to the following courts (see Figure 4.2):

- The Constitutional Court (competent in matters of legal-constitutional nature).
- The Supreme Court of Justice and the courts of first and second instance.
- The Supreme Administrative Court and the other administrative and tax courts.
- The Audit Court (competent for the verification of public expenses' legality).

The constitution also refers to the possibility of maritime courts, arbitration, and justice of the peace courts in article 209 (Government of Portugal, 1976<sup>[2]</sup>).

Figure 4.2. Organisation of the Portuguese judiciary



Source: Author's own design.

Beyond traditional judicial dispute resolution mechanisms, the justice framework encompasses a variety of methods for addressing conflicts. These methods may serve as either complements or alternatives to conventional court proceedings, contingent upon the specifics of the dispute. This discussion highlights several noteworthy options:

- Justices of the peace represent a viable alternative for disputes where the 'claim's' value does not surpass EUR 15 000, offering a streamlined process for certain legal issues.
- Arbitration presents itself as either a mandatory route in specific contexts or a voluntary alternative for the resolution of numerous disputes.
- Mediation, particularly public mediation, to promote amicable settlements.

Furthermore, this analysis identifies three principal avenues through which individuals may access legal services and justice:

- The Public Prosecutor's Office, which plays a pivotal role in the administration of justice;
- The legal aid system, facilitating broader access to legal advice and representation, court and ADR services;
- Non-governmental organisations (NGOs), which provide essential support and advocacy services, contributing to the overall accessibility of legal and justice systems.

### 4.3. Judicial courts

In Portugal, judicial courts are common courts which deal with civil and criminal issues, with jurisdiction in all matters not allocated to other judicial bodies (Government of Portugal, 1976<sup>[2]</sup>). Judicial courts are organised in three instances. On the top of the pyramid is the Supreme Court (“Supremo Tribunal de Justiça”) with competence over all the territory as the highest instance and located in Lisbon. It is followed by five courts of appeal (“Tribunal da Relação”), based in Coimbra, Évora, Guimarães, Lisboa and Oporto. At the first instance level, the national territory is divided into 23 judicial counties<sup>1</sup> (“comarcas”). Each judicial county comprises multiple municipalities and has a district court (“tribunal judicial de comarca”) which, in turn, is divided into several benches (“juízos”) located in different municipalities.

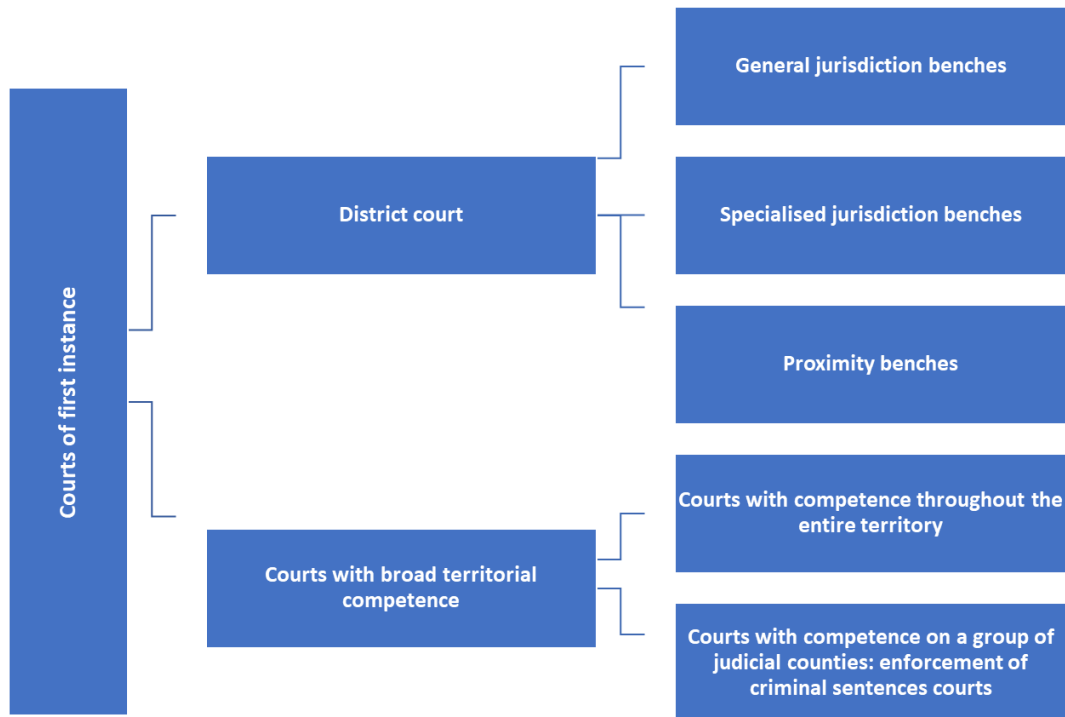
These different benches can either be of general jurisdiction, specialised jurisdiction, or proximity sections. The numbers and specialisation of benches vary in each judicial county. Among the possibilities of specialisation, the law provides for the following (Government of Portugal, 2013<sup>[3]</sup>):

- Central civil benches (for actions with values exceeding EUR 50 000)
- Central criminal benches (for cases of trial by three judges or by jury)
- Local civil benches (for actions with values not exceeding EUR 50 000)
- Local criminal benches (in cases of trial by a single judge)
- Petty crime benches
- Enforcement benches
- Criminal investigation benches
- Family and children’s benches
- Labour benches
- Commerce benches

The territorial jurisdiction of the central benches is wider than the geographical area of the municipality where they are located, corresponding to a grouping of municipalities within the judicial county. The local benches have territorial competence over one municipality or a smaller group of municipalities (see Figure 4.3).

At the first instance level, there are also wider competence-specialised courts, namely the intellectual property court, the competition, regulation and supervision court, the central court of criminal investigation, the maritime court, and the enforcement of criminal sentences courts (Government of Portugal, 2013<sup>[3]</sup>).

Figure 4.3. Courts of first instance



Source: Author's own elaborations

Each judicial county has a different number of benches, with different levels of specialisation and different scopes of territorial competence. This can be seen in the following two examples of two very different judicial counties. The first is the Lisbon judicial county, which reflects the maximising specialisation of courts, and the second is the Bragança judicial county, an example of low-level specialisation (see *Annex Lisbon Judicial County and Bragança Judicial County*).

While improving, the judiciary in Portugal faces a range of challenges (OECD, 2020<sup>[4]</sup>). These include judicial capacity and performance, where judges tend to be responsible for both the adjudication and auxiliary tasks, which is likely to contribute to procedural delays. This was also related to the shortage of human resources allocated to the justice system, especially for non-judicial staff with over 1 000 vacancies in first instance courts (European Commission, 2022<sup>[5]</sup>). In fact, stakeholders, during fact-finding interviews, reported challenges that included limited autonomy of court presidents to make decisions on resource allocation, and differentiated capacities<sup>[6]</sup> of courts across Portugal.

#### Box 4.1. Towards procedural simplification in Portugal

Portugal has been taking active steps, including in recent decades, to advance procedural simplification and respond to mass litigation, with a view to providing a simple, de-judicialised procedure for uncontested claims. For example, in 2008, the National Desk for Payment Order Procedures (“Balcão Nacional de Injunções” – BNI) was introduced as a general registry with national jurisdiction over payment order procedures. BNI only deals with uncontested money claims order procedures. Whenever there is a statement of defence, the payment order procedure is distributed to the competent judicial court. A lawyer is not needed to present a payment order request. This is only needed for filing an

opposition to the payment order procedure or for the acts after its distribution to the court if the claim exceeds EUR 5 000.

Similarly, in 2013, a National Desk for Tenancy (“Balcão Nacional do Arrendamento” – BNA) was created, with national jurisdiction over the special procedure for evictions. As in the case of BNI, contested procedures are distributed to the competent judicial court. Within the scope of the special eviction procedure, the representation by a lawyer is only mandatory for the presentation of the opposition to the eviction petition and in the acts after the distribution to the court. The BNA was renamed Tenant and Landlord Counter (“Balcão do Arrendatário e do Senhorio” – BAS) in 2023 with added competences.

Source: Government of Portugal (2008<sup>[6]</sup>), *Ordinance no. 220-A/2008 of 4 March, amended by Ordinance no. 267/2018 of 20 September*, [https://www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=2939&tabela=leis&so\\_miolo=](https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2939&tabela=leis&so_miolo=); Government of Portugal (2023<sup>[7]</sup>), *Decree-Law no. 1/2013, of 7 January, amended by Law no. 56/2023, of 6 October*, [https://www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=2574&tabela=leis&so\\_miolo=](https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2574&tabela=leis&so_miolo=).

The various initiatives to simplify procedures have had an impact on the statistical indicators of the courts, reflecting the increased use of this type of mechanism and the consequent reduction in the duration of this type of declaratory action. The interviews conducted during fieldwork revealed that data collection was almost primarily devoted to core court-performance indicators (e.g. cases in and cases out, number of decisions issued), across the justice sector. There is room to introduce a more people-centred perspective in data collection to look at matters such as the demographic characteristics of justice users. There are already some initiatives in Portugal that could be a source of inspiration looking ahead. For example, in 2022 the Leiria judicial court ran a short questionnaire to assess justice users’ satisfaction regarding the court’s conditions<sup>2</sup>. Other courts in Portugal, such as the judicial court of the district of Braga and the judicial court of the Azores have adopted similar initiatives (Tribunal Judicial de Braga, 2018<sup>[8]</sup>).

Proximity sections of judicial courts (see Box 4.2), in turn, are not courts in the traditional sense, but facilities that provide a range of local services such as information and referral services. They do not have a judge appointed. Currently, there are 41 proximity sections of judicial courts in Portugal (Government of Portugal, 2014<sup>[9]</sup>).

#### **Box 4.2. Proximity sections of judicial courts in Portugal**

A proximity section of a judicial court is not a court in the traditional sense, but a facility that on a day-to-day basis has a clerk present in the office providing a range of local services such as information services. There is no permanent judge or prosecutor present. The facility does have a court room, and appropriate ancillary facilities such that a court from the regional capital could sit in a remote location given certain circumstances (e.g. parties to the proceedings, issues involved).

The role of the proximity section includes:

- Providing information on court cases.
- Being a location for documents to be submitted relative to cases before the courts in other areas.
- Being a point where people could request a copy of the statement of criminal record, which people can do online as well.
- Being a point for video conferencing or the giving of video evidence (e.g. witnesses in a case occurring in another area).

- Being a courtroom that can hold trials connected to local people. It is up to the judge about whether a trial could be held at a proximity section of a judicial court.

Source: Government of Portugal (2013<sub>[3]</sub>), *Judicial System Organization Law*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2013-34581275>.

Proximity sections have strong potential for improving access to justice through a people-centred approach. While the increased reliance upon online channels for providing legal advice and assistance should reduce the geographical barriers of accessibility over time, for many groups and in many circumstances geography remains an important factor in whether people can reach the services they need to address their legal problems.

In this context, there appears to be significant potential for the proximity sections of judicial courts in Portugal. They can have an important role in improving access to justice, notably in rural and regional areas by providing information, assistance and referral roles. There is an unrecognised and unmet need for services that includes providing basic information about the law or the justice system in Portugal; helping people to apply for legal aid, social security or applications to courts; or referring them on to other services that can best meet their needs.

While it is commendable that Portugal has created and entitled proximity sections of judicial courts with the roles they have, challenges and areas for enhancement to assist in the realisation of their potential were identified during the project fieldwork. For example, during fact-finding interviews, it was reported that over the month of May 2022 in the proximity section of the judicial court visited, only 28 people had approached the service by phone and 86 people in person. Further, it was reported that the clerks in proximity sections were considered not fully occupied by local work, and thus were allocated to undertake work remotely for the other benches of said judicial court. Moreover, proximity sections of judicial courts appeared to have limited outreach programmes to engage local community groups. This includes limited intentional activity to ensure the relevant public is aware of their available services.

Moreover, data collection by proximity sections of judicial courts appears to be limited and to primarily relate to the numbers of people that approach the service. As such, there is scope to improve data collection to monitor the types of groups using the service, types of matters for which assistance was sought, or service outcomes. In this context, it would be important to explore possibilities to collect data or information in relation to the matters or reasons for which those people approach the proximity sections, and other relevant demographic characteristics of these users. This may require empowering the benches to collect data, with some form of central co-ordination.

Additionally, a key role for clerks in proximity sections on a daily basis could be the referral of people to other services appropriate for their particular legal needs. It appears that currently the referrals are limited to the formal judicial system (e.g. referrals to public prosecutors and the right courts to go to depending on the legal issue; also, to legal aid). As such, there is an untapped opportunity for Portugal to improve referral mechanisms to integrate the whole range of justice services in a holistic manner by recognising the complexity and clustering of people's legal problems.

Fact-finding interviews have suggested that the utilisation of proximity sections of judicial courts for hearings presents an opportunity for further development. Recent reviews have highlighted that the frequency of local hearings in certain proximity sections of judicial courts is underexplored, indicating a potential area for strategic enhancement. The current process for determining hearing locations, at the discretion of judges at the district court level, underscores the importance of adapting to further improve the efficacy of trials in proximity sections (Government of Portugal, 2019<sub>[10]</sub>). This presents an opportunity to reassess how decisions are made regarding hearing venues, ensuring they align more closely with the needs of local communities and the parties involved. To fully realise the proximity feature inherent in



proximity sections of judicial courts, convening a dialogue among legal professionals could prove valuable. By embracing this collaborative approach, Portugal could unlock the full potential of proximity sections, thereby enhancing the justice system's responsiveness and accessibility.

#### 4.4. Administrative and tax courts

The administrative and tax courts are sovereign bodies with competence to provide justice on behalf of the people in disputes arising from administrative and fiscal legal relations (Government of Portugal, 2002<sup>[11]</sup>). They are divided into three instances. At the highest level, there is the Supreme Administrative Court, located in Lisbon, with jurisdiction over the entire national territory. At an intermediate level there are the two central administrative courts: the northern central administrative court and the southern central administrative court. In 2023, a third appellate court, the Centre's central administrative court, was created but is not yet operational. Finally, there are 17 first instance courts, the administrative circuit courts and tax courts. With the exception of Lisbon, these courts operate in an aggregate manner, assuming the designation of administrative and tax courts (Government of Portugal, 2003<sup>[12]</sup>) (Government of Portugal, 2002<sup>[11]</sup>).

The new organic structure of the administrative and tax courts is the result of the reform of administrative litigation passed in 2002. Subsequently, there were occasional amendments that called for, first, some changes in the existing courts and then the specialisation of some of them.

Not unlike in many OECD countries, improving efficiency and effectiveness of administrative and tax jurisdiction is one of the main current reform priorities for Portugal. Indeed, over the last 40 years, one of the most important legal reforms in democratic jurisdictions has been to administrative law processes. While processes differ from country to country, with the requirement for creation of merits' tribunals and the establishment of ombudsperson and other complaint mechanisms, citizens have gained increasing rights and affordable pathways to review or appeal government decision-making that affects their lives. The effective and efficient operation of administrative law systems is, therefore, an important element of justice systems focused on addressing the legal needs of its people.

Fact-finding meetings with stakeholders helped identify challenges, particularly with timeliness and delay with some matters before the administrative and tax court. Some stakeholders mentioned this as an area for urgent reform in Portugal. Some of the reported reasons which seemed to contribute to long delays in administrative and tax courts included the substantial volume of pending cases since these courts were created in 2004, limited human resources (e.g. in terms of number, specialisation in tax and administrative law) and upskilling programmes, narrow range of performance metrics (e.g. based on numbers of decisions), and insufficient mechanisms that allow the monitoring of internal processes in courts on a frequent basis. In addition, limited financial autonomy and flexibility for the special Council for Administrative and Tax Courts, as opposed to the common courts, was pointed to as a hindrance. The administrative and financial autonomy of the Supreme Council of the Administrative and Tax Courts and the definition of the organisation of its services was only enshrined in legislation with the publication of Decree-Law no. 31/2023, and implementation is still ongoing.

A related but slightly different issue was limited capacity to manage the courts as a single entity. This would allow for more effective planning and delivery of services, rather than the courts being part of a complicated mix of different rules for clerks, judges, and other stakeholders. It was suggested that the Supreme Council of the Administrative and Tax Courts could have responsibility for running their operations within their own regions, covering everything from cleaning to judicial decision-making. Finally, complexity of procedures and legislation was identified as another important barrier.

Since 2019, procedural changes and amendments to the organisation of courts have been introduced with the aim of reducing the lengthy response time of administrative and tax courts. One of the first measures

was the creation of teams of judges for the recovery of cases pending final decision in the administrative and tax courts filed until 31 December 2012, even if they had been submitted to probation. Along with the creation of these teams, a set of incentives was established for the rapid closure of cases. Procedural costs were exempted for the withdrawal of applications in pending administrative and fiscal cases until the end of 2019. Also, the tax authority should revoke or review all tax or administrative acts that are the subject of a pending case, when there is or has been a change in the administrative understanding in favour of the taxpayer, as well as when case law on the subject has been repeatedly issued in favour of the taxpayer. Moreover, taxpayers can submit their opposition claims to arbitration courts on tax matters, with exemption from the payment of procedural costs, in relation to pending tax proceedings which were filed with the tax courts prior to 31 December 2016 (Government of Portugal, 2018<sup>[13]</sup>).

Procedural changes included the mandatory electronic handling of administrative and fiscal proceedings, the amendment of the appeals system in tax proceedings and the reorganisation of the respective judicial registries (Government of Portugal, 2019<sup>[14]</sup>). Regarding the organisation of the courts, specialisation in the administrative and tax courts was established as a rationalisation and streamlining factor for their performance (Government of Portugal, 2019<sup>[15]</sup>). In particular, specialisation arose from the analysis of statistical and empirical data available. For instance, the analysis of justice data helped identify the high volume of cases in certain areas, leading to court specialisation in administrative and tax courts (Government of Portugal, 2019<sup>[15]</sup>). Some of the areas are tax enforcement and administrative offences appeals, social administrative and public procurement benches. In other cases, the analysis of justice data allowed aggregation of certain benches, with no specialisation. The current different levels of specialisation in Portugal are shown in detail in Annex E. “Specialisation in administrative and tax courts in Portugal”.

In 2021, a working group was created to assess the impact of implemented reforms and to analyse the current functioning model of administrative and tax courts. The working group proposed procedural and organisational solutions to optimise their performance in an approach geared towards modernisation, simplification and rationalisation, and to deepen the digital transformation project (Government of Portugal, 2021<sup>[16]</sup>). In September 2021, the working group presented the first interim report, recommending the adoption of legislative reforms aimed at streamlining procedural processes; implementation of management tools of the administrative and fiscal justice system; acceleration of the digital transformation process; and development of human resources of administrative and tax courts (Government of Portugal, 2021<sup>[17]</sup>). For example, to respond to the massification of some types of litigation, the working group recommended the adoption of a simplified procedural regime for the strongly deformed and dematerialised processing of small administrative and fiscal claims (up to EUR 5 000), and the simplification of procedural processing in claims of a value not exceeding half the competence of the central administrative courts (Government of Portugal, 2021<sup>[17]</sup>; Government of Portugal, 2022<sup>[18]</sup>). To respond to the increasing technical complexity of litigation in areas that depart from the legal field (e.g. accounting, civil engineering), the working group recommended the recruitment of specialists to support administrative and tax courts (Government of Portugal, 2021<sup>[17]</sup>).

The second progress report was presented in February 2022, providing for a new strategic axis aimed at optimising the functioning of the higher courts of administrative and fiscal jurisdiction as well as new strategic objectives and measures targeting those specific areas. Some of the measures proposed are the clarification of the material competence of the courts of specialised administrative competence and the creation of a simplified procedural regime applicable to administrative or tax cases with a value that does not exceed EUR 5 000. The report also proposed the redistribution of competences between the Supreme Administrative Court and the central administrative courts in appeals against decisions made by first instance courts and specialisation in the second instance, given the growing level of complexity of litigation (Government of Portugal, 2022<sup>[18]</sup>).

In 2022, a new working group was formed to continue the activities with the aim of preparing an Action Plan for Administrative and Fiscal Justice including concrete measures and targets (Government of

Portugal, 2022<sup>[19]</sup>). The strategic plan is structured around five key objectives: improvement of judicial management; optimisation of performance in the higher courts and implementation of technical advice for judges of the administrative and tax courts; simplification and streamlining of procedures; digital transformation; and reinforcement of human resources.

In addition, the Minister of Justice has announced a new legislative package aimed at reforming administrative justice, focusing on enhancing the capabilities of the Supreme Council of Administrative and Tax Courts. This reform aims to improve the efficiency, speed, and transparency of handling administrative and fiscal cases. It includes the specialisation of appellate courts and the formation of specialised, ad-hoc judicial teams by the Supreme Council for specific cases or to address case backlogs. Additionally, the reform introduces a mechanism to encourage case resolution through procedural agreements and implements a simplified procedure for cases valued below EUR 5 000 and of low complexity. This simplified procedure will be initially trialled in a pilot court, aiming to ensure that decisions are made within nine months and are easily understandable to the public (Ministry of Justice, 2023<sup>[20]</sup>).

In May 2023, Decree-Law No. 30/2023 established an exceptional incentive scheme for the termination of proceedings in administrative and tax courts through the partial refund of court fees already paid or the waiver of their payment. The provision also enshrined the High Council of Administrative and Tax Courts (CSTAF's) administrative and financial autonomy, and defines the organisation of its services. In August 2023, Decree-Law No. 74-B/2023 created the central administrative court in Castelo Branco, specialised the central administrative courts, and provided for the possibility of increasing the number of judges when members of higher courts are appointed to positions in service commissions that do not imply a vacancy in their original post.

It should be noted that issues impacting the administrative and tax law jurisdiction are very complex and could not be covered within the scope of this report. Nevertheless, by taking a people-centred lens to the problem, there are several important insights for the reform of the administrative and tax court system. For example, simpler measures to have administrative decisions reviewed; requirements on governments to act within certain timeframes and to provide reasons for their decisions; and the creation of a range of ombuds-type positions have provided ordinary people with a range of tools to address many of the most important day-to-day legal problems. The introduction of such measures could provide valuable lessons to Portugal, including on enhancing rigorous data collection and improving awareness-raising about the courts among the relevant communities. In addition, Portugal could benefit from conducting a targeted study of administrative and tax law to gain further and better insight into the operation of the courts. Fact-finding interviews during the project's fieldwork in one of the regional courts pointed to important insights on users of administrative and tax courts, satisfaction, the Administrative and Tax Courts Management Information System (SITAF) system, awareness, costs, and human resources.

People-focused variables are not collected systematically by the court. In terms of information about the parties to a dispute, only data regarding whether the parties are individuals or a company are collected. Stakeholder interviews suggested that searching individual case files appeared to be the primary source of information about the parties. Additionally, the court reported that they have formal collection of the incidence of certain legal matters in particular locations (e.g. reporting of anecdotal impressions that in some regions with a higher proportion of foreign residents, there is a higher number of real estate and real estate taxation matters). Importantly, most interviewees indicated interest in the benefits of being able to examine in real time who the users of the court were in demographical terms. As such, there is room for fostering data collection of people-centred variables to obtain more complete, reliable and insightful information for planning, delivering and monitoring of services.

In terms of outcomes of matters, only traditional 'court performance' data were collected (e.g. matters commenced and matters concluded) and the reasons matters were closed (e.g. user gave up, resolved by some other means, court decision made in favour/partly in favour/not in favour of plaintiff). There was no reported systematic surveying of users/parties in relation to their satisfaction with the outcome or the

process that was undertaken. However, project interviews revealed the court was considering introducing a system similar to that used by some judicial courts (see Judicial courts).

Regarding the SITAF data system, stakeholders reported facing challenges in reliability. A key factor seems to be that some data items were mandatory to collect while many others were optional. Their observation was that if a data item was not mandatory, then there would be no incentive or reason for users to record the data. Discussions in fact-finding interviews informed that a new data platform called Magistratus was under development and was intended to improve judges' experience. At the end of November 2023, Magistratus became judges' main access point to the court system for both the common, and administrative and fiscal jurisdictions. The new platform includes most of the functionalities previously available in the preceding systems, Citius and SITAF, and new, more advanced ones, such as searching through artificial intelligence mechanisms and encrypted notes.

As for awareness, fieldwork interviews revealed that the only public communication on the work and pathways to the administrative and tax courts was through formal justice system channels. This generally assumes that users would find their services "through the website and other places", as reported. Stakeholders, however, did refer to the role of the parish boards (local government) as a potential referral source. All in all, there is certainly scope to better communicate the pathways available.

Costs for applicants is another point of concern. The minimum court fee to lodge an objection to a tax execution is around EUR 306 for tax cases, and these have risen substantially for certain matter types. The filing fees and other costs could be a major barrier for people.

The fact-finding interviews indicated a significant shift towards digital processes in the lodging and filing of documents, which are now predominantly conducted online. However, face-to-face hearings continue to be the primary method for conducting hearings. The complexity of administrative and tax law cases, often involving the submission of extensive documentation, is perceived as a challenge for fully adopting online procedures. Accordingly, there is untapped potential to foster online dispute resolution (ODR) in this area. Hesitance over ODR may stem from the limited technological capabilities experienced during the COVID-19 pandemic, where basic digital tools seem to not having met the court's expectations. Future enhancements in digital technology could lead to a reassessment of these attitudes and potentially greater adoption of ODR.

Finally, in terms of human resources, as with many other agencies visited, the availability and skills of staff was a concern, particularly in relation to introducing reforms. The aging of the staff, in particular, court clerks, was seen as a particular issue in view of the reported difficulties in replacing them given the national demographic profile in Portugal.

#### **4.5. Public prosecution office**

The Public Prosecutor's Office, commonly recognised for its role in criminal prosecution, possesses a range of responsibilities that extend beyond this area. The scope of its powers is considerably wider, and its activities in other domains are also of significance. For example, it is responsible for representing workers and their families in defence of their social rights and for defending collective and diffuse interests in cases provided by the law. In order to expand the delivery of services to the community in online and accessible ways, the Prosecutor's General Office has been developing two online service portals (see Box 4.3).

### Box 4.3. Portugal: Public prosecution service portals

The Prosecutor's General Office has been developing two online service portals in the past years.

The Portal for Denouncing Acts of Corruption and Fraud ("Portal de denúncias de atos de corrupção e fraudes") allows people to file complaints online directly to the prosecutor's office. This provides an opportunity for people to report possible illegal actions that might be investigated, as opposed to formally commencing a legal action. The Digital Citizen Support ("Apoio Digital ao Cidadão" – ADC) aims to provide an area where citizens can obtain information on the work of the Public Prosecution Service and send electronic requests mainly on labour, civil and family law matters.

At the same time, there is scope to clarify the level of demand for these services and necessary funding in order to ensure their sustainability and cost-effectiveness. Likewise, there is a missing opportunity to clarify the extent of the overall co-ordination between a broader justice digital transformation and innovation policy, as well as the alignment of initiatives of individual institutions, such as courts and public prosecutors.

Source: Government of Portugal (2024<sup>[21]</sup>), *Denúncia de actos de corrupção e fraudes*, <https://simp.pgr.pt/dciap/denuncias/index2.php>; Government of Portugal (2020<sup>[22]</sup>), *Relatório Síntese do Ministério Público de 2019*, and [https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio-mp-2019\\_portal\\_0.pdf](https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio-mp-2019_portal_0.pdf).

In the criminal field, the Public Prosecutor's Office has also made efforts in recent years to offer a differentiated response to particularly vulnerable victims. In March 2019, the Ministry of Justice and the Prosecutor General's Office signed protocols with the Association of Women Against Violence (AMCV), the Portuguese Association for Victim Support (APAV) and the Union of Women Alternative and Answer (UMAR) to establish support offices for victims of gender-based violence (Gabinete de Apoio à Vítima – GAV) in the Departments of Investigation and Criminal Action (DIAP) of Braga, Aveiro, Coimbra, Lisbon West, Lisbon North and Faro. In 2023, two new support offices opened in south Lisbon and Porto-Este. In December 2023, another two new support offices were announced to open in 2024 – one in Leiria and one in Setúbal – as part of the commitment made, within the framework of the Criminal Policy Law 2023-2025, to create two new Victim Support Offices (GAVs) every year. These units consist of a victim support officer and a court clerk and are co-ordinated by a public prosecutor. Their main objective is to provide continuous assistance, information, support and personalised referrals to victims of domestic and gender-based violence.

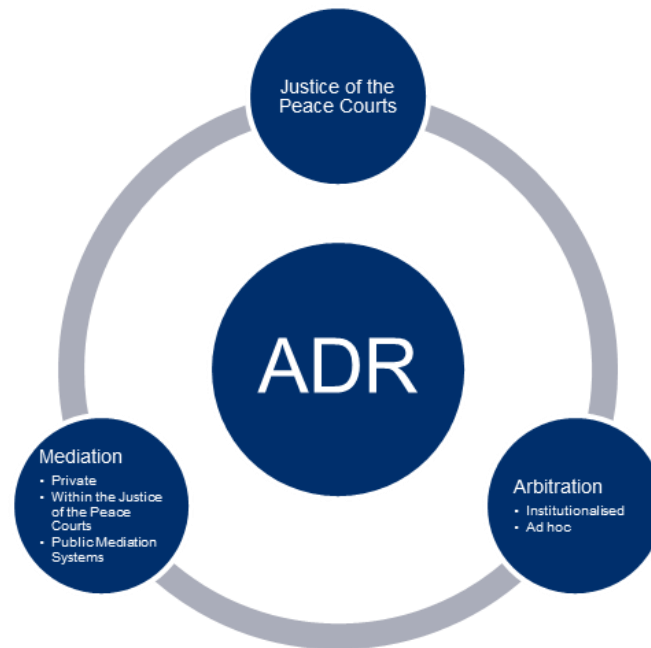
Another innovation was the creation of the Specialised Integrated Sections for Domestic Violence (SEIVD) at the end of 2019. Set up on an experimental basis by the Supreme Council of the Public Prosecution Service, the SEIVDs are made up of National Action Units (NAP) and National Family and Children's Units (NFC). This creates room to encourage greater articulation between the two legal systems. One of the most important new features of this specialised section is the existence of NFCs to follow the progress of criminal cases and provide relevant information from family and child courts; encourage the intervention of family and child courts; and promote appropriate measures to protect children involved (Government of Portugal, 2019<sup>[23]</sup>).

## 4.6. Alternative dispute resolution (ADR) mechanisms in Portugal

Affordable and accessible ADR services are an important component in any justice system that seeks to provide a range of different services to suit different people with different problems in different circumstances. For many people and for many legal problems, ADR services can provide parties with

cheaper, quicker and more approximate decision-making to resolve disputes and to facilitate the way forward. The Portuguese constitution expressly recognises non-judicial means of conflict resolution (Government of Portugal, 1976<sup>[21]</sup>), and there is an extensive network of ADR services across Portugal. Alternative dispute resolution includes justice of the peace courts, which include a mediation phase before the case goes to court; arbitration, which can be institutionalised through arbitration centres with defined facilities, mandates and procedures, or ad hoc, according to what is defined by the parties and the arbitrators; and mediation, which can take place in a variety of settings, namely justice of the peace courts and public mediation systems (see Figure 4.4).

**Figure 4.4. Alternative dispute resolution (ADR) ecosystem in Portugal**



Source: Author's own elaboration.

Portugal is to be congratulated for its commitment to establishing and supporting a range of ADR services and for its efforts to learn which strategies and processes work best through outcomes and satisfaction surveys.

#### **4.6.1. Justice of the peace courts**

The first justice of the peace courts were created in 2001, with a view to overcome a perceived crisis that the justice system in Portugal was undergoing at that time (Government of Portugal, 2001<sup>[24]</sup>). It was observed that judges, public prosecutors and court clerks spent long hours and were overburdened with cases that could usefully be submitted to a new form of dispute resolution. As part of the reforms, judges not sworn to the bench could be allocated to procedures whose formalities were reduced to a minimum. The reform also intended to bring justice closer to the people, with judges and court officials freed up to handle cases other than those referred to the justice of the peace courts (Government of Portugal, 2000<sup>[25]</sup>).

The justice of the peace courts were created by government decree, after consulting the Council of Justice of the Peace Courts, the Supreme Council of the Judiciary, the Bar Association, and the National Association of Portuguese Municipalities. It is the legislation of creation of the concrete justice of the peace

courts that defines their territorial coverage, which may comprise a municipality or a group of municipalities (Government of Portugal, 2001<sup>[24]</sup>).

The justice of the peace courts are a collaboration between the Ministry of Justice and local municipalities. The Ministry provides a salary and conducts the recruitment process for the appointment of the judges. It provides for the recruitment and fees for mediators, while the municipality is responsible for funding the clerks and other services. The Ministry of Justice also currently covers the costs of developing the dispute resolution platform, RAL+, which supports the activity of the justice of the peace courts. This shared funding model appeared problematic in some cases. During the fieldwork for this project, it was reported that the level of involvement and commitment of the municipalities in which the justices of the peace courts are located varies, leading in some cases to less than adequate funding. This collaborative funding model can, however, be a success. For example, in New South Wales (Australia), the Find Legal Answers service is a collaboration between the State Library and the local municipal governments (through council-run libraries), across dozens of towns and regions across New South Wales. Co-funding is provided by the State Library and by local municipality governments (Government of New South Wales, 2023<sup>[26]</sup>).

By December 2023, only a relatively small number of municipalities in Portugal had taken up the justice of the peace court opportunity. Currently, there are 27 justices of the peace courts, served by 32 judges of the justice of the peace courts, covering 76 municipalities. Figure 4.5 shows the coverage of the justice of the peace courts. In a nutshell, the justice of the peace courts, whose areas of operations are limited to municipality boundaries, cover less than 15% of the territory of Portugal (although in population terms this area covers about 36% of the resident population), and this fact alone could be a barrier to the wider acceptance and usage of these courts, even within the municipalities that have them (INE, 2021<sup>[27]</sup>). To address this issue, Portugal is exploring the possibility of establishing a digital justice of the peace court with jurisdiction over the whole country. Although likely an important enhancement to the provision of justice of the peace court services, it is unlikely to address all accessibility challenges. Awareness and experience in using justice of the peace courts among the national profession and legal sector at this point remains limited. Increased awareness among these groups, and also among local government and NGO agencies and services that may act as referral agents will be crucial for increased take-up of the services.

In regions where there is no justice of the peace courts, relevant matters go directly to ordinary courts. Where there are justice of the peace courts, it is the applicant's choice which venue they engage. The justice of the peace courts can only be used for declaratory procedures whose value does not exceed EUR 15 000. They are competent to hear and decide on civil cases (with the exception of matters relating to family law, inheritance law and labour law) concerning, for example, the fulfilment of obligations (except for those aimed at the fulfilment of a pecuniary obligation under a standardised contract); the rights and obligations of co-owners; accession; urban tenancy (with the exception of eviction); civil, contractual and non-contractual liability, among others. These courts are also competent to deal with civil compensation claims, where no criminal complaint has been filed or where such a complaint has been withdrawn related to certain crimes. If the matter commences at the justice of the peace court, a decision can only be appealed to the ordinary courts for matters above EUR 2 500.

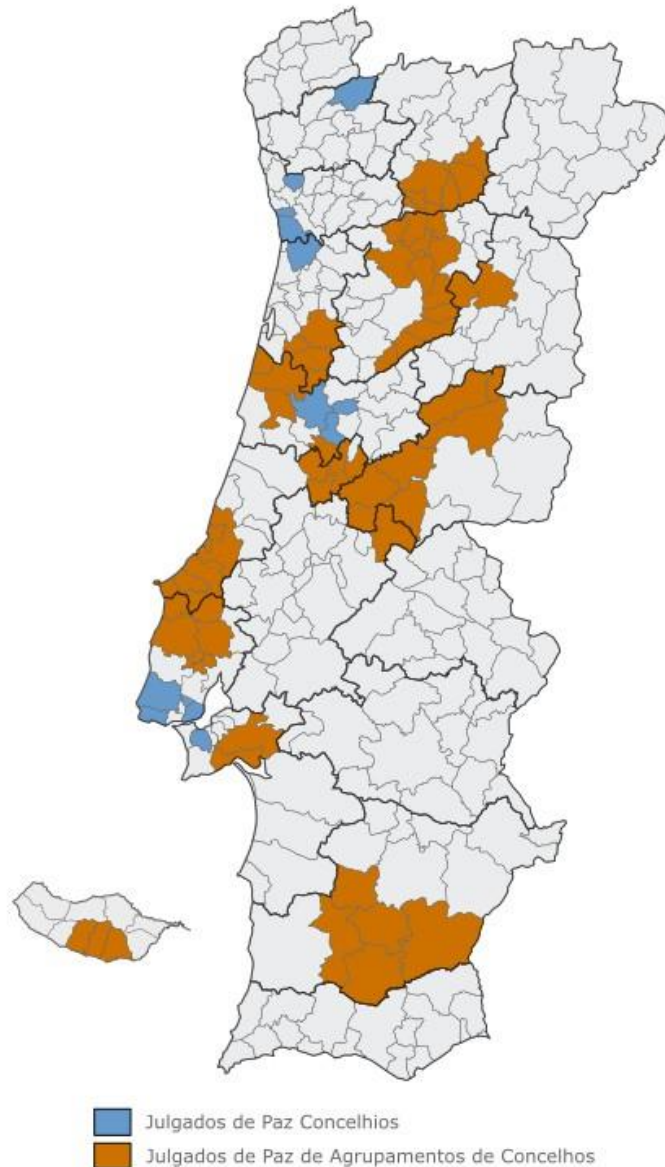
The activities of justices of the peace courts are designed to enable people to participate and to encourage the fair settlement of disputes by agreement. The procedures are conceived and guided by principles of simplicity, appropriateness, informality, orality, and absolute economy of procedure (Government of Portugal, 2001<sup>[24]</sup>). The main advantages of resorting to the justice of the peace courts are the associated low costs, informality and simplicity of procedures.

One strong positive aspect in relation to the justice of the peace courts is the level of co-ordination between the various courts. Project fieldwork in October 2022 revealed that until just prior to the interviews, the Council of the Justice of the Peace Courts, judges and staff had been holding monthly online meetings. These were opportunities to raise questions, develop procedures, and provide opportunities to convey



experiences and develop protocols. This approach to co-ordination and standardisation of practice and rules is encouraging and should be recommended and supported.

**Figure 4.5. Territorial coverage of the justice of the peace courts in Portugal**



Note: Only available in Portuguese.

Source: Government of Portugal (2024<sup>[28]</sup>), *Mapa dos Julgados de Paz instalados*, <https://www.conselhodosjulgadosdepaz.com.pt/contactos.asp>.

Some of the challenges and areas for enhancement of the functioning of the justice of the peace courts from a people-centred justice lens include limited data collection, lack of awareness and confidence, limited resources and priority, and the funding model itself.

As in other parts of the justice system, data collected by the justice of the peace courts are very limited. In general, people-centred variables were not collected. While the representatives of courts consulted during



the project could see the potential value in collecting a broader range of people-centred data to understand users and non-users of the justice of the peace courts, it was made clear to the review team that at this point any data collection was limited to the narrow range of variables within their current competences.

The lack of awareness in the community about the work of the justice of the peace courts was raised on several occasions during the fact-finding interviews. Significantly, some stakeholders were concerned that even locally, among officers and staff of municipal organisations and police, knowledge of the work of the justice of the peace courts was very limited. After the fact-finding mission, Portugal developed a national campaign at the end of 2023 to publicise and promote not only the justices of the peace courts but also the family and labour public mediation systems and consumer arbitration centres. The Ministry of Justice, through the Directorate-General for Justice Policy (DGPJ), also has a website dedicated to ADRs (<https://meiosral.justica.gov.pt/>), with relevant information on their use. However, this is an endeavour that must be continued and communication strategies must be adapted to the target audience.

At the same time, the justice of the peace courts appear to face challenges with respect to staffing and resources. This was manifest in both the limited number of regions where there exists such a court but also in the level of resourcing for the existing services. In the region visited there were key staff deficiencies. In part, this difficult under resourcing situation may have been complicated by the divided funding arrangements between the Ministry of Justice and local municipalities. In this regard, justice of the peace courts need to be adequately funded to further demonstrate their worth and to be examined and evaluated properly.

The current situation with the justice of the peace courts perhaps provides an opportunity for some research designs to compare the processes and performances of regular courts in contrast to justice of the peace courts dealing with similar matters for similar users, as well as to assess the impacts of the introduction of such courts in regions that are currently not served by them.

#### **4.6.2. Arbitration**

The current legal regime governing arbitration is set out in Law No. 63/2011. Voluntary arbitration enables parties to submit the resolution of their disputes to independent, impartial and qualified arbitrators. Only disputes not exclusively assigned to a court of law or to necessary arbitration and concerning a right of patrimonial nature may be submitted to voluntary arbitration.

Entities that wish to formally promote voluntary arbitration must request the Minister of Justice to establish arbitration centres (Government of Portugal, 1986<sup>[29]</sup>). Arbitration centres operate according to their territorial competence, subject matter and, in certain cases, the value of the dispute. They provide legal information on the matters within their competence, inform the parties of their rights and duties, and introduce them to alternative dispute resolution mechanisms available.

The Office for Alternative Dispute Resolution within the Directorate-General for Justice Policy (Ministry of Justice) provides technical and financial support to some arbitration centres in areas of sensitive social importance and noticeable public interest. The Ministry of Justice gives technical support to 11 arbitration centres operating in the areas of general consumer conflicts<sup>3</sup>, automobile and insurance<sup>4</sup>, industrial property<sup>5</sup>, administrative and fiscal arbitration. Of those, only the Administrative and Arbitration Centre (CAAD) is financially autonomous. The remaining 10 are currently also funded by the Ministry of Justice.

In arbitration matters, the Administrative Arbitration Centre (CAAD) is competent in the areas of administrative and fiscal laws in legal relationships of public employment and contracts entered into force with public entities (Government of Portugal, 2021<sup>[30]</sup>). For example, the CAAD is competent to settle disputes in tax matters, allowing taxpayers to appeal to the CAAD when they disagree with certain decisions from a tax authority. In 2021, 862 requests for the constitution of an arbitration court in tax matters were submitted to the CAAD. The average decision time was 4.5 months (CAAD, 2021<sup>[31]</sup>). In 2022, the

figures were similar: 810 incoming cases and an average case resolution time of 4.5 months (CAAD, 2022<sup>[32]</sup>).

In addition to these supported arbitration centres, there are also many other authorised arbitration centres, mainly in the consumer and commercial areas<sup>6</sup>, which are not funded by the Ministry of Justice.

Over the last few years, the number of arbitration proceedings filed has significantly grown. While in 2006 there were 8 555 cases filed, in 2022 that number was 12 464, which may also be an expression of the greater availability of arbitration centres, mainly those related to consumer law. However, together with the increase in the number of cases, there has also been an increase in the number of pending cases (1 472 cases pending in 2006 compared to 4 276 cases pending in 2022) (Government of Portugal, 2024<sup>[33]</sup>). The main advantage of alternative means of dispute resolution is to offer a quicker and less expensive solution. An increase in the number of pending cases could compromise the mobilisation of this mechanism. This increase in pending matters may reflect on the one hand, the COVID-19 pandemic and, on the other hand, the gradual extension of the competence of the arbitration centres with regard to the necessary arbitrations (for essential public services in 2011 and for disputes of low economic value in 2019). However, a closer look at the official statistics and the perceptions expressed by the interviewees reveals that the increase in the number of cases pending is sometimes linked more to the peculiarities of each arbitration centre (for example, the temporary unavailability of an employee). This reflects the fragility of their organisation rather than external factors. It is important to strengthen arbitration centres, not least so that they are not so affected by constraints and unforeseen events.

The broadening of matters taken to arbitration reflects the increased recognition of the role of arbitration in recent years. For example, in 2011, consumer disputes within the scope of essential public services became subject to necessary arbitration whenever individual users expressly opted to submit the case to any authorised consumer conflict arbitration centre (Government of Portugal, 2011<sup>[34]</sup>). In 2014, with the creation of the sports arbitration court, disputes arising from acts and omissions of sports federations, professional leagues and other sports entities within the scope of their corresponding powers of regulation, organisation, direction and discipline began to be submitted to necessary arbitration (Government of Portugal, 2013<sup>[35]</sup>). In 2019, consumer disputes up to EUR 5 000 became subject to the necessary arbitration or mediation performed by alternative dispute resolution entities. In this case, provided there is an express choice by consumers, companies are required to submit their consumer disputes to mediation and arbitration (Government of Portugal, 2019<sup>[36]</sup>). The European Union (EU) Directive on Alternative Dispute Resolution for Consumer Disputes, transposed into law (Government of Portugal, 2015<sup>[37]</sup>), was another important milestone for internal and cross-border consumer disputes, creating the right conditions for the development of an arbitration network within Portugal and across EU countries.

However, fact-finding interviews with alternative dispute resolution (ADR) service providers, practitioners and non-governmental organisations suggested that ADR services in Portugal had evolved over time into something of a traditional legal approach, with different jurisdictions having separate ADR services created without a common system of processes or a common jurisprudence. The greatest investment seems to have been made in the network of consumer arbitration centres, whose rules and procedures were standardised in 2015 with the approval of Law 144/2015 of 8 September 2015, which establishes the legal framework for mechanisms for the alternative resolution of consumer disputes. However, even among these arbitration centres, there are different rules, such as the limit of the disputes that determine the competence of the centres (while in most consumer arbitration centres this limit is EUR 30 000, in the CACCL and CACR it is EUR 5 000) or the services provided (some arbitration centres provide for conciliation and arbitration, while others also provide for mediation). Furthermore, these rules do not apply to other arbitration centres not included in the network of consumer arbitration centres. Evidence collected throughout the diagnosis phase seems to support this view.

Although specialisation can be an important way to improve the efficiency and quality of services provided (within the specialist area) from a people-centred approach, arbitration should be seen as an integral part

of a continuum of justice services in a reality where people's (often multiple) problems don't always fit within (or people cannot identify) a single legal area of dispute resolution. In other words, any potential benefits obtained through specialisation must be balanced against a people-centred perspective and the value of services approaching a 'one-stop shop' for people experiencing multiple legal and other problems. Some respondents also reported that there are grey areas even with regard to the competence of consumer arbitration centres, where the possibility of extending their competence could be discussed and promoted. Accordingly, there is significant potential to further move towards comprehensive, seamlessly consistent, joined-up dispute resolution services.

The existence of such restricted jurisdictions means that different services can provide or support participation in ADR processes only within specific and defined areas of law. Procedures can be different among ADR providers, eligibility may vary from service to service and, for a non-professional, procedures can be seen as complex.

Furthermore, the financing of arbitration centres seems to be a major challenge for their sustainability. Since they are generally legal entities governed by private law, with autonomy from the state, their sources of funding can and should be diversified. However, some of the non-funded ADR institutions seem to struggle financially. To avoid financial constraints, some limit their areas to commercial law. Situations of near-paralysis of some arbitration centres not funded by the Ministry of Justice were mentioned. Even the ability of centres funded by the Ministry of Justice to find alternative sources of funding varies greatly. The funding of the arbitration centres that make up the Consumer Arbitration Network is made up of a fixed part (paid partly by the State, via the DGPJ, and partly by the regulators of essential public services) and a variable part allocated by the regulators of essential public services, depending on the volume of cases handled (Ref – Law 114/2015, 8 September 2015, last amended by Decree-Law 9/2021, 29 January 2021 – <https://data.dre.pt/eli/lei/144/2015/p/cons/20210129/pt/html>). Notwithstanding, different financial thresholds appear to be in place for each arbitration centre (Government of Portugal, 2024<sup>[38]</sup>) (Government of Portugal, 2024<sup>[39]</sup>). Also, interviewees pointed out shortcomings in the funding model and the associated limited planning capacity. At the time of the report, a working group had been set up to review the funding model for Consumer Arbitration Centres and had come up with a proposal to revise the model.

Reviewing the funding of ADR services is encouraged. In particular, adopting a perspective of ADR services – and their associated funding – that recognises ADR services generally, including arbitration centres, as integral components of the total range (continuum) of justice services available to meet the legal need of the community is an appropriate direction for reform when seeking a people-centred justice system. Global and Portuguese LNS findings and OECD analysis have consistently found that people with legal needs more commonly choose alternate pathways to deal with their problems than using courts and formal processes. They often lack knowledge of their rights and available services, and the capacity to deal with the legal problems they face. Therefore, they need both access to a range of services (including less formal and more accessible services such as ADR) as well as simplified pathways to seek justice rather than complex ones. A system involving many different arbitration centres but each with narrow and limited jurisdictional competences and with different financial thresholds is likely to be inaccessible, adding time and costs to those that do proceed through the ADR system.

To maximise the potential and cost-effectiveness of ADR, there would potentially be substantial benefits from a general rationalisation of arbitration processes and practices. This could involve evaluating accredited arbitration centres, considering greater rationalisation of jurisdictions and organisations, and reviewing the funding model of those that are state-funded, as well as stronger co-ordination to achieve greater consistency, access and a “no-wrong-door” approach.

### **4.6.3. Mediation**

The Mediation Law establishes the general principles applicable to mediation conducted in Portugal, regardless of the entity performing the mediation (public or private) or the matter in question (Government

of Portugal, 2013<sup>[40]</sup>). This legislation defines the necessary requirements so that the mediation agreement has the same value of a judicial sentence (principle of enforceability), without the need for approval (homologation) by a judge. Among these requirements is the need for the conflict to be mediated by a mediator who integrates a public system of mediation or who is registered in the list of mediators of conflicts organised by the Ministry of Justice, and that the dispute relates to a matter for which the law does not require judicial approval. Mediation can take place in different forums. It can be carried out at the request of the parties, using accredited mediators. It can take place in the justice of the peace courts, since the procedure in these courts explicitly provides for a mediation phase before the case is heard. It can also be conducted within the framework of the three public mediation systems (see Box 4.4).

#### **Box 4.4. Types of public mediation in Portugal**

There are 3 public mediation systems: the family mediation system (“Sistema de Mediação Familiar”), the labour mediation system (“Sistema de Mediação Laboral”) and the penal mediation system (“Sistema de Mediação Penal”).

The family mediation system operates in any type of conflict arising within the scope of family relations. Mediation may take place in the extrajudicial phase at the request of the parties, during the suspension of the proceedings by determination of the competent judicial authority with the consent of the parties, and during a child protection case by determination of the competent judicial authority or child and youth protection commission, with the consent of the parties. In family matters, most agreements require homologation by a judge or registrar.

Mediation in labour matters can operate in cases of individual employment contract, except for matters relating to inalienable rights. The employer and the employee who have a conflict may, voluntarily and by joint decision, submit the dispute to mediation. Also, the judge or the public prosecutor may determine the intervention of the labour mediation system after obtaining the consent of the parties to that effect.

Mediation in criminal proceedings may take place for a crime that is dependent on a complaint or private accusation, and in criminal proceedings for a crime that depends only on a complaint when it is a crime against people or a crime against property. Mediation in criminal matters operates on an experimental basis in certain districts that are part of the old judicial organisation<sup>7</sup>. Mediation came into force to fulfil the provisions of the Council of Europe regarding the statute of the victim in criminal proceedings. The Council of Europe determines that the member states should endeavour to promote mediation in the scope of criminal proceedings.

During the investigation phase, the defendant and the victim can, voluntarily and through a joint decision, ask the Public Prosecutor’s Office to refer the case to mediation. The Public Prosecutor’s Office may, during the same investigation phase and if it has gathered evidence of the crime and of the person who committed it, refer the process to mediation if the defendant and the victim agree. Regardless of the nature of the crime, mediation in criminal proceedings cannot take place in the following cases: in crime carrying a prison sentence of more than five years; in crimes against sexual freedom or self-determination; in crimes of embezzlement, corruption or influence peddling; and when the victim is under 16 years of age.

Source: Government of Portugal (2006<sup>[41]</sup>), *Protocolo de Acordo - Mediação Laboral*, [https://dgpj.justica.gov.pt/Portals/31/GRAL\\_Media%E7%E3o/Protocolo\\_Mediacao\\_Laboral.pdf](https://dgpj.justica.gov.pt/Portals/31/GRAL_Media%E7%E3o/Protocolo_Mediacao_Laboral.pdf); Government of Portugal (2018<sup>[42]</sup>), *Order no. 13/2018*, <https://diariodarepublica.pt/dr/detalhe/despacho-normativo/13-2018-116929980>; Government of Portugal (2007<sup>[43]</sup>), *Order no. 18778/2007*, <https://diariodarepublica.pt/dr/detalhe/despacho/18778-2007-3046940>; European Union (2001<sup>[44]</sup>), Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001F0220>; Government of Portugal (2007<sup>[45]</sup>), *Law no 21/2007*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2007-63397378>.

Official statistical data on public mediation show that this is still a marginal channel for resolving conflicts. The most used public mediation system is family mediation. However, in 2022, only 895 requests for family mediation had been received, with only 372 accepted. The remainder did not proceed to mediation due to withdrawal by the applicant (227), lack of response (120), non-acceptance by the other party (85) or the request not meeting the necessary requirements (52). In labour mediation, the number is even lower: in 2022, in only eight cases was the request for mediation accepted. As for criminal mediation, from 2017 there are no records of requests for criminal mediation (Government of Portugal, 2024<sup>[46]</sup>). The creation of public mediation services or the legal acceptance of its possibility during a judicial process are not sufficient for the dynamisation and effective mobilisation of these resources. We note that the government of Portugal launched a publicity campaign at the end of 2023 to promote ADR, including mediation services. Notwithstanding this positive initiative, there is still scope to foster the uptake of these services, as well as their effective promotion and operation.

It should be noted that a people-centred approach to data collection may help identify who in the community is reaching the service and, by implication, who is not. This information could be used to target campaigns more effectively.

#### **4.6.4. Monitoring satisfaction and outcomes**

The Portuguese authorities have already been advancing efforts to understand and improve satisfaction with and trustworthiness of its ADR services by implementing user outcome and satisfaction surveys distributed to all users of ADR services. Since 2013, surveys such as the Barometer of the Quality of Arbitration Centres, Barometer of the Quality of Justice of the Peace Courts and Barometer of the Quality of Mediation, are applied annually to users of ADR on an online platform aimed at assessing the satisfaction of users and improving knowledge about how citizens perceive this aspect of the justice system. This is an important step in assessing the effectiveness and people-centredness of services, and as such should be employed for all justice services. There is, therefore, scope for Portugal to both enhance the present application of this survey and to expand its application more widely across the justice system.

These user surveys are designed to be completed by users following their particular ADR process. They provide the ministry with a range of information about users, their characteristics, the particular problems they have experienced, the process they have undertaken, the outcomes of that process and their satisfaction with it (Directorate General for Justice Policy, 2024<sup>[47]</sup>). User outcomes and satisfaction research is essential to improve the accessibility, availability, equality and inclusion of services. Likewise, monitoring and evaluation mechanisms allow for assessments of outcomes, focus and fairness, all of which are consistent with and important for a people-centred justice approach. They also provide a means to compare services.

Taking this step, Portugal has shown a commitment to learn from the use, costs, impact and user satisfaction with ADR mechanisms. At the same time, there is a significant opportunity to further extend this step and conduct surveys of court users to compare user satisfaction, the achievement of outcomes, and different types of users using ADR and court services. Importantly, the 2023 Portuguese LNS findings have confirmed that there is an urgent need to place greater emphasis on measuring user outcomes and satisfaction as part of the move towards people-centred justice in Portugal.

One action in the immediate term would be to enhance and expand the application of the DGPJ user satisfaction survey process to all dispute resolution mechanisms, including courts, and other justice service delivery agencies within the justice system. Although satisfaction surveys have already been carried out in the courts by the Barometer of Court Quality, which is based on the questionnaire contained in the *Handbook for Conducting Satisfaction Surveys Aimed at Court Users in Council of Europe Member States*, adopted by the European Commission for the Efficiency of Justice (CEPEJ) and adapted by the DGPJ for Portugal (Alves Ribeiro Correia, 2023<sup>[48]</sup>) (University of Lisbon, 2020<sup>[49]</sup>), none of the people interviewed in the courts were aware of its existence or its results. In fact, some courts have developed their own satisfaction surveys. For example, in 2022 the Leiria judicial court ran a short questionnaire to assess justice users' satisfaction regarding the court's conditions<sup>8</sup>. Other courts in Portugal, such as the judicial court of the district of Braga and the judicial court of the Azores have adopted similar initiatives (Tribunal Judicial de Braga, 2018<sup>[8]</sup>).

The assessment of this project is that the present DGPJ user satisfaction survey provides a sound people-centred base for a survey to be adapted and applied across the justice sector. The goal should be to apply this methodology rigorously, and then share the results with all relevant stakeholders. Where possible, justice institutions should be provided with data on the outcomes sought by users and whether these are achieved, as well as user satisfaction with the dispute resolution pathway.

#### **4.6.5. Enhancing survey implementation**

To be reliable, a sufficient proportion of ADR services' users must respond appropriately to the survey. According to information provided by the DGPJ during the diagnosis phase, to date the survey has returned low response rates. The survey is applied both to parties to proceedings and to non-parties and there is apparently no direction or control as to when the survey is to be completed, whether at the beginning or at the end of the proceedings. This does not allow an appropriate assessment of response rates, as it is not possible to compare with the correct number of parties (of incoming cases or of closed cases). Further, there is a very uneven level of responses between the various entities.

To be effective and useful, improved response rates are necessary to ensure responses received are broadly reflective. The number of responses is particularly low for users of justice of the peace courts and public mediation systems. In 2017, 1 466 responses were considered valid (1 335 concerning users of arbitration centres, 118 concerning users of justice of the peace courts and 13 concerning users of public mediation systems) (Directorate General for Justice Policy, 2018<sup>[50]</sup>).<sup>9</sup> In 2021, only 1 059 responses were considered valid (1 013 concerning users of arbitration centres, four concerning users of justice of the peace courts and 42 concerning users of public mediation systems). According to the official justice statistics produced by the DGPJ, in 2021, 13 931 cases were resolved in arbitration centres, 1 014 cases in public mediation and 10 342 in justice of the peace courts. Increasing the response rate to these surveys is a concern for Portugal, which is currently making efforts to resolve this issue, namely by automating the survey response procedure. Notwithstanding this, Portugal would benefit from a re-evaluation of the method of implementation of this survey with a view to make necessary changes and improve response rates.

Once response rates increase, survey results need to be analysed and effectively communicated to different stakeholders. The results of this analysis, tailored for different purposes (e.g. comparing different ADR processes, or comparing ADR processes when dealing with different legal problem types or different user groups) would have to be available and accessible to the full range of people and decision makers who need this information to inform their decisions. These include not only governments but also service funders, ADR service providers, and potential users of services to help them choose the most appropriate pathway.

## 4.7. Legal aid system in Portugal

Access to law and justice is regulated by the Legal Aid Act (Government of Portugal, 2004<sup>[51]</sup>), aiming to guarantee that no one is prevented from being informed or from exercising or defending their rights due to their social or cultural status or lack of financial means.

The legal aid system applies in all courts, regardless of the form of the proceedings and in other alternative dispute resolution mechanisms such as justice of the peace courts, the public mediation systems, and the arbitration centres which are supported by DGPJ (Government of Portugal, 2008<sup>[52]</sup>).

Free legal protection is granted following a means assessment based on household income. Only those who lack sufficient means are entitled to free legal protection, which includes free legal advice from a lawyer and free legal aid. The first may include carrying out extrajudicial endeavours, and the second may take on different forms in a combination of total or partial exemption from court fees and other charges related to the proceedings, appointment of a lawyer and payment of fees, and payment of court or legal fees in instalments.

The Social Security Institute decides on applications for legal protection, assessing the economic conditions for the attribution of the benefit. The assessment of the economic insufficiency of individuals is carried out considering the average monthly income of the family household of the respective applicant (Government of Portugal, 2004<sup>[51]</sup>)<sup>10</sup>. The law has safeguard clauses under certain justified reasons or specific cases (Government of Portugal, 2004<sup>[51]</sup>)<sup>11</sup>. The Social Security Institute has available an online simulator that allows for the determination of whether the applicant is entitled to legal protection (Government of Portugal, 2023<sup>[53]</sup>). If free legal aid covers the appointment of a lawyer, the decision is referred to the Portuguese Bar Association. The Bar appoints a lawyer from those registered in the legal aid system according to their preferred areas of practice and considering the location of the competent court and where the lawyer has his/her office. The appointment is made randomly through the Bar's information system (SinOA).

From the end of December 2022, it has become possible to apply for legal protection online via the portal of the Social Security Institute, which brings together all social security services. Until then, applications could be made on paper, either in person, by post or by e-mail. The application can now also be made from each citizen's reserved area of the social security portal. According to information released by the government on 19 December 2023 at a meeting to present the first impact of the news in the area of courts and alternative dispute resolution, 22 000 online requests for legal aid have been made through the portal of the Social Security Institute. This online application opens new possibilities for improving the decision-making process. From the fact-finding interviews, it was possible to pinpoint the main benefits identified by stakeholders. On the one hand, the Social Security Institute has immediate access to the applicant's income and assets, which can improve the assessment of legal aid and make the procedure faster, more standardised and more transparent. Another improvement is the possibility to communicate with other information systems, such as those of the courts. Ideally, the applicant would just enter the case number and the system would upload all the information from the case.

The Social Security Institute reported that it is actively evaluating the results of this new application to understand its main benefits and correct any undesirable outcomes. One of the more notable changes reported was the increase in one type of legal aid: legal advice. The preliminary reason pointed to for this is the fact that it is not possible to select both legal advice and legal aid in the online form.

Most of those interviewed recognise legal aid as one of the most important guarantees of access to justice. However, they also identified a number of limitations that hamper its effective operation. The first difficulty identified was the actual submission of the legal aid application. Although the interviewees mentioned various strategies for guiding beneficiaries through this process (NGOs and parish councils seem to play an essential role here), they also mentioned that the availability of this assistance varies greatly across the

country and depends on the greater or lesser proactivity of local organisations (see The pluriform justice system in Portugal: Existing dispute resolution mechanisms). Additionally, it was pointed out that the assessment of economic means for access to legal protection is very limited and excludes a number of people for whom the costs of going to court (court fees and lawyers' fees) are unaffordable.

#### 4.8. Non-governmental organisations

In many countries, non-government and community organisations fulfil important service delivery roles, including in providing legal services, such as in Australia with community legal services (Community Legal Centres Australia, 2024<sup>[54]</sup>) and with Aboriginal and Torres Strait Islander Legal Services (NATSILS, 2024<sup>[55]</sup>). A key characteristic of their work and the way they operate is based on the fact that they are often well connected to particular disadvantaged communities (e.g. local or disadvantaged communities that they target for their services).

In Portugal, it appears that some NGOs provide an important bridge between members of the community in need of legal assistance or services and the justice system components that could facilitate the resolution of problems. The engagement of certain NGOs, such as the Portuguese Consumer Defence Association (DECO) and Portuguese Victim Support Association (APAV), with relevant communities appears to be substantial and significant.

The diagnosis phase of this project also revealed the NGOs' awareness of the need to guide people through the most appropriate (for the client) legal processes if they want to be effective in the support they provide their clients. Thus, the NGOs engaged during this project recognised the need to have competent staff and processes to guide people along appropriate pathways, and to engage them at points along justice pathways to facilitate their experience. For example, APAV supports police and courts in a range of locations as a means of helping their clients engage with the police and the courts, using different pathways that can operate most effectively in a particular location and operational environment. In some places, this includes providing support officers in courts.

By virtue of its area of work, DECO has strong links and engagement to relevant ADR services and can assist consumers to navigate these pathways. NGOs such as APAV appear to be more focused than some formal justice agencies on co-ordinating and delivering “holistic” services from a wide range of government and non-government service providers to address the various inter-linked needs that many people experience. While formal justice system institutions are often limited to strict mandates and competences, NGOs are generally more engaged with other social service organisations as a matter of their normal operations, and are therefore well placed to assist users with more holistic pathways to problem resolution.

These roles that certain NGOs play (e.g. providing a ‘bridge’ to formal justice services; providing more people-centred entry points and more people-centred links to other services) might be particularly relevant where issues of lack of trust between government and certain communities might be a factor.

Significantly, similar to other jurisdictions, the NGOs consulted during the project seemed to operate in an environment of limited resources, and thus needing to continually pursue funding to maintain their day-to-day operations. This can lead to some challenges, including difficulties in committing to ongoing programmes, losing staff because of employment uncertainty, and priorities set by available funding rather than identified need. Likewise, such a business model can lead to potential inefficiencies, including staff time spent on ‘chasing’ grants and other funding sources to continue providing services, which inevitably reduces time committed on actual operations.



## References

- Alves Ribeiro Correia, P. (2023), *Justiça 360º – Satisfação, Lealdade e Envolvimento de Cidadãos e Colaboradores: Tribunais, Meios de Resolução Alternativa de Litígios e Serviços do Ministério da Justiça em Portugal*. [48]
- CAAD (2022), *Relatório Anual do Funcionamento da Arbitragem Tributária*, [32]  
[https://www.caad.org.pt/files/documentos/relatorios/CAAD-Relatorio\\_Anual\\_Arbitragem\\_Tributaria\\_2022.pdf](https://www.caad.org.pt/files/documentos/relatorios/CAAD-Relatorio_Anual_Arbitragem_Tributaria_2022.pdf).
- CAAD (2021), *Relatório Anual do Funcionamento da Arbitragem Tributária*, [31]  
[https://www.caad.org.pt/files/Relatorio\\_de\\_Actividade\\_de\\_Arbitragem\\_Tributaria.pdf](https://www.caad.org.pt/files/Relatorio_de_Actividade_de_Arbitragem_Tributaria.pdf).
- Community Legal Centres Australia (2024), *About us*, <https://clcs.org.au/>. [54]
- Directorate General for Justice Policy (2024), *Quality barometer of arbitration centers*, [47]  
<https://triave.pt/inqueritosatisfacao/>.
- Directorate General for Justice Policy (2018), *Monitoring of alternative dispute resolution*, [50]  
[https://dgpj.justica.gov.pt/Portals/31/Estudos%20AIN%20DGPJ/Relatorio\\_Satisfacao\\_Meios\\_RAL\\_2018.pdf](https://dgpj.justica.gov.pt/Portals/31/Estudos%20AIN%20DGPJ/Relatorio_Satisfacao_Meios_RAL_2018.pdf).
- European Commission (2022), *2022 Rule of Law Report - country chapter on the rule of law situation in Portugal*, [https://commission.europa.eu/system/files/2022-07/50\\_1\\_194020\\_coun\\_chap\\_portugal\\_en.pdf](https://commission.europa.eu/system/files/2022-07/50_1_194020_coun_chap_portugal_en.pdf). [5]
- European Union (2001), *Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001F0220>. [44]
- Government of New South Wales (2023), *Find Legal Answers*, [26]  
<https://legalanswers.sl.nsw.gov.au/>.
- Government of Portugal (2024), *Authorised arbitration centers*, [39]  
<https://dgpj.justica.gov.pt/Resolucao-de-Litigios/Arbitragem/Centros-de-Arbitragem-autorizados>.
- Government of Portugal (2024), *Denúncia de actos de corrupção e fraudes*, [21]  
<https://simp.pgr.pt/dciap/denuncias/index2.php>.
- Government of Portugal (2024), *Estatísticas da justiça*, <https://estatisticas.justica.gov.pt/>. [33]
- Government of Portugal (2024), *Justice Statistics - Mediation*, [46]  
<https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/mediacao.aspx>.
- Government of Portugal (2024), *Mapa dos Julgados de Paz instalados*, [28]  
<https://www.conselhosjulgadosdepaz.com.pt/contactos.asp>.
- Government of Portugal (2024), *Supported arbitration centers*. [38]
- Government of Portugal (2023), *Decree-Law no. 1/2013, of 7 January, amended by Law no. 56/2023, of 6 October*, [7]  
[https://www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=2574&tabela=leis&so\\_miolo=](https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2574&tabela=leis&so_miolo=).

- Government of Portugal (2023), *Simulador: Cálculo do valor de rendimento para efeitos de proteção jurídica*, <https://www.seg-social.pt/2023-1-semester>. [53]
- Government of Portugal (2022), *Grupo de Trabalho para a Justiça Administrativa e Fiscal - II Relatório Intercalar*, [https://justica.gov.pt/Portals/0/Ficheiros/Organismos/JUSTICA/II%20Relatorio\\_GrupoTrabalhoTAF\\_FEV2022.pdf](https://justica.gov.pt/Portals/0/Ficheiros/Organismos/JUSTICA/II%20Relatorio_GrupoTrabalhoTAF_FEV2022.pdf). [18]
- Government of Portugal (2022), *Order 7898/2022*, <https://diariodarepublica.pt/dr/detalhe/despacho/7898-2022-185330715>. [19]
- Government of Portugal (2021), *Decree Law no. 10/2021*, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2011-66008176>. [30]
- Government of Portugal (2021), *Grupo de Trabalho para a Justiça Administrativa e Fiscal - Relatório Intercalar*, <https://justica.gov.pt/Portals/0/Ficheiros/Organismos/JUSTICA/Relatorio-GrupoTrabalho-para-Justica-Administrativa-Fiscal-Setembro2021.pdf>. [17]
- Government of Portugal (2021), *Order no 3019/2021*, <https://diariodarepublica.pt/dr/detalhe/despacho/3019-2021-159762976>. [16]
- Government of Portugal (2020), *Relatório Síntese do Ministério Público de 2019*, <https://www.ministeriopublico.pt/pagina/relatorio-sintese-do-ministerio-publico-de-2019>. [22]
- Government of Portugal (2019), *Amendment to Law no. 62/2013 and Decree Law no. 49/2014*, <https://Law.No.19/2019>, <https://diariodarepublica.pt/dr/detalhe/lei/19-2019-119847701>. [10]
- Government of Portugal (2019), *Boletim Informativo*, pp. 1 - 9. [23]
- Government of Portugal (2019), *Decree Law 174/2019*, <https://diariodarepublica.pt/dr/detalhe/decreto-lei/174-2019-127176910>. [15]
- Government of Portugal (2019), *Law 63/2019*, <https://diariodarepublica.pt/dr/detalhe/lei/63-2019-123962147>. [36]
- Government of Portugal (2019), *Law no. 118/2019*, <https://diariodarepublica.pt/dr/detalhe/lei/118-2019-124750731>. [14]
- Government of Portugal (2018), *Decree Law no. 81/2018*, <https://diariodarepublica.pt/dr/detalhe/decreto-lei/81-2018-116673881>. [13]
- Government of Portugal (2018), *Order 13/2018*, <https://diariodarepublica.pt/dr/detalhe/despacho-normativo/13-2018-116929980>. [42]
- Government of Portugal (2015), *Law 144/2015*, <https://data.dre.pt/eli/lei/144/2015/p/cons/20210129/pt/html>. [37]
- Government of Portugal (2014), *Decreto-Lei n.º 49/2014*, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2014-105630273>. [9]
- Government of Portugal (2013), *Judicial System Organization Law (Law Number 62/2013)*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2013-34581275>. [3]
- Government of Portugal (2013), *Law 74/2013*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2013-58891121>. [35]

- Government of Portugal (2013), *Law no. 29/2013*, <https://diariodarepublica.pt/dr/detalhe/lei/29-2013-260394>. [40]
- Government of Portugal (2011), *Law 6/2011*, <https://diariodarepublica.pt/dr/detalhe/lei/6-2011-279444>. [34]
- Government of Portugal (2008), *Order no. 10/2008*, <https://diariodarepublica.pt/dr/legislacao-consolidada/portaria/2008-70861360>. [52]
- Government of Portugal (2008), *Ordinance no. 220-A/2008*, [https://www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=2939&tabela=leis&so\\_miolo=](https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2939&tabela=leis&so_miolo=). [6]
- Government of Portugal (2007), *Law no 21/2007*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2007-63397378>. [45]
- Government of Portugal (2007), *Order no. 18778/2007*, <https://diariodarepublica.pt/dr/detalhe/despacho/18778-2007-3046940>. [43]
- Government of Portugal (2006), *Protocolo de Acordo - Mediação Laboral*, [https://dgpj.justica.gov.pt/Portals/31/GRAL\\_Media%E7%E3o/Protocolo\\_Mediacao\\_Laboral.pdf](https://dgpj.justica.gov.pt/Portals/31/GRAL_Media%E7%E3o/Protocolo_Mediacao_Laboral.pdf). [41]
- Government of Portugal (2004), *Law no. 34/2004*, <https://data.dre.pt/eli/lei/34/2004/p/cons/20201118/pt/html>. [51]
- Government of Portugal (2003), *Decree Law no. 325/2003*, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2003-124750745>. [12]
- Government of Portugal (2002), *Decree Law no. 13/2002*, <https://diariodarepublica.pt/dr/detalhe/lei/13-2002-278029>. [11]
- Government of Portugal (2001), *Law no. 78/2001*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2001-56735875>. [24]
- Government of Portugal (2000), *Bill 83/VIII/1*, <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=6242>. [25]
- Government of Portugal (1986), *Decree Law no. 425/1986*, <https://diariodarepublica.pt/dr/detalhe/decreto-lei/425-1986-210810>. [29]
- Government of Portugal (1976), *Constituição da República Portuguesa*, <https://www.parlamento.pt/Legislacao/Paginas/ConstituicaoRepublicaPortuguesa.aspx>. [2]
- INE (2021), *Census 2021*, [https://www.ine.pt/xportal/xmain?xpgid=ine\\_main&xpid=INE](https://www.ine.pt/xportal/xmain?xpgid=ine_main&xpid=INE). [27]
- Ministry of Justice (2023), *Intervenção da Ministra da Justiça, Catarina Sarmento e Castro, por ocasião da Abertura do Ano Judicial 2023*, <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAAABAAzNDY1MAUAz%2bSoEwUAAAA%3d>. [20]
- NATSILS (2024), *About*, <https://www.natsils.org.au/about/>. [55]
- OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [1]

- OECD (2020), *Justice Transformation in Portugal: Building on Successes and Challenges*, [4]  
OECD Publishing, Paris, <https://doi.org/10.1787/184acf59-en>.
- Tribunal Judicial de Braga (2018), *Relatório Final - Perceção da eficiência dos serviços de justiça instalados no tribunal judicial da comarca de Braga*, [8]  
<http://www.eduardoduque.pt/uploads/relatorio-eficiencia-da-justica.-2018.pdf>.
- University of Lisbon (2020), *Programa “Justiça + Próxima” em Portugal: A Medida Justiça 360º - Avaliação da Satisfação e Lealdade do Cidadão*, [49]  
<http://hdl.handle.net/10400.5/20411>.

## Notes

<sup>1</sup> Açores, Aveiro, Beja, Braga, Bragança, Castelo Branco, Coimbra, Évora, Faro, Guarda, Leiria, Lisboa, Lisboa Norte, Lisboa Oeste, Madeira, Portalegre, Porto, Porto Este, Santarém, Setúbal, Viana do Castelo, Vila Real and Viseu (Law Number 62/2013 - Judicial System Organization Law, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2013-34581275>).

<sup>2</sup> Questions aimed at assessing the conditions of access to the court building; the signage in the building; the waiting conditions; the sufficiency of time assigned for the procedure; the waiting time; the clarity of the language and information provided; the attitude and efficiency of the security guards; the attitude and courtesy of the court clerks; and the attitude and courtesy of the judges and prosecutors.

<sup>3</sup> Coimbra District Consumer Conflict Arbitration Centre - CACCDC; Lisbon Consumer Conflict Arbitration Centre - CACCL; Centro de Arbitragem de Conflitos de Consumo do Ave, Tâmega e Sousa - TRIAVE; Consumer Information and Arbitration Centre of Porto (Consumer Arbitration Court) - CICAP; Information, Mediation and Arbitration Centre for Consumer Conflicts in the Algarve - CIMAAL; Consumer Information, Mediation and Arbitration Centre (Consumer Arbitration Court) - CIAB; National Centre for Information and Arbitration of Consumer Conflicts – CNIACC.

<sup>4</sup> The Insurance Information, Mediation and Arbitration Centre (Centro de Informação, Mediação e Arbitragem de Seguros - CIMPAS) covers disputes arising from: traffic accidents, including those resulting in bodily injury but excluding death and permanent disability; and from contracting multi-risk insurance (household and commercial, up to EUR 50 000) and third-party liability insurance (family, exploration, hunter, and use and carrying of a weapon, up to EUR 50 000). The Arbitration Centre for the Automobile Sector (Centro de Arbitragem do Sector Automóvel – CASA) covers disputes arising from consumer conflicts regarding automobile repair services, resale of fuels, oils and lubricants, purchase and sale of parts or any materials intended to be applied to motor vehicles, and the purchase and sale of new and used vehicles. In December 2023, CASA announced the suspension of its services, with the result that these disputes became the responsibility of the seven general consumer arbitration centres.

<sup>5</sup> Arbitration for Industrial Property, Domain Names, Trade names and Corporate Names (ARBITRARE), which resolves conflicts in industrial property, domain names, trade names and corporate names, between two or more individuals and between one individual and the entities competent to register trademarks, patents and trade names and .pt domain addresses, the National Institute of Industrial Property (INPI), the Institute of Registration and Notary Affairs (IRN) and the DNS.PT Association.

<sup>6</sup> Centre for Arbitration and Dispute Resolution (CARL); Public Procurement Arbitration Centre of the Portuguese Public Markets Association (CAP-APMEP); Arbitration Centre of the Portuguese-Spanish Chamber of Commerce and Industry; Information, Mediation and Arbitration Centre of the Notaries' Association; Concordia Centre for Conciliation, Mediation and Arbitration - Centro Concórdia; National Centre for Information and Arbitration of Consumer Conflicts (CNIACC); Mediation and Arbitration Centre (CEMEAR ÓBIDOS); Centre for Administrative Arbitration (CAAD); Arbitration Centre for Industrial Property, Domain Names, Trade Names and Corporate Names (ARBITRARE); Arbitration Centre of the German-Portuguese Chamber of Commerce and Industry; Centre for Voluntary Arbitration of Consumer Conflicts of the Autonomous Region of Madeira; Property and Real Estate Arbitration Centre of the ESAI - Escola Superior de Actividades Imobiliárias; Dispute Arbitration Centre, Hotels, Travel and Tourism; Arbitration Centre of the Portuguese Wood and Furniture Industries Association; Centre for Voluntary Arbitration on Property and Tenancy; Centre for Information, Mediation and Arbitration in Insurance (CIMPAS); Institutionalised Arbitration Centre;

Algarve Consumer Conflict Information, Mediation and Arbitration Centre (CIMAAL); Arbitration Centre of the Securities Institute; Arbitration Centre of the Autonomous University of Lisbon; National Centre for Construction Arbitration; Coimbra District Consumer Conflict Arbitration Centre (CACCDC); Consumer Information, Mediation and Arbitration Centre - Consumer Arbitration Court (CIAB); Institutionalised Arbitration Centre; Consumer Information and Arbitration Centre of Porto (CICAP); Centre for Arbitration of Civil, Commercial and Administrative Disputes (CAL); Ave, Tâmega and Sousa Consumer Conflict Arbitration Centre (TRIAVE); Centre for Arbitration in the Automotive Sector (CASA); Arbitration Committee of the Portuguese Professional Football League; Lisbon Consumer Conflict Arbitration Centre (CACCL); Regional Secretariat of Labour of the Autonomous Region of the Azores; Arbitration Centre of Arbitral - Sociedade de Arbitragem; Loulé Arbitration Centre Association (C.A.L.); Arbitration Centre of the Portuguese Catholic University; Arbitration Centre of the Portuguese Chamber of Commerce and Industry; Commercial Arbitration Institute.

<sup>7</sup> Barreiro, Braga, Cascais, Coimbra, Loures, Moita, Montijo, Porto, Santa Maria da Feira, Seixal, Setúbal and Vila Nova de Gaia, as well as in the pilot districts of Alentejo Litoral, Baixo Vouga and Grande Lisboa Noroeste.

<sup>8</sup> Questions aimed at assessing the conditions of access to the court building, the signage in the building, the waiting conditions, the sufficiency of time assigned for the procedure, the waiting time, the clarity of the language and information provided, the attitude and efficiency of the security guards, the attitude and courtesy of the court clerks, and the attitude and courtesy of the judges and prosecutors.

<sup>9</sup> The responses obtained refer either to parties (71%) or representatives of parties to the proceedings (11.18%), or to family members of one of the parties (5.3%), witnesses (2.1%), persons who went to the arbitration centres/justices of the peace courts to request information (5.2%), visitors (0.5%), and others (2.2%), with 1.9% of respondents not answering the question on what led them to go to one of the assessed entities. The survey was also applied, both to users who had already had a final decision in the process and to users who had not yet obtained a decision.

<sup>10</sup> To determine the household's income, all the family's earnings are considered, namely salaries, self-employed earnings, pensions, stocks, bonds, funds, deposits, real estate, and cars. The relevant income for legal protection purposes is the amount that results from the difference between the value of the household's full net income and the value of the deduction relevant for legal protection purposes. This deduction value is based on a legal presumption as to household expenses and charges, even if the actual value of these expenses and charges is higher than the value resulting from this presumption. This average monthly income is calculated in accordance with rather complex arithmetical formulae.

<sup>11</sup> Firstly, exceptionally and for justified reasons, as well as in the event of a dispute with one or more members of the household, the assessment of the applicant's situation of economic insufficiency may consider only the average monthly income of the applicant or of him/her and some members of his/her household, and not of the entire family's household. However, this must be requested by the applicant. Secondly, if, when faced with a specific case, the head of the social security services responsible for deciding on the granting of legal protection considers that the application of the general criteria leads to a manifest denial of access to the law and to the courts, he/she may, by means of a specially reasoned order and without the possibility of delegation, decide differently and grant legal protection.

# 5

## Upskilling Portugal's justice sector: Towards a people-centred and digitally-enabled future

---

This chapter provides an overview of skills and competencies required from justice professionals in a people-centred and modern justice sector, based on the five pillars of the OECD Recommendation on Access to Justice and People-Centred Justice. It underscores the importance of skills development strategy for the advancement of justice reforms. The chapter outlines the methodology and findings of the recent skills survey conducted among justice stakeholders in Portugal. It discusses main strengths and gaps in terms of skills, management and organisational support related to each skill. By detailing the results of the survey's dimensions, including the distribution of responses among respondents' categories, the chapter provides a mapping of skills and competencies in the justice sector in Portugal. It also identifies needs and opportunities for capacity-building initiatives to empower justice stakeholders in supporting the transformation of the justice sector.

---

## 5.1. Identifying skills and competencies for a people-centred and modern justice sector

The justice sector must continuously evolve to embrace shifting realities like digital transformation and transition towards people-centred approaches to effectively meet the legal and justice needs of different groups of people. This requires all stakeholders to adapt their skills and competencies to this changing environment. Data analysis, automation devices, big-data lakes, massive calculus potential applied to layers of data and information flows are altogether challenging the skills, the knowledge, and the cognitive frame through which all actors operating within the justice institutions and at the interface between societies and legal-justice systems need today and will need in the very near future. Furthermore, the demand and offer of legal and justice services now intersect in both physical and virtual spaces, such as courthouses, online dispute resolution (ODR) platforms, and virtual hearings. The quality of these spaces deeply influences the overall legitimacy of the legal and justice system. Therefore, professionals must navigate these changes effectively to ensure the continued credibility and effectiveness of the justice sector.

In particular, people working within the justice sector have a critical role in facilitating access to justice for those with legal and justice needs in a people-centred way. At the very core of justice institutions and services are the individuals who work to uphold and deliver justice, including judges, lawyers, administrators, community workers, those in information and communications technology (ICT), and other employees. It is necessary to develop the capabilities of these workers in designing and delivering people-centred legal and justice services, and engaging with non-governmental and private providers. Delivering accessible and inclusive justice services requires the ability to effectively communicate with users, including vulnerable people that often have specific needs. Justice actors should be able to make understandable and accessible the part of the justice system that the potential client is seeking to utilise. Skills to deal with cultural and linguistic differences are here salient, as well as skills to interact with people by listening and adapting to all the graduations of education, economic status, and social conditions to provide useful information and services. A particularly high value is put on the capabilities to create, deliver and assess legal services and justice outputs that respond to the needs of people with disabilities, LGBTQIA+, children and the elderly. Limitations faced by users, in particular when accessing or using digital tools, should also be considered by designers/developers of ICT software and processes. “Human-centric” interfaces tailored to the needs of each priority group and persons should be developed to ensure accessibility to all (OECD, 2021<sup>[1]</sup>).

Justice sector employees should also be empowered to engage in the creation of policies and interventions, and in facilitating dispute resolution. They should be actively engaged in developing and improving the service value chain of the justice system. It entails holding a joint purpose and vision, which can be promoted by the justice system’s leadership, but it also requires the engagement of workers and users, and the appropriate design to ensure that services continually meet users’ expectations for quality, cost, and timeliness. Finally, there must be continual improvement of services and practices. As such, the teams providing the services should be made aware of their crucial role in delivering justice for people and businesses (OECD, 2021<sup>[1]</sup>).

In addition, the transition towards digital processes and technologies within the justice sector offers both an opportunity and a necessity for continuous skills development to effectively adapt to new technological processes and tools. Specifically, the availability of data, resulting from the digital representation of a wide array of content, enables institutions to transform their functions in several ways. More accessible and practical data can allow individual stakeholders to excel in an evidence-based and knowledge-driven manner, especially if they are equipped with the necessary know-how and vision regarding the use of data, and their reliability and relevance in the context of their application. In addition, the data-driven design of services offers exceptional potential for holistic and modular solutions to meet the needs of citizens and users. This aligns with the need to transform the managerial approach, requiring a shift towards a cross-



sectoral and cross-disciplinary perspective. Interoperability is crucial in this context, as is the integrated design of tools, platforms, and the automated management of items/files/cases.

In consequence, all public servants need to be equipped with the skills that are supportive of data-driven and digital transformation in the justice sector. This includes recognising the potential of digital for transformation; understanding users and their needs; collaborating openly for iterative delivery; trustworthy use of data and technology; and the capacity to understand a data-driven public sector. Justice staff must also acquire new professional competencies to adapt to a wide range of new tools and policy working methods based on new types of “intelligence” and rationalities (e.g. software devices, case management platforms, massive dataset of case laws, digital forensics, and artificial intelligence). It is crucial that organisations ensure their leaders have the skills to oversee digital transformation, are informed and aware of the benefit of going digital and can efficiently communicate the strategy to achieve it (see *Strategy and Plan* in Chapter 8). This will help set a digital culture within the workforce and the organisation.

In this context, the OECD has identified the skills that justice civil servants need for moving toward a modern people-centred justice sector highlighted in Box 5.1. This can be grouped into skills and competencies related to strategic vision and culture; a governance infrastructure including digital and data skills; a people-centred design and delivery of legal and justice; evidence-based planning, monitoring and evaluation; and empowerment of people.

### Box 5.1. Towards an OECD skills framework for a people-centred and modern justice system

Building skills, competencies, and professionalism of justice stakeholders is an imperative enabler to move towards a people-centred and modern justice system. Based on the five pillars of the OECD Recommendation on Access to Justice and People-Centred Justice Systems, the OECD has identified the relevant necessary skills and knowledge that justice professionals need to acquire and embed to support the modernisation of the justice system:

- A *strategic vision and culture* for driving the modernisation of the justice sector in a coherent and integrated manner: Justice civil servants must understand the interconnectedness of legal needs with other sectors and be capable of working across sectoral boundaries to implement an integrated agenda in a co-operative manner.
- A *governance infrastructure* that enables people-centred justice: Justice civil servants must be capable of ensuring inclusivity of the justice sector. An inclusive agenda entails guaranteeing access to justice for all by paying specific attention to the needs of vulnerable groups. It also requires fostering dialogue and proactively involving all stakeholders in the design and delivery of justice services. To achieve this, networking skills and collaborative leadership are essential for justice civil servants to work across sectoral siloes and levels of government to ensure horizontal and vertical coherence, and harmonise priorities. Moreover, justice staff must possess abilities for conducting effective project management, impact and risk assessment, and aligning resources with service priorities to ensure successful implementation of initiatives aiming at responding to the needs of people and enhancing access to justice. Furthermore, proficiency in digital and data skills is necessary to facilitate co-operation and innovation across all functions, while clear and accessible communication skills are also vital for raising awareness and fostering transparent and inclusive dialogue with all stakeholders, including marginalised and vulnerable groups.
- A people-centred *design and delivery of legal and justice services*: Justice civil servants must be able to adopt a people-centred approach when designing and delivering legal and justice services. This entails having the ability to design the right delivery model (e.g. direct delivery,



commissioning and contracting, partnerships, digital channels), including localised adaptations and mobilising the necessary human and financial resources effectively.

- *Evidence-based planning, monitoring and evaluation*: Justice civil servants must have the ability to design evidence-based policies and services informed by data analysis. This means being able to collect and analyse evidence, measure, and interpret progress. It also involves using people-centred approaches throughout all phases of the policy cycle, in particular, when collecting evidence and conducting evaluations to improve results. Additionally, a comprehensive understanding of legal and justice services, along with knowledge of quality standards, is essential for effective performance measurement, monitoring and evaluation to ensure the delivery of high-quality justice services.
- *People empowerment* to make people-centred justice transformation happen: Justice civil servants, and mostly managers, must possess the essential skills for empowering staff and colleagues and building organisational stewardship. This entails fostering a culture of excellence and responsiveness to individuals' needs, alongside embracing cultural diversity and promoting a continual learning mindset. Furthermore, they must prioritise enhancing openness and inclusion in working environments, valuing diverse perspectives to drive innovation and advance the goals of the organisation.

Source: OECD (forthcoming), *OECD Skills Framework for a People-Centred and Modern Justice System*.

### 5.1.1. Organisational processes to support upskilling

Importantly, implementing effective skills strategy in the context of digital transformation and people-centricity in the justice sector implies adapting organisational processes to align with new approaches and to sustain this alignment over time. Justice civil servants do not work in a vacuum but in organisations with their own rules and procedures, and through systems and networks. Each institution may have distinct cultures, legacies and ways of working that distinguish them from others. Taking these characteristics into account, and aligning individual motivation and skills with the right supports and tools, is what creates performance and impact. Organisational processes can be seen as the catalyst in this regard: some speed up or facilitate achieving results, while others may hinder progress in the completion of projects or initiatives.

With regard to effective skills development strategies, organisational processes related to performance management, training and learning may be a key area of focus. For example, this may refer to establishing personalised and participative skills development strategies, overseen by direct managers, and supported by effective positive and negative feedback loops for continuous improvement and alignment with professionals' needs. But this example also hints at the complexity and trade-offs in getting organisational processes right. In structuring access to learning and development opportunities, organisational processes may incentivise – or discourage – staff from participating in training. A catalogue of self-access training modules on carefully selected topics can be an indicator of good organisational processes, just as a lengthy process of requiring hierarchical authorisation and validation to participate in training may put public servants off. Understanding how organisational processes work (“as it is”) and the scope for improvement (“as it could be”) is thus a key part of building workforce capability.

The focus on processes in the questionnaire distributed to participants attempts to understand these issues, and also feeds into the analytical framework discussed in the next section.

## 5.2. Skills and competencies for people-centred and modern justice in Portugal

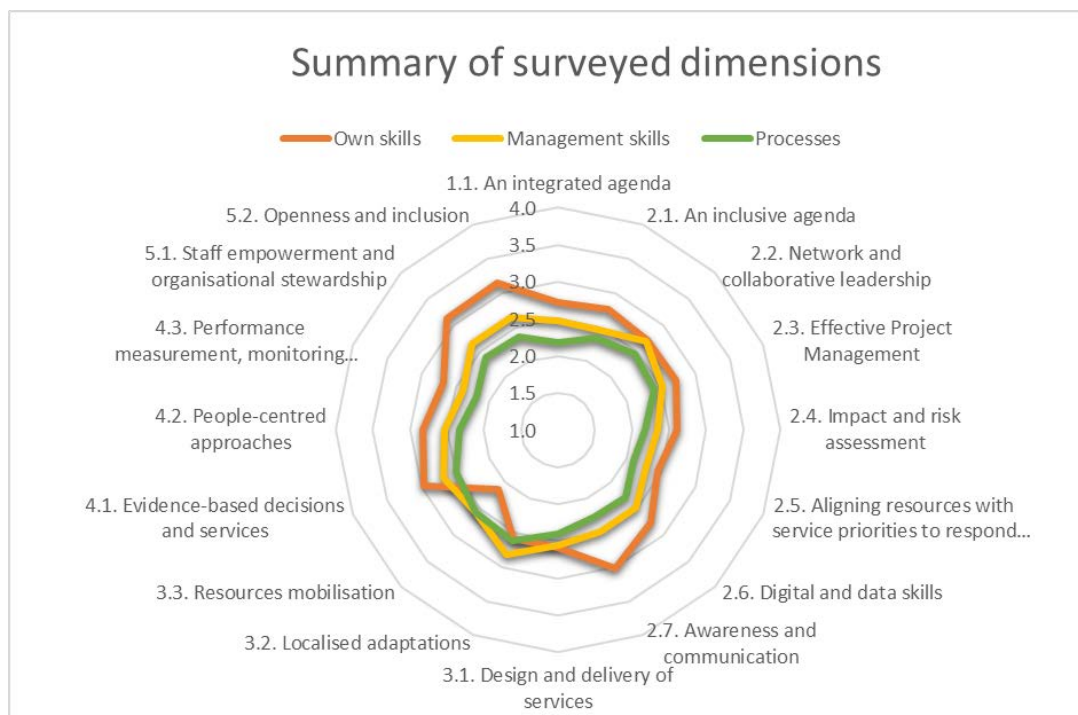
The online survey<sup>1</sup> conducted by the OECD aimed at assessing the skills and capabilities of Portuguese justice stakeholders<sup>2</sup> based on the justice skills framework above. Based on the summary of survey's dimensions (see Figure 5.1), the most negatively assessed areas were around services: design and delivery of services, localised adaptations, and resources mobilisation. The most positive concerned people empowerment, and communication and awareness skills. However, positive assessments must be approached cautiously considering the observed tendency for respondents to evaluate their own skills more, and more positively. Equal caution should be applied to negative results, taking into account the absence of actionable data concerning skills related to localised adaptations and resource mobilisation for all groups of respondents (except middle managers). Consequently, it is relevant to complement these results with the graph showing the share of respondents answering a negative option for each skillset. The highest share of respondents providing negative responses concerns the skillsets on vision and culture (40% of responses), inclusive agenda (34%), digital and data skills (34%), design and delivery of services (34%), evidence-based decisions and services (34%) and measuring, monitoring and evaluation (34%).

For vision and culture, and inclusive agenda, there are no significant differences between the responses of the different groups. For digital and skills, ICT professionals have a better perception of their own skills in general, which is not surprising as they are assessing their own area of expertise. The same reasoning can explain the uneven perceptions of respondents on design and delivery of services. Service providers (both in contact with users or not) have a better perception of their competencies than middle managers and ICT professionals. However, the low completion rate for ICT professionals may not properly reflect the perceptions of this group of workers. Again, for the skillset related to evidence-based decisions and services, ICT professionals rated their own skills better than the other respondents. While evidence-based decision and services are highly related to the use of data, this result is also understandable. Finally, all respondents have a low perception of their own skills in measuring, monitoring and evaluation (34%).

Building on these results, it appears that skills development policies should pay close attention to raising the knowledge and ability of justice civil servants in Portugal to consider the justice sector in the broader context of public services. Policies should bear in mind the interconnectedness of legal needs with other sectors (i.e. health, work), while leveraging the interoperability of actors between the different sectors. Raising awareness of the specific needs of vulnerable groups, challenges of inclusivity in general, and developing stakeholders' skills to adopt an inclusive approach in the design and delivery of justice services and policies should also be a priority. In addition, the survey brought to attention some gaps in designing and delivering services that respond to the needs of different groups of people, in particular at local level.

A strong emphasis should also be put on capacity-building for performance measurement, monitoring and evaluation. The survey reveals a general lack of competencies from all stakeholders to monitor and evaluate their projects, services or policies. However, this finding should be analysed in conjunction with whether effective monitoring and evaluation processes exist or not. The results also indicate that non-ICT professionals self-identified a need for upskilling in competencies related to digital and data skills, as well as evidence-based decisions and services. In a context of constant evolution in terms of digital and data tools and processes, it is not surprising that stakeholders perceive weaknesses in this area. This perception can also be interpreted as a positive sign, indicating the potential motivation of respondents to improve these skills and address any potential gaps linked to digital transition in the justice sector.

Figure 5.1. Overview of survey results



Source: Author's own elaboration.

In addition, the survey shows that respondents generally rate their *own skills and management support at moderate levels across various competency areas and skillsets*. For almost all competency areas, respondents evaluated their own skills more positively than management support and organisational processes. However, this does not mean that the survey empirically establishes that managers are generally unsupportive (or unable to provide support). A similar trend was observed in an OECD study on perception of how managers supported innovation in Brazil: results showed that, overall, individuals' self-perception of their own innovation capabilities is higher than their perception of their manager's support and their organisation's readiness. The same findings were observed in the survey conducted in Chile (OECD, 2019<sup>[2]</sup>).

One of the largest differences between the perception of own skills and the perception of managerial support relates to the skillset of "people empowerment" (including organisational stewardship, openness and inclusion), which is crucial for moving toward a people-centred justice system, in line with the OECD Recommendation on Access to Justice and People-Centred Justice Systems. The "services" skillset – a breakdown of design and delivery, localised adaptation, and resources mobilisation – features an opposite pattern with more positive responses for managerial skills than for own skills. The "services" skillset is also the most negatively assessed area but this may be due to a low completion rate for some competencies. When considering the highest share of negative responses, the primary deficiency lies in the ability of justice civil servants to comprehend and embrace a strategic vision and culture necessary for driving the modernisation of the justice sector in a coherent and integrated manner.

Comparing *respondents' categories*, answers from ICT professionals are the lowest even when assessing their own skills. ICT professionals perceive their own skills related to awareness and communication as low, as well as skills that relate to measuring, monitoring, and evaluating performance. On the contrary, the perception of their competencies related to evidence-based decisions and services, and digital and data skills is higher than other categories of respondents. Middle managers and service providers without

contact with users assessed managerial support and organisational processes, in general, more positively – contrary to ICT professionals, who were particularly critical regarding supporting processes. More importantly, 58,3% of ICT professionals selected negative option for skillsets that relate to their ability to train employees to ensure the systematic inclusion of stakeholders in the design and implementation of policies and services. The same holds for skillsets that relate to the ability to design policy and services from the point of view of users.

### ***5.2.1. Capacity-building initiatives need to consider the interdependence between technical and managerial functions***

Building skills and capacities for a modern people-centred justice sector requires a strong involvement of managers, both as subjects of upskilling and to drive upskilling policies. This means that while they should themselves undergo training or skills development programmes to enhance their abilities, they also play a key role in developing, implementing, or promoting policies and initiatives aimed at improving the skills of others within the organisation. Therefore, capacity-building initiatives for technical staff are strongly interlinked with managers' capacity to raise awareness of the existence of training or skills development programmes, and to support technical staff in getting involved in such programmes.

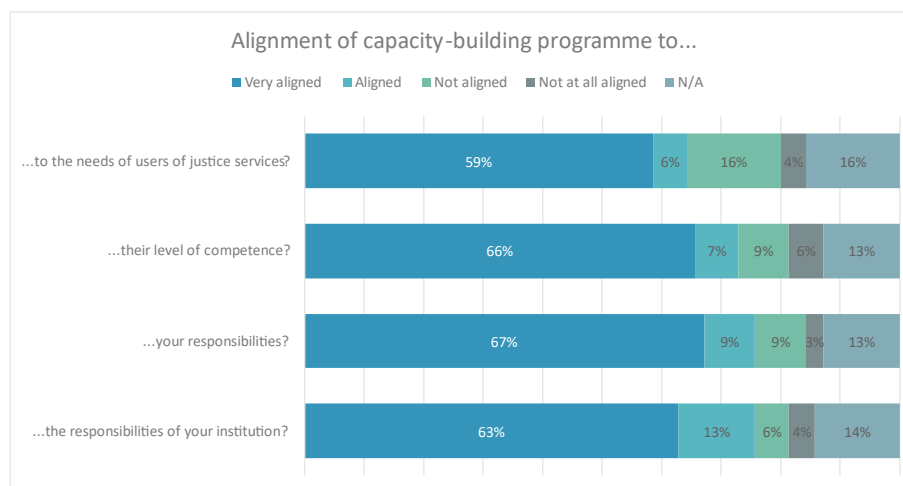
Taking into account the overall perception of Portuguese justice stakeholders, the perception of managerial support to improve skills and competencies is almost always lower than respondents' perceptions of their own skills. This may mean that employees have a first-hand view of what types of competencies are needed for success in their work area but are constrained in their ability to engage with management to help build those competencies. It is therefore possible that managers are not providing enough information or resources to help enhance skills and capabilities within their organisation, and are not playing the leading role they should in aligning skills with needs and conducting upskilling policies.

As a result, when asked about the presence of a skills development programme, only 28.8% of respondents knew about its existence, with almost 50% not being aware, and 16.6% declaring that it does not exist in their organisation. Four respondents stated that if one such programme exists, it is a one-off and not effective. This impression seemed to be commonly diffused across categories of respondents, with the exception of middle managers themselves.

The gap between managers and technical staff in terms of awareness of skills development programmes is particularly indicative of the inability of managers to promote and communicate about these programmes. Managers' self-assessment of their own skills related to staff empowerment and organisational stewardship is also interesting to analyse. On average, managers rated 3.03 in a 1-4 scale their capacity to empower staff/colleagues to work across traditional silos and take action, and 2.99 their capacity to empower teams to respond to the needs of clients. Due to limited data, these perceptions cannot be compared with the insights of other workers on management support for empowerment; however, this already reveals that managers have an average perception of their capability which may prompt questioning about the link between self-confidence levels and actual capacity.

When respondents did acknowledge the presence of such programmes, they generally found it very aligned to their needs (59% positive answers), to their level of competence (66%), to their responsibilities (67%), and to the responsibilities of their institution (63%) (see Figure 5.2).

**Figure 5.2. Perceptions of current capacity-building programmes**



Source: Author's own elaboration.

### **5.2.2. Organisational processes in general can be improved**

The positive perception of respondents' skills related to "commitment to promote learning of what works in the legal and justice initiatives" reveals a clear motivation to endorse a learning attitude. Once again, the responses cast light upon the need for proactive management and a development process design where learning is embedded and permanently comprised. The commitment is particularly high among ICT professionals. Motivational preconditions standing at the micro-level are meant to facilitate modernisation and people-centred justice systems.

Yet, in general terms, organisational processes to support stakeholders in developing their skills are generally perceived as shortcomings, as respondents largely reported to either be unaware of supporting processes, or that the processes are in place but do not work well in practice.

For all competency areas, respondents' perception of supporting organisational processes was lower than their assessment of their own skills and management support. Comparing respondents' categories, managers (middle managers and other managers) and service providers without contact with users appeared to assess their organisational processes more positively. Managers' better perception of the way competencies are supported by organisational processes may result from better awareness of the processes in place as their role is strongly interlinked with the implementation of these processes.

Overall, the responses highlight a low capacity in enhancing skills but also reveals the inefficiency of current organisational processes in building an organisational culture. This is particularly visible when looking at the responses related to the comprehensive view of the system, to collect information across different services of the system, and to adapt in a resilient fashion to a fast-changing environment. This evidence points to a weak vision of the interdependence of services and to the limited capacity to see how a specific or local adaptation may facilitate other parts of the system or not.

Organisational processes are particularly important in the context of digitalisation, and strong data governance should be implemented. While prompt human capital to ensure transparent and trustworthy use of data looks available, what is missing is support from management and the development process. This support must go in the direction of situating data collection and use within a broader perspective. It is necessary and instrumental to have a data governance chain across legal and justice services as well as in between the justice system and other sectors of public governance that responds to the standard of quality. Individuals seem to be ready to embark into the new era where the digital tools, and the AI

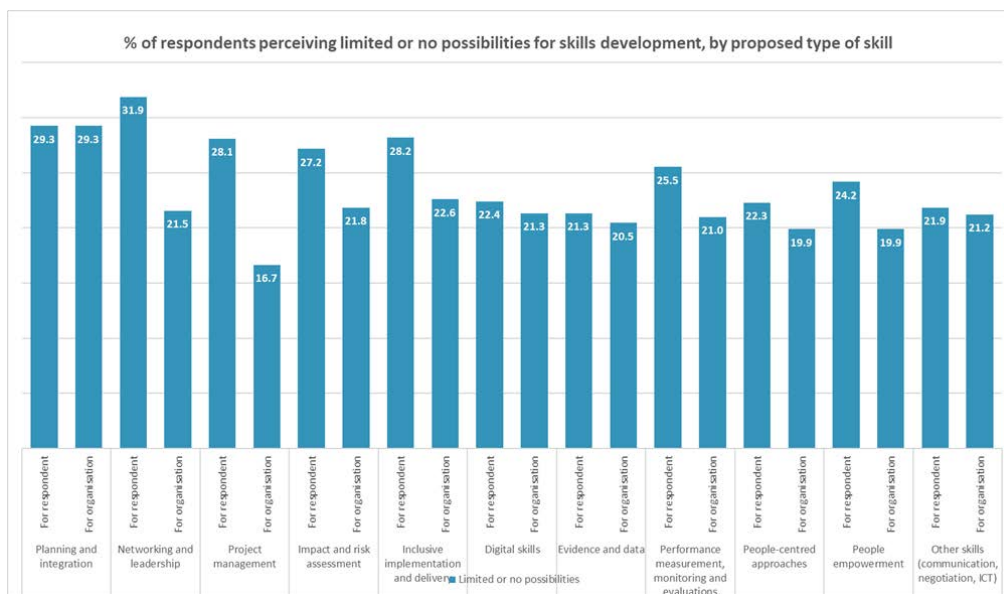
eventually, can be integrated with a human-centred approach and a trustworthy method of data use and reuse ensured at management level and entrenched in development processes.

Developing efficient and agile organisational processes is essential for moving toward a modern people-centred justice sector and aligning resources with needs. This is particularly important in sectors like justice that involve a wide variety of stakeholders. Effective processes to support interoperability and communication should be enhanced. Skillsets associated with the capacity of civil servants to situate themselves in the system where they operate are essential preconditions to setting up a people-centred approach in the justice system. This approach takes the citizens' perspective as a compass in designing services and promoting an integrated and holistic view of these.

### 5.2.3. Stakeholders indicate a particular need for capacity-building initiatives related to digital skills and people-centred approaches, as well as networking and leadership

Respondents were asked to rate the opportunities they had to improve in the competencies listed in the questionnaire. On average, 29.4% of respondents thought there were ample possibilities; 31.9% thought there were some possibilities, but that these could be improved; 20.6% thought the possibilities were limited or non-existent; 18% chose to not answer. This means that at least half of respondents believe there is room for improvement in either the quality and/or accessibility of training programmes. Based on the share of respondents indicating limited or no possibilities for personal skills development, the largest gaps emerge around planning and integration (29.3%), networking and leadership (31.9%), project management (28.1%), impact and risk assessment (27.2%), and inclusive implementation and delivery (28.2%) (see Figure 5.3). When asked which areas should be prioritised, the most common answers concerned digital skills (56% of respondents) and people-centred approaches (44%). Some 36.6% of respondents also highlighted a need to prioritise capacity-building related to networking and leadership, and planning integration.

Figure 5.3. Perceptions of skills development opportunities



Source: Author's own elaboration.

Therefore, it appears that while there are some – limited – possibilities for reinforcing digital skills and competencies related to people-centred approaches, respondents' insights underscore a significant

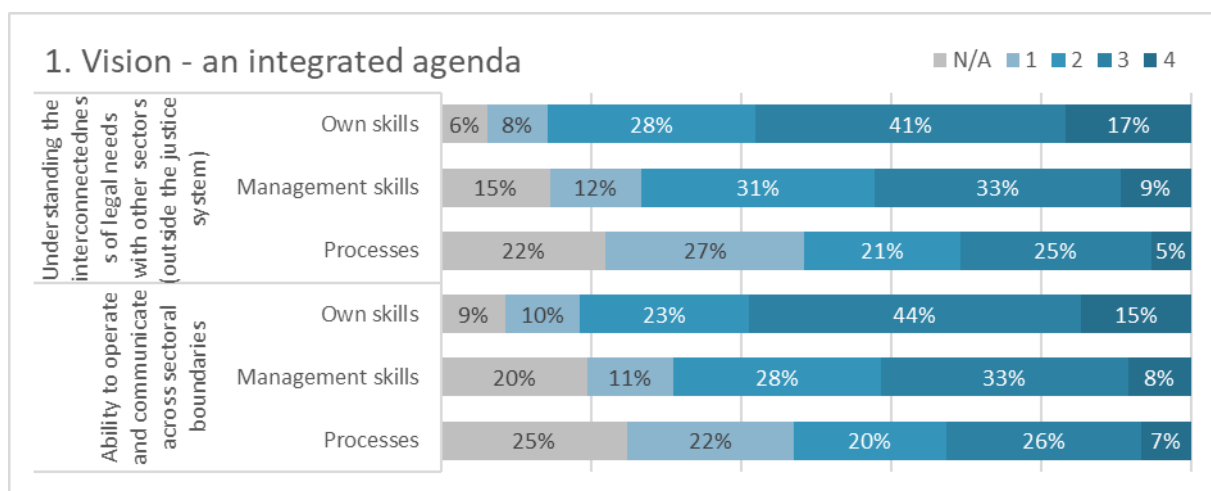
imperative to prioritise these two areas. While this result may primarily stem from a high level of responses highlighting constrained improvement opportunities, it may also underscore the necessity for heightened focus on the quality of existing training programmes. Based on the results, capacity-building initiatives must also focus on enhancing “Networking and leadership” capabilities. Respondents identified this area as the most constrained in terms of self-improvement opportunities and approximately one-third indicated it as a priority for capacity-building.

### 5.2.4. In-depth assessment across competency areas

#### *Vision and culture: An integrated agenda*

For this area, respondents were asked to assess two specific competencies: their ability to understand the interconnectedness of legal needs with other sectors and of operating and communicating across sectoral boundaries (see Figure 5.4).

**Figure 5.4. Vision and culture: Share of negative and positive perceptions**



Note: Responses rank from most negative (1) to most positive option (4).  
 Source: Author’s own elaboration.

Respondents assessed their own skills in “understanding the interconnectedness of legal needs with other sectors” and “operating across sectoral boundaries” more positively than management and organisational support. For both skills, almost 60% of respondents either consider themselves as experts or use these skills regularly. Respondents have a more negative perception of management support to develop these skills with respectively 42.3% and 40.7% believing that they are either actively developing expertise in these areas or regularly using these skills and enabling others to. Finally, organisational processes were assessed positively by, respectively, 30.4% and 32.7% of respondents. Interestingly, this also might be due to the fact that in the case of management and organisational assessment, respondents more frequently chose not to provide an assessment.

Comparing respondents’ categories, ICT professionals expressed a larger gap in organisational processes related to understanding cross-sectoral connections (60% choosing option 1: there are no organisational processes in place, or option 2: they do not work well in practice); on the contrary, other managers assessed organisational processes related to operating and communicating across sectoral boundaries more positively (with only 30% choosing option 1 or 2).



Comparing mean answers across categories, the largest differences emerged among service providers without contact with users. They appeared to assess the support of their management more positively. This was also true among other managers (including senior managers and decision makers) who appeared to assess the processes of their organisation more positively.

Finally, as mentioned in the general analysis, this skillset received the highest number of negative responses of all three dimensions combined. This reveals a general lack of knowledge, awareness and efforts to support an integrated agenda in a co-operative manner.

## *Governance*

### **5.2.5. An inclusive agenda**

For all skills related to fostering an inclusive agenda in the justice sector – ensuring access to justice for all and involving stakeholders in the design and delivery of services, while paying specific attention to the needs of vulnerable groups – respondents assessed their own capacities more positively than the support of their own management or the processes of their organisation. The only exception for which support from management and processes were better rated concerned the “capacity to approach the design of the policy and service agenda from the point of view of the users”.

As mentioned in the justice skills framework, ensuring inclusivity of the justice sector involves guaranteeing access to justice for all, including groups with specific needs. In this regard, respondents were questioned on their awareness of the main issues experienced by children, victims of violence, the elderly, LGBTQIA+ and people with disabilities. Results revealed a particular gap in knowledge of legal and justice issues encountered by LGBTQIA+ (34.3% of negative answers). This was even more pronounced for middle managers (50%).

An inclusive justice sector also requires fostering dialogue and proactively involving all stakeholders in the design and delivery of justice services. In this regard, respondents were particularly negative when assessing their own “ability to systematically include relevant stakeholders/end-users in the design and implementation of justice services and policies” (36.8% of negative responses) and “to systematically design legal services for and with vulnerable people” (33.3% of negative answers). It is worth mentioning that managers perceived more negatively than average their capacity to “include stakeholder feedback for service design and delivery”, “design legal services for and with vulnerable people” and “promoting dialogue through digital media” (50% of negative response from middle managers).

ICT professionals expressed particular deficiencies when assessing fundamental skills to ensure inclusivity in the justice sector. Some 40% of them provided negative responses to several skills evaluated: “fostering inclusive dialogue”, “including stakeholder feedback for service design and delivery”, “designing services for and with vulnerable people”, “promoting dialogue through digital media”. Negative self-assessment was even stronger when it came to assessing their own awareness of issues experienced by vulnerable people (40%) and especially people with disabilities (47%). Perhaps understandably given the nature of their functions, 58.3% of ICT professionals also negatively assessed their own competencies in “training employees to ensure the systematic inclusion of stakeholders in the design and implementation of policies and services”, and “approaching the design of the policy and service agenda from the point of view of users”.

Concerning management support, the two skillsets assessed as particularly deficient were also negatively assessed in terms of own skills: “ability to systematically include relevant stakeholders/end-users in the design and implementation of justice services and policies” (45.9% but less pronounced for service providers without contact with users, 21.4%) and “ability to systematically promote dialogue, including through digital media and social network” (42.2% but less pronounced among middle managers and other managers, with, respectively, 18.8% and 21.4%).



As for organisational processes, the largest gaps also aligned with negative perceptions in terms of own skills and management support, the most negative perceptions being related to the following skills: “ability to foster inclusive dialogue with a variety of stakeholders” (44.7%), “ability to systematically include relevant stakeholders/end-users in the design and implementation of justice services and policies” (45.5%), “awareness of complexity of legal language” (44.8%); “ability to train employees to ensure the systematic inclusion of stakeholders in the design and implementation of policies and services” (41.8%), “ability to systematically promote dialogue, including through digital media and social network” (42.3%).

However, perceptions of organisational processes tend to vary between respondents, with some viewing them more positively and others holding a more negative assessment. While managers and service providers without contact with users tend to assess more positively organisational processes for all skillsets, disparities in responses from other groups of respondents – whether positive or negative – are closely tied to specific groups’ perceptions of their own skills. For example, ICT professionals evaluated organisational processes to support “training employees to ensure the systematic inclusion of stakeholders in the design and implementation of policies and services” more negatively than average respondents (41.8%), while the opposite trend was observed for service providers without contact with users that rated processes to “support fostering inclusive dialogue with a variety of stakeholders” better (only 17.9% of negative responses) and “systematically include relevant stakeholders/end-users in the design and implementation of justice services and policies” (only 21.4%).

### **5.2.6. Network and collaborative leadership**

As highlighted in the justice skill framework above, networking skills and collaborative leadership are necessary to enhance collaboration across justice institutions, level of government and across ministries. Looking at the respondents’ own skills, the largest gaps emerged for the following skillsets: “capacity to network and collaborate across justice institutions and ministries to harmonise priorities and ensure coherence” (34.3% negative responses), “ability to empower staff across ministries and justice agencies to dialogue across sectors and with other stakeholders (inside and outside the justice system)” with 25% of negative answers, and to “work across sectorial boundaries, identifying linkages between policies and services”.

However, respondents were less able to assess their “ability to empower staff across ministries and justice agencies” and their “ability to reach out to other ministries, sectors, levels of government establishing partnerships and dialogue”. This might be due to a perception that these skillsets refer to management and co-ordination abilities that are not normally requested from respondents. While strong leadership from management to empower staff to dialogue across sectoral/institutional siloes and levels of government is primordial, important gaps were observed with 71% of other managers providing negative responses to assess their “ability to work across sectorial boundaries, identifying linkages between policies and services”. Some 35.9% of middle managers also negatively assessed their “capacity to network and collaborate across levels of government to harmonise priorities and ensure vertical coherence”. Finally, 50% of them saw deficiencies in their own ability to “reach out to other ministries, sectors, levels of government establishing partnerships and dialogue”.

ICT professionals assessed particularly negatively their own ability to “network and collaborate across levels of government to harmonise priorities and ensure vertical coherence” (33% of negative answers) and to “work across sectorial boundaries, identifying linkages between policies and services” (44%). This may be due to a low level of interoperability across sectors and policies.

Management support and organisational processes were assessed in roughly the same way across questions, with no significant difference in the distribution of answers among them. The proportion of respondents who had a negative perception for these dimensions was homogeneous around 28.5% for management support and 29.2% for processes. No significant differences emerged across categories of respondents either.

### **5.2.7. Effective project management**

Respondents were asked to assess the perception of their own skills, management support and organisational processes related to effective project management, including designing and implementing projects and using indicators and actions plans. As for other competency areas, respondents felt more comfortable assessing their own competencies than evaluating management support or organisational processes to support these skills. A larger number of respondents chose the “N/A” option for these dimensions.

Respondents were particularly positive about their own ability to effectively design and implement projects, with 61.8% choosing a positive answer, and their ability to use indicators and action plan tools to support decisions and design responsive policies and services, with 59.6% responding positively. They were less confident about their own ability to effectively manage projects (48.3% of positive answers).

Concerning respondents’ skills, the largest gaps emerged for other managers: 50% of them have a negative perception of their own skill when assessing their ability to use indicators and action plan tools to support decisions and design responsive policies and services; 57% of them did so when assessing their own ability to effectively manage projects.

Comparing respondents’ categories in the case of management support, the largest differences emerged for middle managers (with 51% of them negatively assessing management of their institution to support designing and implementing projects) and ICT professionals (with, respectively, 53% and 50% of them having a negative perception of the support received for designing and implementing projects, and for effectively managing projects).

### **5.2.8. Impact and risk assessment**

For competencies related to impact and risk assessment – breaking down into awareness of methodologies and framework; and ability to conduct the assessment and to envision and manage risk – again, respondents more frequently chose the “N/A” option when assessing management support and organisational processes, and gave more positive assessments of their own skills.

Some 61.6% of all respondents perceive themselves as well aware of impact and risk assessment frameworks and methodologies. Similarly, 58.2% have a positive perception of their own ability to assess impacts of policy and service proposals, including on access to justice. The same figure was lower for respondents’ ability to envision and manage risk (46.5%).

Comparing own skills across categories of respondents, other managers were comparatively negative, with 41% of negative answers on average. Some 47% of ICT professionals also negatively assessed their own “awareness of impact and risk assessment frameworks and methodologies”.

As for management support, 35% of respondents on average assessed the three competencies in this area as not existing, not regular or not a high priority. In this perspective, service providers with contact with users were particularly negative, with 44% of them on average providing negative answers.

As for organisational processes, the largest gaps were expressed by other managers across all skillsets (on average 49% negative responses), and ICT professionals regarding processes to support awareness of impact assessment framework and methodologies (60% of negative answers), and to support staff’s ability to envision and manage risk (54%).

### **5.2.9. Aligning resources with service priorities to respond to people’s needs**

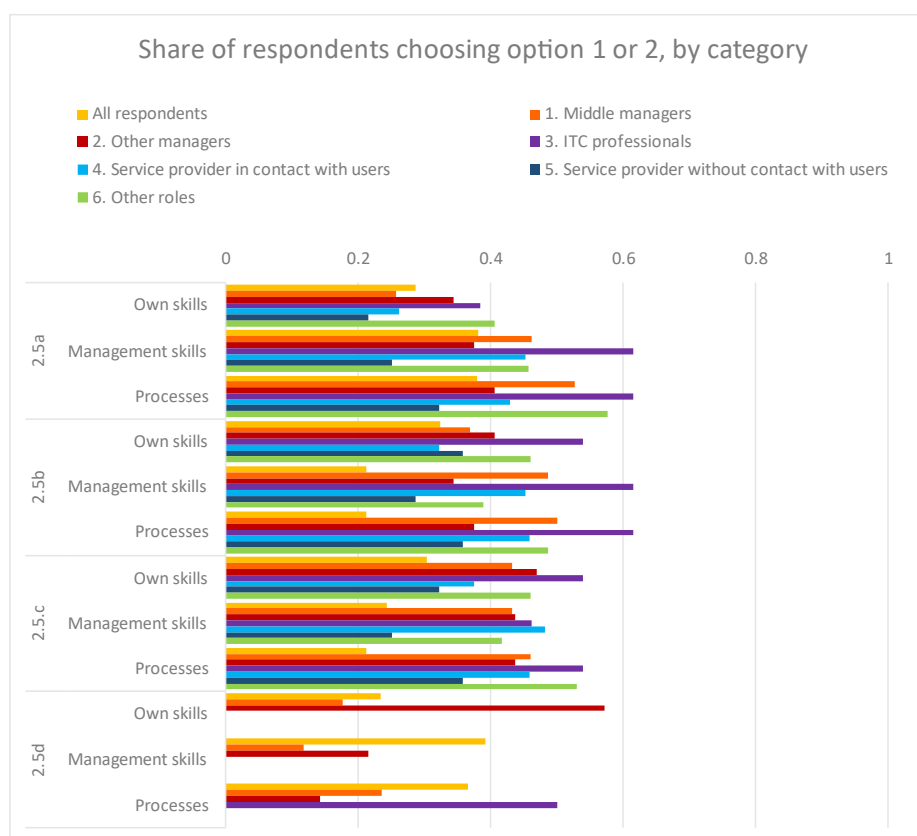
Aligning resources with service priorities to respond to the needs of people refers to the following specific skills: aligning human and financial resources for joined-up service delivery with other institutions; aligning budget with people-centred justice policy and service needs; and considering economic, social and

environmental impact of policies. Respondents evaluated their own competencies overwhelmingly positively: while 52.8% chose positive options when assessing their capacity to align human resources to deliver services in joined-up ways with other institutions, about 73% of them did so when evaluating their ability to align budget with people-centred justice policy; align financial resources for funding service delivery across levels of government; and consider cross-sectoral policy impacts (see Figure 5.5).

A similar pattern emerged for management support skillsets: 36.8% of respondents had a positive perception of management support to align human resources for joined-up delivery, and 50% positively assessed management support for budget and financial resources alignment, and considering cross-sectoral policy impacts. However, the same trend around assessment of management support and organisational processes holds for this competency area: respondents more frequently chose not to provide an assessment for the two dimensions. For organisational processes, the assessments were less positive, mainly because of a large share of answers being “N/A”.

In all three dimensions, the largest gaps in respondents’ skills emerged for ICT professionals and respondents in other roles, with an average share of negative answers of 50% and 44% for these groups. ICT professionals were also the group that most negatively assessed management support and organisational processes (e.g. 62% of negative answers for aligning human resources for joined-up delivery and for budget alignment with people-centred justice policy).

**Figure 5.5. Share of negative responses by respondents’ categories**



Note: 2.5a Capacity to align human resources to deliver services in joined up ways with other institutions, 2.5b Ability to align budget with people-centred justice policy and service needs, including for vulnerable groups, 2.5c Capacity to align financial resources to fund service delivery across multiple organisations/levels of government, 2.5d Ability to consider economic, social and environmental policy issues when evaluating costs and benefits of a policy.

Source: Author’s own elaboration.

### 5.2.10. Digital and data skills

One of the biggest challenges identified in the development of digital transition projects in the justice sector in Portugal are internal teams with few resources or capabilities for managing projects whose development has been contracted out to external teams. In order to ensure the operationalisation and evolution of those projects by the organisations themselves within the justice sector, Portugal launched *LAB Justiça* – a programme to strengthen strategic management digital and leadership skills (see Box 5.2).

#### Box 5.2. Portugal: LAB Justiça

*LAB Justice* is a programme that aims to strengthen the skills of justice leaders and project managers with a focus on management and operationalisation of change. Launched in October 2022 in Lisbon, the programme is co-ordinated by the Justice Institute for Financial and Equipments Management (IGFEJ) and developed in partnership with Nova SBE and the Instituto Superior de Economia e Management (ISEG). *LAB Justiça* is part of the Skills Programme for Innovation in Justice – Build capacity to innovate (“Capacitar para Inovar”) – integrated as part of the *GovTech Justiça* and financed by the Recovery and Resilience Plan (RRP), which foresees an investment of EUR 4.9 million for the Skills Center for Innovation and Digital Transformation (Justice Hub).

The programme focuses on three strategic pillars: strategic management, digital transition and leadership in a changing context. It is based on a “learning and applying” methodology, with a strong emphasis on practical exercises, including workshops and collaborative working groups. In particular, participants are required to develop innovation projects applicable to the Ministry of Justice. Projects must be based on an existing project from the Justice Action Plan, or a new project corresponding to one of the strategic pillars of the plan.

The first edition of the programme targeted project leaders and managers and involved 100 participants from 18 bodies and entities in the area of justice. The second edition integrates 50 new staff from government agencies and institutions in the field of justice. It takes place in Porto in partnership with the Porto Business School. In addition, a new 60-hour specialised training course, called Deep Dive, is planned for the participants of the first edition to deepen the topics covered in the first edition.

Source: Government of Portugal (2023<sup>[3]</sup>), *Lab Justiça*, [https://govtech.justica.gov.pt/wp-content/uploads/2023/02/LabJustica\\_brochura.pdf](https://govtech.justica.gov.pt/wp-content/uploads/2023/02/LabJustica_brochura.pdf).

In addition to being new legislation for the judicial system to adapt to, the above-mentioned EU Digital Services Act (DSA) includes instruments for complaint resolution in Articles 20 and 21 managed by the private sector. The internal complaint-handling system, facilitated for users as per Article 20, and the out-of-court dispute settlement under Article 21 are decentralised ways to ensure access to justice for citizens, focusing on resolving their demands. They can also serve as a source of learning for the judiciary to ensure better efficiency in judicial processes through the best practices of the private sector.

In terms of self-assessment of skills, a preliminary major competence for driving digital transformation of the justice sector is the “ability to understand the potential of digital transformation”. All respondents had a relatively positive perception of their ability to do so with 72.6% positive opinion. However, middle managers differed from the rest of respondents with 50% of them choosing a negative option, while their role in driving modernisation is essential. Again, management support and processes were assessed less positively, with 50% and 40% of respondents respectively choosing positive options for this dimension.

Respondents were also asked about their “ability to understand users and their needs”. Answers were more homogeneous across dimensions with 28.5% identifying their own skills as deficient, compared to 33.8% for management support and 35% for organisational processes.

A specific area of enquiry for the survey under digital skills was the ability to collaborate for iterative delivery:

1. For these skillsets as for others across the survey, again, respondents provided more responses and evaluated their own competences more positively than management support and organisational processes. Around a half of respondents chose a positive option when assessing their own skills, with a higher rate of positive responses for the “ability to understand different phases of delivery” (61.8%).
2. Surprisingly, the largest gaps emerged for ICT professionals around the “ability to understand open-source code and the community-based processes that support them” (46% negative answers), and “knowledge of common standards, components and patterns” and when to use them (50% negative answers).
3. Management support received more lukewarm assessments, with the share of negative answers being equal or superior to the share of positive ones. An exception to this was the mentioned “ability to understand different phases of delivery”, for which 42.6% had a positive perception of management support.
4. As for organisational process, in this group of skillsets an average of 33.7% of all respondents chose “N/A”, and 36.7% chose a negative response (no processes or processes that do not work well in practice).
5. Comparing categories, again middle managers had more negative impressions than other categories, with 50% choosing negative options.

The survey also covered skillsets related to the **capacity to be trustworthy in the use of data and digital technologies**. Respondents were relatively positive about their own competencies, with over 50% choosing positive options for their “ability to understand one’s own responsibility in the workplace around information security and data handling or processing including the legislations such as the General Data Protection Regulation (GDPR)” (52.9%), and their “capacity to be confident in terms of digital security and clear about password policies” (55.9%). For skillsets related to protection of privacy and ethical dimensions in handling data and using digital about two-thirds of respondents gave a positive assessment of their own skills. The result was roughly the same for respondents’ self-assessment of their “ability to ensure that contracts with third-party suppliers are consistent with the digital government agenda”.

Responses were more nuanced around management support, with roughly equal proportions of answers divided between positive (37.2%) and negative (37.7%) assessments, coupled with a homogeneous share of intentional non-answers (N/A, on average 24.6%). Less divided perceptions emerged from organisational processes, with about 40% of respondents on average choosing a negative option, 31.1% choosing N/As, and 28% having a positive perception.

Comparing categories, middle managers provided comparatively more negative perception, with 50% of them selecting negative options for all dimensions and skillsets. Similarly, and surprisingly, ICT professionals were slightly more negative than average, with 35.7% choosing negative options for all dimensions and skillsets (see Figure 5.6).

**Figure 5.6. Share of negative responses by respondents' categories**



Note: 2.6i. Ability to understand one’s own responsibility in the workplace around information security and data handling or processing, 2.6j. Capacity to be confident in terms of digital security and clear about password policies, 2.6k. Ability to understand one’s legal requirements as individuals in terms of handling of data to protect the privacy of citizens, 2.6l. Ability to be comfortable considering the ethical dimensions associated with the use of digital technologies or data, 2.6m. Ability to ensure that contracts with third-party suppliers are consistent with the digital government agenda.

Source: Author’s own elaboration.

Another group of skillsets assessed by the survey is the capacity to understand a data-driven public sector. This skillset is a breakdown of multiple competencies such as understanding who is responsible for the data agenda, the steps to establish a data-driven public sector, the arrangements for accessing and sharing data, and the legal and ethical obligations related to data and the interoperability of data.

Overall, answers to this group of skillsets were very homogeneous. Given the length of the section, it is possible this was a sign of fatigue for respondents, with consequent straight lining in the answer matrix provided. The observed trend of evaluating own skills more and more positively persisted. On average, 62.7% of respondents assessed their own competencies positively, with a minimum of 55.8% for “the ability to recognise opportunities for how interoperability and access to transactional data can support the better

design of services” and a maximum of 66.7% for “the ability to understand the priority, roadmap and strategy for taking the steps to establish a data-driven public sector”.

The differences among answers in assessing management support were even less pronounced, and, as for the previous group of skillsets, less positive than those related to own skills: between 39.4% and 45.2% of respondents chose positive answers, while between 32.1% and 36% chose negative ones. As for management support, responses were roughly equally split between positive options (on average 32.2%), negative options (on average 36.9%) and N/As (on average 30.9%). Comparing categories, again 50% of middle managers were relatively more negative for all dimensions of most competencies related to the skill “capacity to understand a data-driven public sector”.

Additional competencies related to this skillset can be divided in two groups of skills:

1. Capacities related to the understanding of a digital system and fast-changing environment, diplomacy skills and evidence-based responses to needs<sup>3</sup>. For these, an average of 47.7% of respondents chose positive options, and 32.6% negative options, with a positive maximum in the case of “capacity to react to a fast-changing environment”, and the largest skills gap emerging in “capacity to see the full scope of a system and understand how different moving parts fit together, spot patterns and trends, look to the future”. Comparing skill gaps across categories of respondents, service providers in contact with users were slightly less negative than average when it came to collecting information and providing evidence-based responses to needs (only 15.9% negative responses).
2. Regarding capacities related to ethics, security and reliable use of data and technology; and communication skills to champion the benefits of digital and enable decentralised decision making<sup>4</sup>, these were evaluated in an overwhelmingly positive way, with 78.7% of respondents on average choosing a positive option. Some 87.9% of respondents assessed positively their own ability to use digital means (social networking sites [SNS], websites etc.) to interact with users in an ethical manner. Comparing gaps across respondents’ categories, middle managers emerged as perceiving to have larger than average skill gaps in all skillsets mentioned except the “ability to ensure reliable use of data and technology”.

Looking at management support, the second group of skillsets above showed a lower share of intentional non-answers (20.6% on average) compared to other skillsets related to digital and data (29.6% on average). No particularly large difference emerged when comparing answers among categories.

As for processes, answers were roughly divided in equal parts between intentional non-answers, positive, and negative answers. At the same time, some skillsets presented considerable differences, with some larger gaps in skillsets of “diplomacy skills”, “capacity to react to a fast changing-environment”, to “actively champion the benefits of digital government” and to “enable a decentralised decision making” (all showing about 40% negative assessments). On the contrary, digital skills to make use of a complex and fast-evolving information landscape showed a larger share of positive answers (42.4%).

Considering that some respondents were ICT professionals, the following section of the survey was tailored to the characteristics of respondents. Some skills were only asked of respondents identifying themselves as digital professionals (knowledge and understanding of user-centred design, product and delivery, service ownership, data and digital technologies), or of respondents declaring they were not digital professionals (knowledge and understanding of law, policy, and subject matter, strategy and governance, commissioning and procurement, human resources, operations and customer service, digital/ICT).

### **5.2.11. Awareness and communication**

Portugal is implementing projects to facilitate communication between justice actors and the general public (see Box 5.3).

### Box 5.3. Portugal: Simplifying communication with service users

#### LabX's initiatives to simplify language for service design

LabX is the Portuguese Centre for Innovation in the Public Sector, integrated to the Administrative Modernisation Agency (AMA). Its mission is to contribute to the innovation ecosystem in the Portuguese public administration and provide tools to support the design of public services with a people-centred purpose.

The Centre has developed several initiatives in recent years. This includes a methodology to help public sector organisations to draft in plain language when communicating with service users. The methodology encompasses capacity-building workshops – hands-on sessions that aim to support service delivery and communication teams to diagnose and review documents and written content available to users. LabX also provides a step-by-step guideline to help public officials apply the methodology. These initiatives have important outcomes, including enhancing efficiency in service delivery, and increasing levels of user awareness and uptake of public services.

#### *Simplex +*'s initiative Understanding justice (“Comprender a justiça”)

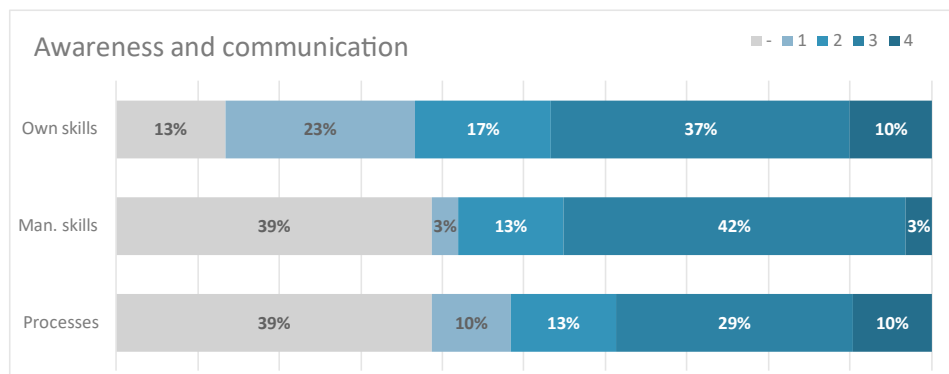
*Simplex +* is a programme aimed at legislative and administrative simplification, and the modernisation of public services.

Within the “simpler communication” component of the programme, the Ministry of Justice led the initiative *Understanding Justice*. The initiative aimed to address the lack of clarity that complex language and legislative texts may entail to justice users. The simplification of texts also included court summons and legal notifications to citizens.

Source: Government of Portugal (2024<sup>[4]</sup>), *Language simplification workshops*, <https://labx.gov.pt/projetos-posts/oficinas-de-simplificacao-da-linguagem/>; Government of Portugal (2016<sup>[5]</sup>), *Simplex+*, <https://simplex.gov.pt/simplexmais/app/files/332c67abd4420decd48c1c6429667a35.pdf>.

Despite the country's initiatives, 40% of respondents considered “raising awareness and communicating in plain language (especially reaching out to marginalised and vulnerable groups)” as deficient. They were much more positive on management support and organisational processes, with only 16.1% and 22.6% of answers being negative. Comparing respondents' categories, middle management and ICT respondents emerged as more critical than average, with 44.1% and 58.3% providing a negative assessment for all dimensions (see Figure 5.7). With organisational processes and management support scoring quite high (in comparison to other skillsets) and staff perception of their own skills being relatively negative, capacity-building initiatives to raise awareness and communication may be an example of ‘low-hanging fruit’, assuming that targeted support in building staff competencies will in turn be supported by the organisational environment.



**Figure 5.7. Awareness and communication: Share of negative and positive perceptions**

Note: Responses rank from most negative (1) to most positive option (4)

Source: Author's own elaboration.

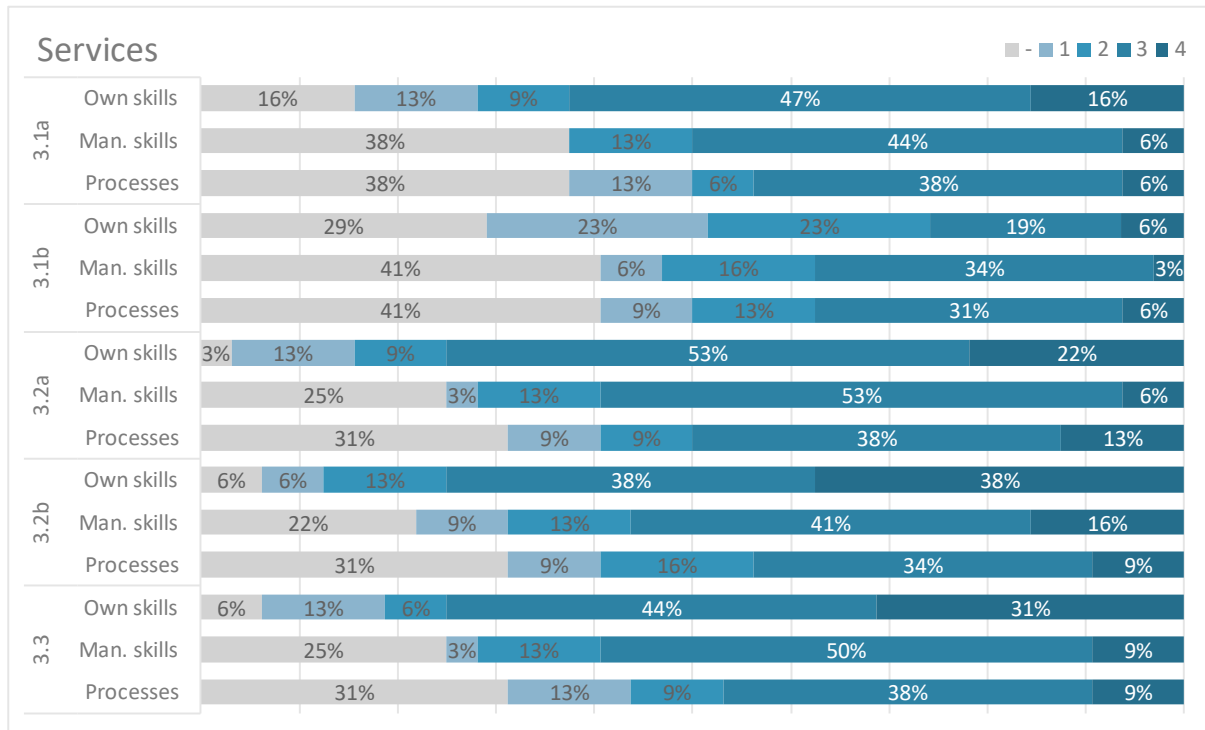
### Services

The services skillset refers to several competencies required for adopting a people-centred approach when designing and delivering legal and justice services. As mentioned in the framework, it is a breakdown of the ability to design the right delivery model (e.g. direct delivery, commissioning and contracting, partnerships, digital channels), tailor them to local contexts and mobilise necessary human and financial resources effectively.

The observed trend of evaluating own skills more often and more positively repeats for this group of skillsets as well. Respondents were overwhelmingly positive in assessing their own skills for all skillsets, with the exception of their “ability to contract required services and goods”. In this case, 45.2% of respondents chose a negative option. Some 75% of managers positively assessed their own skills for “contracting required services and goods”, “co-ordinating policy delivery at local level including by interplaying with different communities and leaders in different locations”, and “designing funding tools and accountability framework for delivery partnerships to respond to local needs” (see Figure 5.8).

When it came to management support, the “ability to contract required services and goods” received a less positive assessment from managers, with 21.9% of them having a negative perception of management support. Excluding this, answers were prevalently positive (56.3% of positive responses on average) or N/As (27.3% on average).

A similar pattern emerged for organisational processes, excluding the “ability to contract required services and goods” (21.9% negative responses, and 37.5% intentional non-answer), 46.1% of respondents found them adequate, and 32.8% could not provide an answer.

**Figure 5.8. Services: Share of negative and positive perceptions**

Note: 3.1a. Ability to plan and deliver legal and justice services to respond to the needs of different groups of people and stakeholders, 3.1b. Ability to contract required services and goods, 3.2a Ability to co-ordinate policy delivery at local level, 3.2b Capacity to interplay with different communities and leaders in different locations, 3.3. Ability to design funding tools and accountability frameworks for delivery partnerships to respond to local needs, including at the local level.

Source: Author's own elaboration.

### 5.2.12. Design and delivery of services

This skillset questioned justice civil servants' ability to design evidence-based policies and services informed by data analysis. It involved assessing their capacity to plan and deliver evidence-based services, using data interpretation to inform decisions and create public value, and commit to promoting learning of what works in legal and justice initiatives.

As per other competency areas, respondents evaluated their own skills more often and more positively than management support or organisational processes. For this group of skillsets, respondents were overall very positive: on average, 72.9% of them responded positively about their own capacity to plan and deliver evidence-based services, to understand data interpretation and use it to inform decisions, design and run services, and create public value inside and outside government. They were also positive about their commitment to promote learning of what works in legal and justice initiatives. They were more negative on their ability to collect, manage, analyse and interpret relevant data (43.8% positive answers, 28.1% negative answers).

The same pattern emerged for management support and organisational processes, with a relatively low number of respondents identifying gaps in the dimensions mentioned above except for the "ability to collect, manage, analyse and interpret relevant data", with 38.7% and 34.2%, respectively, negative responses.

### 5.2.13. Localised adaptations

The same trends across dimensions described above were observed for this group of skillsets.

When assessing their own skills, respondents perceived the largest gaps in “knowledge of full spectrum of legal and justice services, including the non-litigious means of dispute resolution” (25% negative answers), orientation towards people-centred service (24.8%), and ability to interpret data and provide operative policy advice (24.4%). Comparing categories of respondents, ICT professionals were the most negative group, with 58.3% of them providing a negative assessment across all dimensions and skillsets.

As for management support, respondents were less confident in assessing support for “knowledge of the national and transnational standards of quality of justice” and “orientation toward people-centred service”, with 33.9% of respondents indicating N/A for both skillsets. Again, the largest gaps emerged for “knowledge of full spectrum of legal and justice services, including the non-litigious means of dispute resolution” (37.9% negative answers) and “ability to interpret data and provide operative policy advice” (35.8% negative answers). Comparing categories of respondents, other managers appeared to assess more positively management support under “adaptive leadership able to understand and apply people-centred and evidence-based approaches”.

Regarding organisational processes, about 42% of respondents chose “N/A” for the following skillsets: “knowledge of full spectrum of legal and justice services”, “knowledge of the national and transnational standards of quality of justice”, and “orientation towards people-centred service”. A relatively homogenous share of 32.3% of respondents found all skillsets as deficient.

### *Measuring, monitoring and evaluating performance*

The same trends across dimensions described above were observed for this group of skillsets. In assessing their own skills, on average, 52% of respondents gave positive answers. The largest gap was perceived in respondents’ own “ability to measure performance of projects/initiatives”, with 26% negative answers. The share of negative answers for “conducting evaluations to improve policy and service results” and “ability to plan, measure, and interpret progress” was not significantly different (25% and 23.7%).

Looking at management support, “conduct evaluations to improve policy and service results” emerged as the largest gap, with 44% of respondents choosing a negative option. As for organisational processes, a relatively homogeneous one-third of respondents (36.9% of respondents) identified these skillsets as deficient.

Comparing categories, as above again, the gaps in these competencies seemed to be felt more acutely among middle managers (44.4% providing negative answers across all dimensions and skillsets) and ICT professionals (58.3% of whom provided negative assessments).

### *People empowerment*

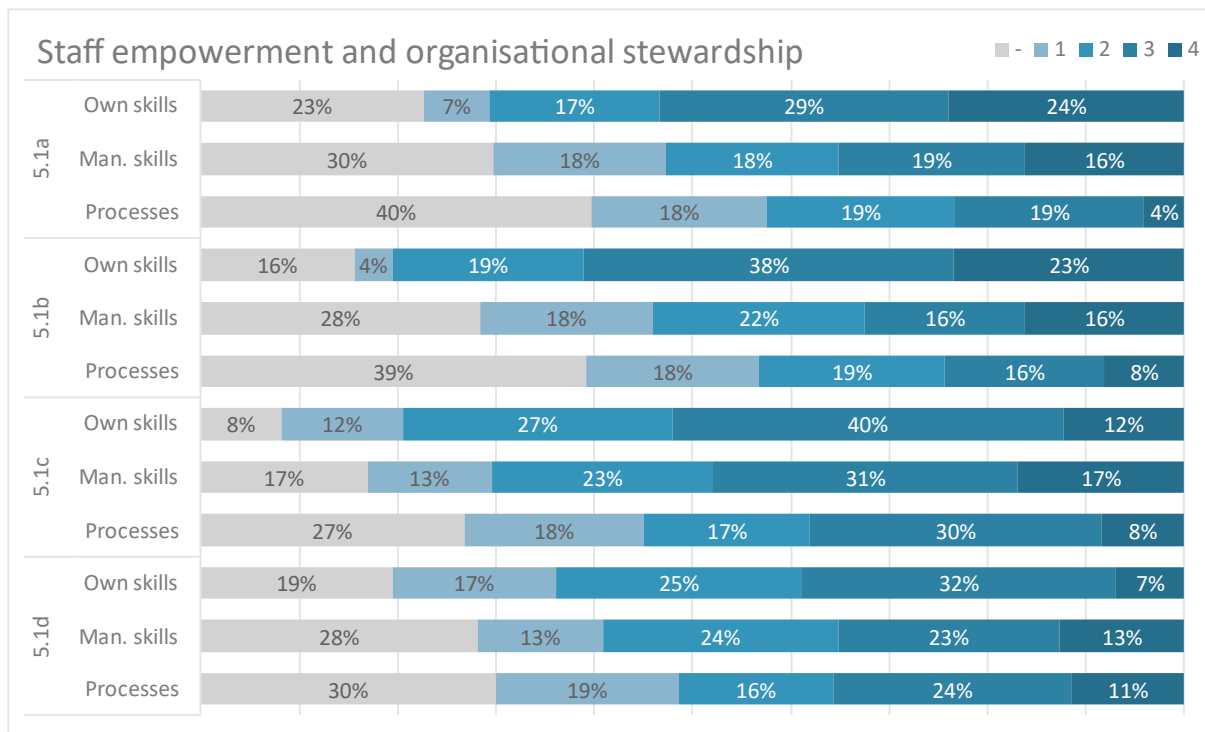
#### **5.2.14. Staff empowerment and organisational stewardship**

Respondents were asked to assess their own skills, management support and organisational processes related to the following competences: orientation towards excellence; capacity to think outside the box; capacity to empower staff/colleagues to work across traditional silos and take action; capacity to empower teams to respond to the needs of clients; embracing cultural diversity; and adopting a learning mindset.

The same trends across dimensions described above were observed for this group of skillsets. When assessing their own skills, managers found themselves to be more deficient, with 39.7% choosing a negative option in assessing their own “capacity to empower staff/colleagues to work across traditional silos and take action”, and 41.7% doing so in evaluating their own capacity to “empower teams to respond to the needs of clients”. A similarly large gap emerged also for “embracing cultural diversity”, with 41.7% of respondents providing negative answers (see Figure 5.9).

When considering management support, a homogenous one-third of respondents across all skillsets (an average of 36.5%) considered them inadequate, with the largest gap emerging for “capacity to think outside the box” (39.2% negative answers). Similar figures emerged for organisational processes, with an average of 35.7% of respondents providing negative answers across all skillsets.

**Figure 5.9. People empowerment: Share of negative and positive responses**



Note: 5.1a Orientation towards excellence, 5.1b Capacity to think outside the box, 5.1c Capacity to empower staff/colleagues to work across traditional silos and take action, 5.1d Capacity to empower teams to respond to needs of clients, embracing cultural diversity, and adopting a learning mindset.

Source: Author's own elaboration.

### 5.2.15. Openness and inclusion

The assessment of skills related to openness and inclusion involved two questions for all respondents (embracing cultural diversity, adopting a learning mindset) and two others for managers only (ability to adapt management to cultural diversity, ability to promote open, inclusive working environments). The same trends across dimensions described above were observed for this group of skillsets.

The “ability to adapt management to cultural diversity” counts the highest share of negative responses, with 46.5% providing negative answers when assessing their own skills and 35.7% when assessing management support. The perception of management support to “promote open, inclusive working environments” was also mostly negative (35.3%). Considering organisational processes, across all skillset responses there was a homogeneous split, with N/As (32.3% on average), negative answers (33.7% on average) and positive answers (34% on average).

## References

- Government of Portugal (2024), *Language simplification workshops*, <https://labx.gov.pt/projetos-posts/oficinas-de-simplificacao-da-linguagem/>. [4]
- Government of Portugal (2023), *Lab Justiça*, [https://govtech.justica.gov.pt/wp-content/uploads/2023/02/LabJustica\\_brochura.pdf](https://govtech.justica.gov.pt/wp-content/uploads/2023/02/LabJustica_brochura.pdf). [3]
- Government of Portugal (2016), *Simplex+*, <https://simplex.gov.pt/simplexmais/app/files/332c67abd4420decd48c1c6429667a35.pdf>. [5]
- OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [1]
- OECD (2019), *Measuring Distance to the SDG Targets 2019: An Assessment of Where OECD Countries Stand*. [2]

## Notes

---

<sup>1</sup> For each competence area, respondents were prompted to assess three dimensions using a 1-4 scale: Their own competence: What is the level of your competence in this area? 1: I know very little about this; 2: I have a general awareness of this and do it sometimes; 3: I do this regularly; or 4: I consider myself an expert in this; or N/A; The management support received: To what extent does the management of your institution support these competences? (1: Not at all/ they are not aware; 2: They do this sometimes but not a high priority; 3: They do this regularly and enable others to; 4: They are actively developing expertise in this area (e.g. by hiring specialists or training); or N/A; Organisational processes in place within their organisation or department: Are there processes in public administration to support these skills? 1: No, not that I am aware of; 2: Some, but they do not work well in practice; 3: Yes, there are well-used processes, but there is room for improvement; 4: Yes, they function well; or N/A.

In the following sections, “negative” perception/response will refer to respondents choosing option 1 or 2, while “positive” perception/response will refer to respondents choosing option 3 or 4.

<sup>2</sup> Some 56.5% of respondents belonged to three organisations: the Directorate-General for Justice Administration (28.9%), the Judicial Police (14.2%), and the National Institute of Legal and Forensic Medicine (13.4%). Most respondents hold technical functions (72.5%), while 20.7% hold only managerial functions. Most respondents are in contact with service users (83.8%) and citizens (67.9%) with almost half of them identifying as service providers (47.7%), and 16.6% as middle manager. There was a clear prevalence of people aged 45-to-64-years-old (73.7%), with 496 people serving as a civil servant for more than 11 years – and 288 for more than 20 years. This tells a story about both the embeddedness of the work routines – inverse proportionality to the critical stance toward these routines – and about the potential for the development of the professionalism of these people who may have a demand for upskilling.

<sup>3</sup> Respondents were asked about the following skills: capacity to see the full scope of a system; to collect information and provide evidence-based responses to needs; diplomacy skills; capacity to react to a fast-changing environment and digital skills to make use of a complex and fast-evolving information landscape.

---

<sup>4</sup> Respondents were asked about the following skills: ability to ensure reliable use of data and technology; to use digital means to interact in an ethical manner; to anticipate and mitigate privacy, security and ethical risks; to communicate a clear vision of the role of digital; to actively champion the benefits of digital government; and to enable a decentralised decision-making.

# 6

## Assessing the landscape: Availability, quality and use of data

---

This chapter examines the availability, quality, and use of data for a people-centred justice system in Portugal. It discusses the role of diverse data sources in setting a comprehensive view of the justice system that focuses on individuals and community needs. The chapter explores the principles for collecting and utilising data to enhance the accessibility and effectiveness of justice services, and details the dual perspectives of data needs at the macro and micro-levels, discussing how data supports national planning and individual case management within the justice sector. It calls for an integrated approach to overcome the traditional fragmentation of justice data, aiming for a system where data supports a nuanced understanding of justice delivery and access at all levels.

---

## 6.1. Introduction

People-centred justice implies understanding people's problems, the impact these problems have on people, the available service to assist people to resolve their legal problems, the justice pathways they use (including through these services) to resolve their needs, and the outcomes they achieve. Providers of justice and legal services (e.g. lawyers, courts, administrative authorities, legal aid schemes) represent only a few parts of this broader system, and can collect and provide only limited ranges of data to contribute to a people-centred justice data ecosystem (OECD, 2020<sup>[1]</sup>).

For a people-centred justice approach, however, the central point of reference is the person or the community of people who are affected by legal and justice problems. Therefore, people-centred justice requires understanding people's needs and then securing a level playing field for access to justice through the development and implementation of policies and services that provide remedies to legal issues and remove barriers to access (OECD, 2021<sup>[2]</sup>). Assessing the achievement of access to civil justice requires data that reaches beyond formal institutions as most problems are addressed through informal methods, directly between parties, unilaterally or not addressed at all (Praia City Group, 2020<sup>[3]</sup>).

Portugal has made significant progress in the past years in measuring performance to evaluate and monitor progress in its justice system, principally focused on the formal justice system elements. These steps comprise a set of strategic performance goals and key performance indicators intended to provide a nuanced assessment of the justice system by considering, among other aspects, operational efficiency, simplification, timeliness and satisfaction with services. This has demonstrated commitment to enhancing transparency, efficiency, and the overall effectiveness of the justice system in Portugal (OECD, 2020<sup>[1]</sup>).

However, important gaps remain in Portugal's ability to collect and utilise data that gives it a people-centred perspective of access to justice. This chapter explores the availability, quality and use of data and evidence needed for people-centred and efficient justice – both from the supply and demand sides – at the macro- and micro-levels in Portugal.

## 6.2. Data and evidence needs

### ***6.2.1. Principles for collecting data and evidence for people-centred and high-performing justice***

Ensuring the right data and evidence for high-performing and people-centred justice hinges on several foundational principles aimed at enhancing the effectiveness and inclusivity of legal and justice services. Some of these principles include the following:

1. **People-centred.** First and foremost, the approach should be inherently people-centred, delving both into the demand for and satisfaction with legal services and procedures (and adequate supply).
2. **Accessibility** is a critical consideration, necessitating an evaluation of the justice gap, associated costs, barriers, navigation complexities, and the impact on vulnerable groups.
3. **Appropriate classifications and taxonomies.** Standard classifications and taxonomies play a significant role in ensuring comparability, particularly when aligning demand- and supply-driven classifications related to legal problems, dispute resolution providers, and interventions.
4. **Comprehensive approach.** There is also a strong need for a comprehensive approach covering both bottom-up and top-down perspectives, formal and informal dimensions, and all facets from inputs to processes and outcomes. This approach should align with the stages of people-centred



policies and services, encompassing the mapping of legal and justice needs, designing people-centred services, and evaluating their delivery.

5. **A human rights-based framework.** It should also adhere to a human rights-based framework, promoting inclusivity, non-discrimination, gender-sensitivity, and respect for privacy and data protection rights. It should be practical, sustainable, and actionable within current human and data capacities and technologies.
6. **Availability.** The data must adhere to principles of availability, accessibility and openness. Because many actors are involved in enabling access to justice, data production is spread across a broad institutional landscape. Public institutions, civil society, the private sector and researchers all play important roles in the production, analysis and use of justice data. Sharing and linking such data can be important to addressing the complexity of access to justice (Praia City Group, 2020<sup>[3]</sup>).

Implementing this approach requires the use of multiple data sources. In broad terms:

- Administrative data (data collected by legal institutions, departments, and service providers as they deal daily with individual clients and cases) are essential for producing measures and indicators relating to institutions, formal processes, legal services and people's interactions with these. However, while administrative data provide important information about those who come into contact with institutions and services, they provide no information about those who do not.
- General population surveys (legal needs surveys). In order to establish broad patterns of experience of and responses to civil legal problems, general population surveys are essential. However, the ability of population surveys to capture details of relatively rare processes is inherently limited and, in any event, respondents generally have only a superficial understanding of technical processes.
- User surveys and qualitative reviews. Beyond administrative and general population survey data, user surveys and qualitative reviews, such as expert assessment, can provide information to assess the quality of processes and services and their outcomes. Expert reviews can also provide data concerning the legal and institutional framework within which justice is delivered, which constitutes essential context for any full picture of access to justice.
- Official data. Governments collect a range of important data through periodic census and other targeted human service population surveys that can be useful for the planning and delivery of justice services. For example, having identified trends and vulnerabilities of population groups through legal needs surveys (LNS), official data can provide a deeper, more nuanced picture of their needs, of where they are located, and other factors.

While traditional court performance data (e.g. cases in, cases out) are useful for managing courts, they provide little information that can help with a people-centred approach to justice planning and service delivery. In order to collect the sort of information as part of administrative data that will assist in supporting a people-centred data ecosystem, a useful approach is to collect data (data appropriate to the level of institution/organisation and to the people and matters concerned) to answer the seven themes listed below (see Box 6.1). It is important to note that appropriate definitions, counting rules and collection processes will need to be established for each variable.

### Box 6.1. Data for designing and delivering people-centred approach

*To whom are services being provided/who is being engaged?* Whether it be a court, a legal aid service or community service, if data concerning the individual person are not collected then no insight will be possible in relation to matters such as which groups are using the service, and which may not be, etc. Service data (administrative data) are the best source for these questions. A range of client demographic variables will ideally be collected, subject to privacy and ethical requirements – such as age, gender, employment, income level, disability, single parent, language and/or cultural origins.

*What services are being provided to clients/are clients receiving?* Services might vary by type of service (for example, information, advice, minor assistance, representation), by area of law, by jurisdiction (geographic) or region, etc. The information sought under this theme can incorporate consideration of how services are distinguished and defined, but more importantly, should include data relating to why a client might choose a certain service over another, etc.

*Why do certain people receive certain services?* The set of questions under this theme seek to provide insight on why certain people receive a certain type of service and not another, or why some people receive little or no service at all. There can be many factors at play that go beyond issues of barriers to service delivery such as cost and availability of services. For example, access to legal aid services and probably limited in most jurisdictions by specific eligibility requirements. In Portugal, the eligibility requirements are primarily income-based (although some special provisions for vulnerable groups exist) and are implemented through the Social Security Institute (ISS). People-focused data could be collected to provide important insight into the characteristics and/or legal problem circumstances of those who are successful in gaining legal aid assistance, but also potentially by those who are not successful.

*Where are the services being delivered (geography and context – such as court, etc.)?* Administrative data reporting where services are delivered in terms of geography or location (such as a court, at a client's home or at a service office) provide important insight not only into the distribution and usage of current services, but also, when compared to legal need assessments, can prompt investigations into areas of apparent underservicing. This, in turn, provides important information relevant for the planning and delivery of services, generally, but of new services in particular.

*How are the services being delivered (mode of delivery e.g. face-to-face, telephone, online)?* How services are delivered is an increasingly important people-centred variable. There are two dimensions to it – the first being how do services engage with the client in the first place, and the second is the mode of service delivery. In relation to how services engage with (or reach) clients, questions such as those seeking to identify if clients come to service offices either directly or via referral mechanisms, or if service providers conduct outreach operations to reach remote or disadvantaged communities, can potentially reveal important information about which clients choose which methods (and for which matters) to engage with legal support services..

*What pathways do people follow before and after the service?* Services collecting data from clients concerning the paths they took prior to reaching the service and the paths they are referred to upon engaging with the service are crucial to understanding the justice pathways being undertaken by those who do reach services. This can provide important insight to assist in reform and service delivery improvement.

*How are services monitored and evaluated?* The evaluation and monitoring of services delivered is an important component of any people-centred justice system. User satisfaction surveys contribute to understanding how services are or are not appropriately supporting the client.

Source: Author's own elaboration.

For data collected to be useful for supporting people-centred justice at a system level, data must be an appropriate and sector-wide implementation of definitions and protocols. Such a system is likely to include the features listed in Box 6.2.

### Box 6.2. Essential features to support data collection

To effectively support a people-centred justice system, the integration and management of data across the sector require a comprehensive and strategic approach. This encompasses the establishment of a framework that is not only cohesive and universally understandable but also adaptable to the diverse needs within the justice sector.

The essential features described below aim to ensure that all stakeholders, regardless of their specific roles or the data they handle, can contribute to and benefit from a unified system. Each of the components below plays a critical role in building a data-driven justice system that is both effective and responsive to the needs of the people it serves:

- Centrally co-ordinated and clearly articulated: It will be centrally co-ordinated and clearly articulated so all components of the justice system can be aware of it and understand it and work to implement its requirements. While there will be different requirements for the specific variables or parts of the data collected, the central co-ordination characteristic will mean that these variations can nevertheless be appropriately incorporated into a single effective system.
- Data definitions and standards: Useful data will only be obtained if there is a common data collection system with a common set of definitions and standards ideally across the justice sector to ensure that consistent and comparable data can be collected. Therefore, there will ideally be a 'data dictionary' or equivalent which defines data variables, and/or a 'data standards' manual to support and encourage consistency in data recording.
- Common tools: There may be specific data collection tools (including software) and/or guidance to support individual organisations and agencies to collect, utilise and report data consistently.
- Prioritisation: It is never possible nor practical to collect all of the information that might be desired. In addition to privacy and ethical factors, it is, for example, not appropriate for a service providing just a small information service (such as a proximity court clerk to a walk-in client) to ask a lengthy set of demographic and other questions, whereas for a client receiving a lengthy, high-intensity service such as legal representation in court, such questions may be appropriate. Therefore, the data system itself must contain agreed data collection priorities for implementation.
- Data collection provides regular, real-time useful information: Useful data will only be obtained if there are appropriate incentives to ensure that variables are collected. Part of the incentive for good data collection at the service delivery level is for those at the service level to be provided with good feedback, useful insights and tools based on the data so they regularly see the value of the data they collect as they are used. In addition, recognition programmes, performance-related bonuses, or professional development opportunities tied to data management excellence may motivate individuals to prioritise and ensure the quality of data entry.
- Regular programmes to encourage implementation: There are likely to be sector-wide and sector-driven (in this case DGPJ) processes to encourage the progressive implementation of the data collection and utilisation system.

Source: Author's own elaboration.

Implementing a people-centred approach requires overcoming the justice sector's traditional fragmentation which often results in disparate and fragmented data. There is also a need to ensure compatibility of data concepts, classifications, and terms, and to standardise taxonomies, tools, guidelines, and data formats. Privacy, data protection, ownership, and the principle of open data present intricate considerations. Balancing data ownership rights, confidentiality guaranteed by Statistics Acts, and the push for open data requires a delicate equilibrium (Praia City Group, 2020<sup>[3]</sup>). Furthermore, the capacity to implement international best practices and guidelines on access to justice measurement frameworks is contingent on effective training materials and targeted interventions.

To give effect to the legal services planning cycle in Box 6.3 and achieve a people-centred justice approach, jurisdictions would ideally need to be supported by a suitable data ecosystem. To this end, it is important to adopt a coherent data strategy and data ecosystem across agencies and elements of the justice system. Over time, this involves moving towards common systems of definition, terminology, data collection and retention, and data management. A common, supported approach to mapping justice data is another important aspect to be considered.

### Box 6.3. Data ecosystem operationalisation model

To support people-centred justice at jurisdictional or national level, a range of data sources is available from governments and justice organisations. This data ecosystem model seeks to operationalise the data requirements by:

- Asking a number of key questions that ideally would be answered by justice systems seeking to move towards people-centredness; and
- Identifying possible data sources to be utilised.

To illustrate the data ecosystem operationalisation model, a number of questions and data sources are shown below with an emphasis on a people-centred justice approach:

- What are the legal and justice needs of the different groups of people? A number of data sources, ideally used in an appropriate combination, could be considered:
  - Survey data from a legal needs survey (LNS) can help obtain a representative picture of the legal and justice needs of the community;
  - Targeted data from deep engagement with communities, and particularly disadvantaged communities, can help fill gaps in the understanding of the legal and justice needs of priority disadvantaged communities. This data can come from targeted research and/or the ongoing engagement of civil society organisations (CSOs) with particular disadvantaged communities;
  - Criminal court data: While LNS and other data are necessary to identify legal and justice needs generally, when available and well collected, criminal court finalisation or similar data can often provide the best indicators of criminal law needs;
  - Service delivery and administrative data can complement understandings of legal needs, especially at the local level. However, service delivery data often have limited utility as a measure of legal needs, particularly when funding is scarce.
- Where are the legal and justice needs located? Distance can be a major impediment to access to justice, particularly in larger countries. Locating the need is important in targeting services effectively.

- Service delivery and administrative data: While the utility of these data can be limited by a relative scarcity of justice services delivered, or data being collected, they can provide insight into local demand for particular services for particular legal and justice needs.
- Official data: LNS rarely provides sufficient insight into legal and justice needs in small regions within a jurisdiction. However, the insights from legal need surveys in relation to particular groups or issues can be applied to official census and other population-level datasets to provide insights into the location of likely legal and justice needs.
- Data from community service organisations (CSOs) and NGOs: CSOs and NGOs generally have long-term service and support relationships with targeted disadvantaged communities. If given adequate support, data from these agencies can provide useful insight into legal and justice needs and their location.
- How can legal capability be recognised and understood?
  - Legal capability refers to personal characteristics, skills and psychological preparedness that impact on a person's ability to confront and deal with legal and justice problems. A range of data sources, especially official and anonymised (census) data, provide disaggregated population-level information on key characteristics and skills, such as education level, health status, employment status and other competencies. This, in turn, provides insights into their legal capability.
- What works to address legal and justice needs for different parts of the community sustainably?
  - Using quality literature: Rigorous research and evaluations, and rigorously conducted systematic reviews of such research can provide guidance in relation to what works to address particular legal and justice needs for particular people in particular contexts.
  - Conducting quality evaluations: Conducting targeted and strategic evidence-based evaluations can add to the evidence base about what works, for whom, in what circumstances, and at what cost.
  - Service delivery and administrative data: Service delivery data on its own will not identify effectiveness. However, when collected as part of an appropriate methodology to determine what works, service delivery data can have a key role.
- How can legal and justice services be best targeted where they are needed?
  - Matching service delivery data with legal and justice needs data: Countries wishing to identify gaps in service delivery and monitor the delivery of relevant services to address particular needs may consider mapping service delivery data against legal/justice needs data. They would look at available approaches to monitoring service delivery data against relevant needs variables.
- What data are needed for monitoring, evaluating and planning?
  - Data from some or all of the above sources can be relevant to the monitoring, evaluation and planning for delivery of justice services.
  - Bespoke research and evaluation are necessary but would need to be strategically coordinated to focus on priority knowledge gaps and to minimise cost and duplication.
  - Other court and tribunal data: Every day, cases are heard in courts and services are delivered. Data collection of such service delivery will enable these important sources of data to contribute valuable insights into the justice data ecosystem and allow for appropriate decision-making and planning of justice services.

Source: OECD (2021<sup>[2]</sup>) *OECD Framework and Good Practice Principles for People-Centred Justice*, <https://www.oecd.org/publications/oecd-framework-and-good-practice-principles-for-people-centred-justice-cdc3bde7-en.htm>.

### 6.2.2. Data and evidence needs at the macro-level

This first part of a justice data model is a national- (or regional) level model where the focus is on balance between supply and demand, and the outcomes of legal problems. At that level, the data aggregation process shifts the focus toward the broad questions of demand and supply, resolution and lack of resolution, and access and lack of access. This model is for national planners, judiciaries, ministries of justice, national and international CSOs, police and prosecutorial services.

Assessing the demand for justice necessitates a bottom-up approach, focusing on the geographical and social spaces where issues arise. Research on justice and legal needs indicates that official redress mechanisms address only a fraction of problems, leaving a significant portion unattended. Informal mechanisms, including community justice forums and online platforms, cover some issues but not all. Perception data, coupled with quantitative methods, provide insights into the reasons behind actions and inactions, shedding light on why certain problems are addressed while others are not.

The assessment of justice-data needs at the macro-level (see Table 6.1) can involve the examination of various factors, with a focus on both supply (institutions-centred) and demand (people-centred) aspects. The institutional aspects focus on the structural aspects of providing justice, such as institutional and legal frameworks, types of services, service volumes, the management and categorisation of cases, and the processes and resources deployed to address legal issues. These elements help detail the operational and procedural aspects of justice services and institutions, the costs associated with delivering justice at a systemic level, and the outcomes in terms of case resolutions, justice system efficiency and enforcement.

**Table 6.1. People-centred and institutional data needs at the macro-level**

People-centred / Demand	Institutions-centred / Supply
<p><b>Capabilities</b></p> <ul style="list-style-type: none"> <li>• Perceived abilities to solve legal problems successfully</li> <li>• Legal awareness</li> </ul>	<p><b>Structure</b></p> <ul style="list-style-type: none"> <li>• Institutional framework</li> <li>• Legal framework</li> <li>• Resources/budget</li> <li>• Policy framework</li> </ul>
<p><b>Legal problems</b></p> <ul style="list-style-type: none"> <li>• Prevalence</li> <li>• Generalisations</li> <li>• Longitudinal trends</li> <li>• Categories and sub-categories of legal problems</li> <li>• Disaggregation by factors of vulnerability</li> <li>• Impact</li> <li>• Parties</li> </ul>	<p><b>Institutions</b></p> <ul style="list-style-type: none"> <li>• Service types</li> <li>• Service volumes</li> <li>• Cases in by category of problem</li> <li>• Cases in by sub-category of problem</li> <li>• Cases out by category of problem</li> <li>• Cases in by sub-category of problem</li> <li>• Parties</li> <li>• Disaggregation by factors of vulnerability</li> <li>• Value of the matters</li> </ul>
<p><b>Pathways to justice</b></p> <ul style="list-style-type: none"> <li>• Action/Inaction</li> <li>• Use of formal and informal justice mechanisms (SDG 16.3.3)</li> <li>• Use of formal justice mechanisms</li> <li>• Use of informal justice mechanisms</li> <li>• Steps on justice journeys</li> <li>• Bilateral resolution</li> <li>• Providers/Type of process</li> <li>• Duration</li> <li>• Duration by type of process</li> <li>• Interventions</li> <li>• Process quality</li> <li>• Legal information</li> <li>• Legal advice</li> </ul>	<p><b>Process</b></p> <ul style="list-style-type: none"> <li>• Duration</li> <li>• Duration by type of process</li> <li>• Bilateral resolution</li> <li>• Interventions</li> <li>• Process quality</li> <li>• Legal representation</li> <li>• Appeals/redress</li> </ul>



People-centred / Demand	Institutions-centred / Supply
<b>Costs</b> <ul style="list-style-type: none"> <li>• Money/Users' costs</li> <li>• Stress</li> </ul>	<b>Costs</b> <ul style="list-style-type: none"> <li>• Money/Users' costs</li> <li>• Stress</li> <li>• System costs</li> </ul>
<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Problem outcomes</li> <li>• Enforcement</li> <li>• Well-being outcomes</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Case outcomes</li> <li>• Enforcement</li> <li>• Well-being outcomes</li> </ul>

Note: Author's own elaboration.

The people-centred aspects or demand side emphasise individuals' capabilities, the prevalence and nature of legal problems, the pathways people take towards justice, the costs incurred by individuals, and the outcomes for their well-being and problem resolution. They focus on personal experiences of those navigating the legal system and reflect a demand-driven view of the justice system, including the focus on what people need, how they seek help, and the outcomes of their efforts to resolve legal problems, including impacts on people's well-being (e.g. restoring damaged relationships, providing restitution and restoration, punishing when needed, establishing a feeling of security and strengthening rights). The key questions that people-centred data can answer are presented in Box 6.4.

#### Box 6.4. Key questions on the macro-model

Below are the key questions on the macro model for the use of data and statistical information systems:

- What are the needs for justice?
- Is there a justice gap, and how big is the gap?
- Compared with previous periods, what are the dynamics of the legal needs of people and businesses?
- What does the pyramid of legal needs look like?
- What are the individual and social impacts of the legal problems, and what are the costs of maintaining formal and informal institutions for resolving legal problems?
- What proportion of the legal problems are resolved fairly?
- Which social groups are most affected by the justice gap, and what is the role of the factors of vulnerability?
- How do formal and informal justice institutions work together?
- Where do justice journeys work smoothly, and where do they break?
- Which are the legal problems where the justice gap is most concerning?
- Why do some people use the service (to receive assistance with their legal problem or to resolve it) and others do not? Are there accessibility reasons that apply to some groups and not to others? Do eligibility restrictions mean that some issues or some people are unable to receive support for their legal problems while others who fulfil eligibility criteria might receive assistance?

Note: Author's own elaboration.

### 6.2.3. Availability of data in Portugal at the macro-level

In broad terms, Portugal appears to have a straightforward, well-designed and properly maintained justice data framework, with the primary focus on the functioning of the main formal justice institutions and processes.

The portal for justice data, [Estatisticas.justica.gov.pt](https://estatisticas.justica.gov.pt), provides a wealth of current and longitudinal statistical justice data in Portugal. Under the leadership of the Ministry of Justice and the Directorate-General for Justice Policy (DGPJ), administrative data is regularly gathered, analysed and published. With a few exceptions, most of the available indicators are structure, input, process and output-focused by their content. *Estatísticas* contains data about the number of practicing lawyers, enforcement agents, judicial personnel and other professionals, expenditures on legal aid and justice fees.

The portal also provides data about the workload of different types of adjudication mechanisms, such as the peace courts, first instance courts, first instance administrative and tax courts, high judicial courts, high administrative and tax courts, courts of auditors, police criminal investigations, public prosecution services and the EU courts. In addition, administrative data and expert assessments provide insights into the flow of cases in and out of the system, categorised by problem and sub-problem, the value of cases, and the disaggregation by vulnerability factors.

Case data is reported according to the civil, administrative and criminal categories. Additionally, statistics are provided for employment and guardianship cases. The case-level statistic is disaggregated by subject matter. For instance, civil matters are divided into declaratory actions, civil enforcement actions, special actions, provisional orders and “other” actions (see Table 6.2). These categories are further broken down into even more specific categories (Government of Portugal, 2023<sup>[4]</sup>). In some areas of commercial law (e.g. insolvency), data is disaggregated by key characteristics of the parties. For example, the declared insolvencies in the first instance courts are reported by natural persons, private law legal persons, and public law legal persons. DGPJ collects data about the parties involved in cases, the outputs of the cases (how cases end), and whether the parties achieved their objectives. Data regarding the official modes of alternative dispute resolution are also gathered.

**Table 6.2. Civil cases completed in the first instance judicial courts**

Nº cases	Year									
Type of procedure	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
Declaratory actions	58,709	54,969	50,345	53,229	51,096	52,517	60,895	75,057	62,045	74,636
Civil enforcement actions	119,305	129,321	137,667	166,647	192,610	221,001	256,931	242,111	258,233	364,852
Special actions	42,223	39,000	37,059	47,946	42,648	44,412	47,405	54,208	46,085	49,580
Provisional orders	4,189	4,513	4,138	4,366	4,271	4,714	5,523	7,882	7,950	8,939
Other	39,487	40,881	51,171	75,393	83,146	80,615	76,203	63,776	53,796	68,211
Grand Total	263,913	268,684	280,380	347,581	373,771	403,259	446,957	443,034	428,109	566,218

Source: Government of Portugal (2023<sup>[4]</sup>), *Civil cases completed in the first instance judicial courts*, <https://estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Processos-civeis-findos-nos-tribunais-judiciais-de-1-instancia.aspx>.

An innovative aspect of visualising the justice data on *Estatísticas* is that most data is available in spreadsheet forms with embedded pivot table functionality. This allows users with a reasonable level of data literacy to interact with the data and create their own reports. Another feature worth mentioning is the rigorous process of conceptualisation and documentation. In most reports, there is a tab labelled “Methodological Notes,” which offers a detailed explanation of the statistics being presented.

On the institutional performance side, the focus is on process such as clearance rate (resolution rate), the average duration of completed cases, disposition time, pending cases, availability of legal representation,



and the quality of legal processes, including appeals and redress mechanisms. The outputs of the justice institutions are registered as cases opened, cases closed, and cases on hold. The efficiency and quality of legal processes are measured primarily through administrative data, and expert assessments.

Systemic costs include users' costs and the broader financial impact on the justice system, analysing the total annual justice budget, its GDP percentage, and disaggregated budgets per institution and function. Finally, institutional effectiveness is gauged by case outcomes, enforcement rates, and, data primarily from administrative records to evaluate the system's capacity to deliver justice effectively. There are some outcome data gathered through court user surveys, such as the case of the project RAL+. Still, in general, the outcome-level data are significantly and largely absent on the Estatísticas portal compared to the output-level data. Besides the statistical data based on administrative data, the Ministry of Justice, through its planning department, conducts service satisfaction surveys.

On the people-centred/demand side, data availability tends to be much more limited in Portugal. The Portuguese legal needs survey conducted in 2022 assesses the population's confidence in accessing legal information and obtaining legal assistance, indicating the perceived abilities to solve legal problems successfully and legal awareness among the populace. This is complemented by data on the number of legal aid providers per 100 000 people, derived from administrative data provided by DGPJ. In addition, there is some insight on the prevalence, generalisations, and longitudinal trends of legal problems, as identified through the 2022 LNS. To further close this gap, concerted efforts are needed to systemically integrate demand data into the Portuguese justice data system. Regular justice needs and victimisation studies must be institutionalised and integrated into the data-gathering pipeline. To address the unique requirements of survey research, a collaboration between DGPJ, the Supreme Judicial Council, and the National Statistical Institute could be established. Academic institutions and private entities (e.g. data collection companies) could be important actors in the pursuit of more data about the demand for justice.

Moreover, very few indicators are designed to capture the outcomes of justice in Portugal. Inevitably, this stems from the conceptual, methodological and technical difficulties of gathering outcome-level data. However, a people-centred justice that is supported by evidence about the social and economic impact of justice requires the availability of outcomes data.

Currently, most indicators that constitute part of the justice data framework are published in aggregated form, although raw datasets are likely to contain some information regarding justice system users. It is important to ensure that the justice data framework gathers sufficient details that allow for disaggregated analysis and presentation. There is a need to make available such disaggregated data to highlight the important aspects of access to justice, such as vulnerabilities, distribution of justice and legal services across the population, and factors that cause or overlap with exclusion. Such analysis, for instance, can show how individuals from different socio-economic background or different geographic locations experience legal problems and respond to them.

Finally, all critical indicators from the Portuguese justice data framework represent a single data source – i.e. case management data or data from public records. Integrating data at the level of users, cases, or problems can provide a significant number of insights. For instance, linking case data with data from social security services could reveal meaningful insights about important aspects such as vulnerabilities, barriers to justice and users' preferences.

#### **6.2.4. Data and evidence needs at the micro-level**

While at the macro-level, performance of justice systems is assessed at the national or regional level, the micro-level allows a deeper look at individual problems or discrete institutions. The micro-level data can look at different issues, such as consumer cases. It can be gathered from institutions and providers working to provide solutions to these problems. Alternatively, the institutional focus gathers data about institutions, for example, the functioning of general or specialised courts, legal aid board, ADR, police, prosecution,

investigation, police enforcement and notary services. Given the existence of leadership and the availability of sufficient data, such information can be used to capture the functioning of formal and informal justice services. Box 6.5 presents the key questions on the micro-model of people-centred justice data on court services.

### Box 6.5. Key questions on the micro-model

Below are the key questions on the micro-model of people-centred justice data on court services:

- What are the quantitative parameters of the service? How does it relate to the overall/national demand for justice?
- How do users perceive the quality of the service?
- To what extent is justice and legal services accessible?
- How user-friendly are the procedures?
- How fast and timely are the procedures?
- How effectively does the service address people's justice and legal needs?
- Which segments of the community are using the services, and which are not?
- Which legal needs of the community are being met by the legal services, and which are not?
- Are the services delivered in a way that meets the needs of the whole community?
- Are community users satisfied with the services they receive?
- What outcomes were achieved by users?
- What pathways do people follow to resolve their problems?
- Are the services inclusive and targeted to those most in need and responsive to their needs?
- Are the services designed to actively overcome the range of barriers to assistance and be accessible to all?
- Are the services available across the justice chain in a range of formats and types that reach different groups?
- Are the services appropriate to the specific needs of individuals, tailored, proportionate and efficient to accommodate local conditions?
- Do the services contribute to outcomes desired by people and are they accessed fairly?
- What are the outcomes and value of the service to individuals and society? Do the procedures effectively resolve the legal and justice problems of people and businesses?
- How can the design and delivery of the service be improved to be more people-centred? What is the impact of the resolution on the well-being of the people involved?

Note: Author's own elaboration.

The people-centred dimension at the micro-level builds on the premises that individuals value justice processes and services that are accessible, affordable, timely, fair, tailored to their needs, with high outcome quality and effective in solving people's problems. This includes identifying barriers to access and the steps involved in justice journeys, including referrals, parties involved, how cases are impacted by factors of vulnerability, and the overall impact or value of resolved cases, the duration of legal processes, the interventions made during these processes, and the quality of the process from the user's perspective. The people perspective can help understand the costs, which can be broken down into monetary expenses

and the stress experienced by individuals. Finally, it can help assess the outcomes such as problem resolution, enforcement of decisions, and the well-being for those involved.

On the institutional side at the micro-level, it is important to understand the institutional and legal framework for specific services, the allocation of resources and budget with a view to measuring the capacity and readiness of individual services to handle cases. In addition, it includes process indicators such as the type of process, clearance rate, pending cases, availability of legal representation, the quality of the process, and the mechanisms for appeals and redress. There is also a possibility to look at costs for users and for the justice system in delivering service, as well as the outcomes in relation to case resolutions, enforcement, and institutional/service effectiveness and efficiency (see Table 6.3).

This data approach could inform how institutions process cases and how the users experience processes and outcomes. It often relies primarily on administrative data originating from the institution or service. Administrative data, however, cannot capture most of the subjective personal experiences with the pathways to justice. Therefore, the micro-level approach is enhanced with data from various sources that display the perspectives of the users. However, often such data are not available. People-centred justice requires a significant amount of change in the design and delivery of justice and legal services. Designing and building an enabling data ecosystem is part of such efforts.

**Table 6.3. People-centred and institutions-centred approaches in the micro-model**

Demand	Supply
Access <ul style="list-style-type: none"> <li>• Barriers</li> <li>• Steps on justice journeys and referrals</li> </ul>	Structure for specific services/institutions <ul style="list-style-type: none"> <li>• Institutional framework</li> <li>• Legal framework</li> <li>• Resources/budget</li> </ul> Institutions/services <ul style="list-style-type: none"> <li>• Cases in and cases out</li> <li>• Categories</li> <li>• Parties</li> <li>• Disaggregation by factors of vulnerability</li> <li>• Impact/value of cases</li> </ul>
Process <ul style="list-style-type: none"> <li>• Duration</li> <li>• Interventions</li> <li>• Process quality</li> </ul>	Process <ul style="list-style-type: none"> <li>• Type of process</li> <li>• Duration</li> <li>• Clearance rate</li> <li>• Pending cases</li> <li>• Legal representation</li> <li>• Process quality</li> <li>• Appeals/redress</li> </ul>
Costs <ul style="list-style-type: none"> <li>• Money</li> <li>• Stress</li> </ul>	Costs <ul style="list-style-type: none"> <li>• Users' costs</li> <li>• System's costs</li> </ul>
Outcomes <ul style="list-style-type: none"> <li>• Problem outcomes</li> <li>• Enforcement</li> <li>• Well-being outcomes</li> </ul>	Outcomes <ul style="list-style-type: none"> <li>• Case outcomes</li> <li>• Enforcement</li> <li>• Well-being outcomes</li> </ul>

Source: Author's own elaboration

### 6.3. Data requirements and mapping opportunities at the micro-level to support people-centred justice in Portugal

Portugal has made substantial progress over the last 10 years in improving data collection and reporting at the micro-level. This has primarily gone in the direction of consistent collection and reporting of data related to court performance (OECD, 2020<sup>[1]</sup>) and its publication on interactive websites in both Portuguese and English. The e-Tribunal (Citius) and Estatísticas are some of the examples of portals that provide interactive dashboards and maps allowing users to visualise and access information on various judicial entities and services (Government of Portugal, 2024<sup>[5]</sup>) (Government of Portugal, 2024<sup>[6]</sup>).

At this stage, the data collected generally focus on a range of court performance indicators such as “number of cases in”, “number of cases resolved”, and “duration of cases”, as well as data about numbers of judges appointed and similar indicators (OECD, 2020<sup>[1]</sup>). This data can be useful as part of an examination of court performance and are common indicators used across countries.

However, in terms of demand data to assist in the implementation of people-centred justice and to support evidence-based planning, the variables currently collected and reported on appear to be limited in their utility. Interview and analysis conducted as part of this review highlighted a range of gaps in demand for justice data collected by the justice sector agencies and services, with the exception of the Portuguese Association for Victim Support (APAV). In particular, some of the gaps relate to the limited approach in widespread, co-ordinated or consistent recording of the key people-centred data variables, which includes data concerning the legal needs of all the people, data revealing which groups within the community are receiving services for particular problems and which are not, how best to target services to reach particular communities, and what the outcomes achieved and levels of satisfaction with services are.

#### 6.3.1. People-centred justice data in justice sector institutions in Portugal

Based on the themes and information requirements indicative of people-centred justice data and appropriate data collection and utilisation for people-centred justice, the following sections summarise the project findings in relation to a number of key justice sector institutions, agencies and organisations.

##### *Promising practices and opportunities*

#### 6.3.2. APAV

APAV is the leading victims’ support service in Portugal. It is an independent NGO, with no connection to the Portuguese Ministry of Justice. While, at the moment, 80% of their clients are victims of domestic violence, their service is available to all victims of crime across Portugal. APAV has a number of different models to deliver services in different locations based on the particular circumstances.

Importantly, however, APAV provides a very positive example of people-centred data collection and usage. To summarise, APAV takes a people-centred approach to the needs of their clients and have developed a quite sophisticated data collection and utilisation system to accompany the people-centred approach. Importantly, their system is an electronic database and it is likely that justice institutions and the justice sector could learn from this.

APAV collects a wide range of people-centred demographic and other variables, and use them in planning and service delivery. For example, they access the data of where (geographically) their clients are coming from and map this data to highlight underserved regions in Portugal.

Significantly, APAV does record referral data. That is, they collect information about where people who come to them have been referred from (if applicable) and where they are referred to from APAV.

APAV employs a system to measure the outcomes they achieve. They use an external quality assessment system that seeks to examine outcomes and every two years they engage external researchers to undertake client satisfaction studies. They also do their own impact assessment evaluations as they work with clients along the way. Much of this people-centred approach to data collection could be utilised by the Ministry of Justice. The Ministry and/or DGPJ could consider engaging APAV with the intent of possibly purchasing the intellectual property and assistance to develop a broader justice sector data tool.

### 6.3.3. Social Security Institute

The Social Security Institute (ISS) is the key government agency responsible for social security and related services in Portugal. It has an essential and unique position in relation to legal aid in Portugal and provides the potential for significant opportunities for data collection and planning legal services into the future. The ISS has access to an enormous range of human service data for the Portuguese population. In fact-finding interviews, the ISS staff indicated that their data was possibly more useful than census data, particularly in relation to disadvantaged groups and people in need of or receiving government assistance.

To receive legal aid in Portugal a person must apply through the ISS. Their entitlement to legal aid, which is mandated by a formula provided in legislation, is assessed by the ISS, taking into account information they have on every person and household in Portugal. Upgrades to their application system in early 2023 offered a much-improved online application process with much better automatic data collection. While the ISS was already able to conduct analyses of retrospective legal aid applications in terms of a range of people-centred variables, this upgrade facilitated the data collection process (see Box 6.6).

#### Box 6.6. Portugal: Social Security Institute's role in legal aid

The Social Security Institute's (ISS) essential and unique position in relation to legal aid in Portugal provides significant opportunities for data collection, mapping and planning legal services into the future. The ISS – the key government agency responsible for social security and related services in Portugal – has access to an enormous range of social service data for the Portuguese population. The Portuguese identity card and social security systems are linked so that a large amount of information regarding individuals is held by/accessible to ISS. Importantly, because of their work with different population groups across the country, the ISS appears to have a very sound knowledge base in relation to the location and characteristics of different groups and their connection with other social services.

Source: Government of Portugal (2024<sup>[7]</sup>), *Instituto da Segurança Social*, <https://www.seg-social.pt/objectivos-e-principios>.

Much value can be obtained from sound analysis of the ISS legal aid process. For example, while the data may be primarily relevant to that portion of the community who may be entitled to legal aid, LNS in most countries reveal that it is disadvantaged people that have higher vulnerability to legal problems that they are unable to resolve, and so such analysis is of particular use to the government in trying to reach the whole population. Analysing legal aid applications and the outcomes of applications by demographic and other variables can provide useful insight into who is applying for legal aid (and who might not be but perhaps should), and who is receiving legal aid.

Fact-finding interviews revealed a key opportunity on the collection and use of data for design and delivery of people-centred justice services. The ISS could leverage its unique position and access to extensive social service data to further enhance the planning and delivery of legal aid services. This involves not only continuing to refine data collection through the online application system but also expanding the analysis of legal aid applications to include a wider range of people-centred variables. Such analysis can inform

targeted interventions and improvements in legal aid service provision, particularly for disadvantaged groups.

To this point, neither the justice system broadly nor the Bar Association (which is the formal partner in the legal aid process by authorising the list of lawyers participating in the legal aid scheme) have been seeking data or their engagement in relation to using the data for planning purposes. In this regard, there is an unexplored potential to ensure that insights derived from legal aid data are utilised to inform policy decisions, service improvements, and resource allocation across the justice sector. This could be realised by favouring collaboration between the ISS and other justice stakeholders, including the Ministry of Justice and the Bar Association, to integrate legal aid data analysis into broader justice system planning efforts.

#### **6.3.4. RIAV**

RIAV aims to provide assistance and support to victims of crime, offering them information about their rights and the legal processes involved. It serves as an important resource for victims, helping them navigate the justice system, access necessary services, and receive the support they need during challenging times.

Data is collected through two primary methods in RIAV. The official information system primarily focuses on issues relevant to legal and judicial processes rather than broader planning intent. Additionally, RIAV offices collect a range of demographic and other more people-focused variables in a separate spreadsheet. Respondents indicated that the ‘supplementary’ data (beyond the mandated data collection requirements) were collected because of the value they could provide RIAV operations. While this data may be valuable, they prompt further inquiry, including their, at present, unofficial status, and whether data collection is consistent across all four offices in terms of both collection and definition.

The collection of data on violence against women and domestic violence is currently one of the main challenges in order to properly plan actions in this area. Since 2019, Portugal has prioritised the creation of a database on violence against women and domestic violence, which could bring together data collected by a variety of bodies working in this area. One of the steps towards its creation was the approval of a new model for a standard report on domestic violence, by Ministerial Order no. 209/2021, dated 18 October 2021. This standard report includes a set of instructions and assistance for its completion, and defines the response categories for all the fields relating to closed questions, as well as the fields to be filled in specifically for statistical purposes in order to improve this instrument and ensure its effective standardisation by the different users.

Portugal should consider formalising the mandate to collect this data, and implement standardised data collection protocols across all police stations to ensure consistency in the type of data collected and the definitions used. Establishing common criteria and methodologies may facilitate comparative analysis and more coherent strategic planning. Further investigation into how this data are (or could be) used for planning purposes is recommended.

To enhance the utility of data for planning purposes in the long run, Portugal may want to conduct reviews of data utilisation, provide training for RIAV staff on data analysis techniques and create guidelines training for RIAV staff on data analysis techniques.

#### *Higher-level services and justice institutions*

#### **6.3.5. Directorate-General for Justice Policy (DGPJ)**

The DGPJ is a governmental body responsible for supporting the Ministry of Justice in policy formulation, planning, evaluation, and co-ordination of the justice sector. The DGPJ plays a key role in the administration of justice in Portugal, overseeing various aspects of the justice system, including the

management of statistical data related to justice, modernisation of judicial services, and implementation of justice policies. Its activities are aimed at improving the efficiency, accessibility, and quality of the justice system to meet the needs of the public and ensure the effective administration of justice.

Portugal has made important steps in the collection and public reporting of key indicators of court performance (OECD, 2020<sup>[1]</sup>). DGPJ has taken important steps towards the mapping of justice institutions across Portugal with the key motivation of informing the people where the nearest appropriate service is to them. It was further noted that DGPJ is making significant efforts to develop its data collection and usage, and importantly, has up to 15 staff working on improving the data collection and utilisation system. The development of protocols, definitions and guidelines is part of this process.

DGPJ is also conducting regular user satisfaction surveys, primarily focusing on ADR services. Initial findings indicate modest participation rates in these surveys, as corroborated by data from the DGPJ (Directorate General for Justice Policy, 2024<sup>[8]</sup>). Understanding the barriers to survey participation and addressing them may enhance the quality and reliability of the data collected. In addition, broadening the scope and institutional coverage of user satisfaction surveys would provide a more comprehensive understanding of user satisfaction across the justice system.

More broadly, interviews highlighted several overarching challenges related to data collection and utilisation within Portugal's justice sector. These challenges stem from a combination of constrained human and financial resources and, possibly, the absence of unified sector-wide priorities, which has hindered advancements in broadening data collection beyond traditional court performance metrics. The diagnosis phase found no current strategies to mandate the collection of people-centred variables that could be instrumental in tailoring legal services to meet public needs within resource-limited settings.

Another issue confronting DGPJ was the complexity of the environment and the different levels of responsibility for planning and implementing a more coherent and effective data collection and utilisation framework. DGPJ is a logical candidate to locate responsibility for the centralised co-ordination of a people-centred justice data collection and utilisation system. DGPJ is required to report data to the *Instituto Nacional de Estatística* (Stats Portugal). In addition, it receives and applies data standards for international organisations as well, including the EU and UN. There would seem to be benefits gained should responsibilities for justice data policy and collection be centralised under a single entity. However, while it co-operates with other agencies and departments and, importantly, with the courts, DGPJ has limited authority to implement the system of the collection of common people-centred data across the justice sector. DGPJ could consider leading the development of an appropriate people-centred justice data standards mechanism as a means of guiding transformation towards an effective people-centred data ecosystem over the years ahead.

### **6.3.6. Administrative and tax courts**

The administrative and tax courts are specialised courts that deal with disputes involving public administration and tax matters (see Chapter 4). These courts adjudicate cases related to the actions and decisions of public authorities, ensuring they comply with administrative law. They also handle cases involving tax disputes between taxpayers and the state. The objective of these courts is to provide a legal avenue for individuals and entities to challenge administrative decisions and tax assessments, ensuring that public administration acts fairly and in accordance with the law, and that tax laws are correctly applied and interpreted.

The data presently collected by the administrative and tax courts primarily follow the “traditional court performance” approach to justice data collection. This includes data related to numbers of matters commenced and numbers of matters concluded, information on how and when matters were closed (e.g. when clients gave up, when the matter was resolved by other means, and if a decision was made whether it was made in favour of, partly in favour of, or not in favour of the plaintiff). Questions concerning the

reliability of the collected data were also raised, with one contributing factor being (in the views of some respondents), the absence of sufficient mandatory fields in the data entry systems, which allowed many variables of interest to be omitted. This supports the importance of a centralised and consistent justice-sector wide approach to data collection that ensures improved collection of key data across the whole sector.

Overall, project interviews revealed that due to the lack of people-centred data the courts have little insight into the characteristics of the people who use the courts. Current data collection processes do not permit any understanding or analysis of which groups are using the courts for which problems – and which groups do not appear to be using the court. Some interviewees acknowledged that people-centred data would be useful for court planning and efficiency, and appeared enthusiastic about the value of such information, however they appeared limited by present mandates (competences).

### **6.3.7. Senior public prosecutor (SPP)**

Project research did not suggest that the office of the SPP was mandated to, or did, collect and utilise people-centred data for planning purposes. While SPP does not collect people-centred data for any planning use, fact-finding interviews nevertheless provided important information as to SPP's data situation that may have relevance for other elements within the justice system. It was highlighted that challenges associated with the Ministry of Justice's Citius information system stem from a shortage of human resources. For instance, the necessity to report data regularly in response to national and international inquiries requires significant time investment from senior legal staff, who must, themselves (for reasons relating to security and the protection of data), manually review each case file to extract pertinent information. To improve resources in data management, Portugal may want to consider addressing human resource shortages and training existing staff in more efficient data management practices. However, establishing an agreed and sector-wide set of priorities (discussed in the previous chapter) should contribute to an allocation of resources to match priorities.

Concerns were raised regarding the reliability of data in Citius, attributed in part to the minimal number of mandatory fields and the absence of sufficient incentives for data recording. This, coupled with time constraints, may result in inadequate data entry by individuals. Additionally, another challenge in data collection is Citius' inability to allow the management bodies of the Public Prosecutor's Office, which need a national overview of data, to carry out queries and searches in different courts or departments of the Public Prosecutor's Office at the same time.

### **6.3.8. GIAV**

GIAV is an integrated management system for the administration of justice. As noted, GIAV aims to facilitate communication and information exchange among various entities within the justice system, including courts, public prosecutor's offices, and justice-related services, to ensure a more effective and user-friendly administration of justice. In the case of GIAV, data collection does not aim at planning services for the community. GIAV operates as an independent pilot service with funding designated for court-specific tasks. The collected data and the focus on specific variables directly correspond to the court's requirements for addressing individual cases and assessing risk factors for victims and children. Additionally, data is gathered for specific research projects that are being conducted in order to provide a growing evidence base to support the delivery of justice in domestic violence matters.

Recognising the value of GIAV's contribution to specific initiatives and research, there appears to be an as yet untapped opportunity to integrate the work of GIAV across other courts and regions in Portugal, namely by sharing their knowledge, expertise and organisation model with the Victim Support Office (GAV) implemented elsewhere. GIAV may contribute with valuable insights into the development of more responsive and effective services that address the wider needs of victims of domestic violence across the



community beyond immediate court needs. In March 2019, six support offices for victims of gender-based violence (see *Public Prosecution Office* in Chapter 4) were established in six different departments of investigation and criminal action (DIAP). Another two were opened in 2023, and two others in 2024. Yet it appears that GIAV remains a stand-alone pilot service, which, as of October 2022, it had been for some 11 years. As such, there is scope to consider properly evaluating the role of GIAV and the impact of GAV to date.

### **6.3.9. Bar Association**

The Bar Association in Portugal serves as the representative body for the legal profession but does not actively engage in the provision of services or directly contribute to the planning and delivery of legal services. Although theoretically positioned to co-ordinate the deployment of lawyers within the legal aid scheme, in practice, this role is executed in an indirect manner. Once a roster of lawyers willing to partake in the legal aid scheme is compiled, their assignment to specific cases via the Social Security Institute (ISS) is automated and operates beyond the Bar Association's oversight or intervention.

Consequently, the Bar Association does not appear to have the means to gather data related to the delivery of services. Its strategy towards prospective legal aid clients is straightforward: it directs individuals to apply for legal aid directly through the ISS. Moreover, the Bar does not regularly engage in evaluating client satisfaction with the legal aid services or those rendered by its members.

There exists an opportunity for the Bar Association to enhance its contribution towards fostering a more client-oriented approach to justice. This could include initiatives such as ongoing professional development for its members, particularly in areas like data collection, and examining ways to ensure that professional regulations support rather than impede people-centred justice.

#### *Client-facing level services*

### **6.3.10. Proximity sections of judicial courts**

Proximity sections of judicial courts are a type of court designed to bring judicial services closer to the population, especially in less urbanised or more remote areas. While few formal hearings appear to be conducted in their facilities, the courts provide, on a day-to-day basis, what is potentially an important local justice information, referral and access point. In this information and referral role, the services provided to clients are relatively minor, and in such a case it is difficult to ask a client to devote considerable time to provide a wide range of demographic and other people-centred data. This highlights the need for the smart prioritisation of data collection practices so that, even with very short and thus limited data collection opportunities, the most important variables are collected first. These will likely vary from service to service.

During fact-finding interviews, it was identified that the primary information recorded by some proximity sections pertains to mandatory indicators, such as case numbers and traditional performance metrics of the courts. This was a consistent theme across many justice agencies visited during the mission – there was a strong and commendable commitment to given mandates (competences), although sometimes it appeared that strict adherence to the mandates meant valuable people-centred data and insights were missed. This points to the opportunity to expand data collection efforts to include people-centred variables (see Box 6.1). This expansion could encompass, for instance, data on the demographics of individuals served, the nature of their legal issues, and outcomes of cases. Incorporating these variables will provide a more comprehensive understanding of the community served and the effectiveness of judicial interventions.

It was also noted that while data on referrals are not captured, referrals were generally limited to formal judicial system entities, including public prosecutors, relevant family law courts, and the Social Security Institute for legal aid applications. Fact-finding interviews suggested that there are no referrals to ADR

services, NGOs or other entities not directly linked to the judicial system, despite contemporary knowledge about the interconnectedness of many legal and non-legal problems, and the value of delivering holistic services (see Chapter 3).

Proximity sections of judicial courts, at least in their information and minor assistance roles, have important potential as a ‘gateway’ for many people into appropriate legal services to help them resolve their problems. Therefore, there is potential for proximity sections to widen the range of agencies and services that they will refer clients to, to include services outside the formal justice system, including local community services where appropriate, as well as to systematically record information on referrals (both inwards and outward). Capturing this information can offer insights into the pathways used and the broader network of support accessed by individuals interacting with the judicial system to identify potential areas for collaboration or service enhancement.

### **6.3.11. Justice of the peace courts**

Justice of the peace courts are a form of alternative dispute resolution designed to handle small-scale civil disputes in a more informal, quick, and cost-effective manner than traditional courts. While only covering about 15% of the territory (but 36% of the resident population) of Portugal, they provide an important alternative service to traditional courts for certain types of matters (INE, 2021<sup>[9]</sup>). Their operations are discussed in more detail in the previous chapter.

Fact-finding interviews suggested that collected data was – as the case in most justice institutions – limited to the data demanded by the official platform used by the courts of peace. It included variables such as date of lodgement and date of conclusion of matters, as well as whether the party was a person or a company, and whether the party was legally represented or not. These generally coincide with traditional court performance indicators.

It appears that few people-centred variables were collected, although some interviewees indicated that they could see the benefit of such information being collected to allow for better planning. However, all mentioned the importance of doing it as part of the official “competences” (mandate) and the need for appropriate resources.

Similarly for other justice service providers, courts of peace should be encouraged to broaden their data collection framework to encompass people-centred variables. This could include, for example, data on the socio-demographic characteristics of parties, the pathways people have taken when seeking to resolve their problems, and the impact of legal representation on case outcomes (see Box 6.1). Incorporating these variables may enable a more nuanced understanding of the needs of individuals accessing the justice system and facilitate the development of targeted services. Ideally, this expansion of data collection would occur as part of a sector-wide process, ensuring commonality of definitions and data collection processes. This would ensure that the data from the courts of peace could complement other data sources to contribute to a more comprehensive data ecosystem.

### **6.3.12. ADR services: Arbitrare**

While not suggesting Arbitrare is necessarily representative of all ADR services across Portugal, this service was examined because of its national scope and non-profit status. It receives financial support from government and thus fits within the area of responsibilities of the Ministry of Justice and DGPJ. In addition to Arbitrare, other justice sector stakeholders (including a consumer arbitration centre) were interviewed to allow a more nuanced understanding of some of the challenges ADR encounters. While Arbitrare is presented as an example, data collected and provided about users to the DGPJ are standardised across the funded arbitration centres.

Arbitrare provides three main service types: information (legal information relevant to matters within their competence), mediation and arbitration services. The focus of data collection is on the information needed to report their performance as well as other incidental information to help with the management of each case. A particular note is that Arbitrare, like other ADR services, provides client details to DGPJ for them to implement the client satisfaction survey i.e. the Barometer of the Quality of Arbitration Centres (see Section 4.7.). This survey contains a raft of useful variables from a people-centred perspective that, if completed correctly and by enough clients, could be useful for planning and analysis purposes. In particular, it could yield insights into the different approaches and services used by different clients in different circumstances, and their relative satisfaction and outcome results. That said, the client satisfaction survey currently has very low response rates (Government of Portugal, 2022<sup>[10]</sup>).

### **6.3.13. DECO**

As a member-driven organisation (of some 300 000 members), DECO is linked to the ADR network, supporting its clients for litigation in out-of-court alternative dispute resolution services. Feedback during fact-finding interviews pointed to the need to address funding, restrictions, and entitlements issues within the ADR network to ensure equitable access to ADR services for all individuals. This may involve revising funding models to support a broader range of ADR services and removing unnecessary barriers to access, ensuring that individuals can choose the most suitable ADR service for their needs.

Other than the minimum data collected as part of the membership process, DECO generally records data in relation to general performance measurement (e.g. number of clients). However, through the various service and service offices, they do have a broad understanding of regional variations in matters faced by members.

It appears they do collect information about where people were referred to DECO from and where people are referred to, although it is not clear how comprehensive or rigorous this is. In terms of outcomes and client satisfaction, clients undergoing long processes are asked about their satisfaction with progress, but generally are not asked whether they were satisfied with the service or outcome or not after it is over. What seems to be recorded only is whether the matter was solved or not.

In broad terms, enhancing the regularity and quality of data on the demand side can improve understanding of the pathways people follow when faced with legal problems. This can help Portugal to plan and resource the location and capacity of services more efficiently and cost-effectively. Enhancing the regularity and quality of data on the demand side requires a level of central leadership from government that, in relation to data standards and collection policies, applies across the justice sector as broadly as possible. It also requires substantial changes in processes, ICT, databases and staff training. Providing a sector-wide set of data collection standards and guidelines helps ensure that, over this period, a large portion of the justice sector can progressively migrate to a more people-centred model at minimal additional cost.

## **6.4. Institutional oversight of justice data**

The Directorate-General for Justice Policy (DGPJ) is ultimately responsible for producing justice statistics in Portugal (DGPJ, 2022<sup>[11]</sup>). This competency has been delegated by the National Statistical Institute, INE, with the Law on the National Statistical System (Law no. 22/2008, of 13 May 2008). The specifics of the delegation are detailed in a protocol from 29 October 2010 (DGPJ, 2010<sup>[12]</sup>). DGPJ has the authority to make decisions regarding statistical standards, procedures, dissemination content, and dissemination timing. The mandate of DGPJ comes from the Organic Law of the Ministry of Justice (Decree-Law no. 123/2011, 29 December 2011), Decree Order no. 17214 of 16 November 2010, and Article 24 of the Law of the National Statistical System. DGPJ has been delegated powers by the INE with respect to justice

data (Law no. 22/2008, 13 May 2008). This process is also informed by the European Statistics Code of Practice and INE's Policies on Dissemination and Peer Review (INE, 2024<sup>[13]</sup>) (INE, 2024<sup>[14]</sup>).

DGPJ collects data based on its legal mandate and through data exchange partnerships with various justice sector organisations, including courts, tribunals, judicial councils, ADR services, the public prosecution service, police, notaries public, the Bar, public registries, and other relevant stakeholders. Technical protocols, detailed in the section on data quality, define the content, format, standards, and procedures for these specific exchanges.

DGPJ aims to enhance the value of justice data by offering more insights on additional topics of interest, improving data quality, reducing administrative burdens, introducing more statistical indicators, enhancing data reliability, including more disaggregated data, minimising the number of data errors, increasing the ability to monitor legislative amendments, providing data and insights more rapidly, lowering the costs associated with data, improving the user-friendliness of data through better visualisations, and making data more accessible and transparent.

DGPJ establishes and maintains the technical standards underpinning the justice data framework. To enhance data quality, DGPJ is currently working towards implementing more automatic data-gathering procedures, which will add more disaggregated data, improve the quality of collected data, increase the capacity to monitor legislative implementation, reduce administrative burdens, improve data reliability, and ultimately decrease the costs of justice. Part of DGPJ's strategy involves increased investment in multi-dimensional database technologies. Publication and dissemination are critical components of Portugal's overall justice data framework. DGPJ employs dashboard-based online technologies to expedite delivery times, enhance accessibility to data and insights, improve visualisations, and make justice data more user-friendly and transparent.

While DGPJ holds a key role, other institutions have other important functions. The CSM (High Superior Council), along with the CSTAF, closely co-ordinate their data responsibilities with the Ministry of Justice's DGPJ. For instance, CSM is involved in operating the Citius case management system. In the operation of the peace courts, the Council of Justice of the Peace Courts is responsible for data. The Justice Institute for Financial and Equipments Management (IGFEJ) plays a significant role in maintaining financial, budgetary, and technological systems integral to the justice data framework. In Portugal, ISS manages access to the legal aid system, handling the gathering, storage, and analysis of legal aid data. ISS maintains interoperability with the Ministry of Justice and the Bar using fiscal numbers (NIF) and identifications from the Citius system.

## 6.5. Statistical data quality

Data quality has numerous aspects – conceptual, technical, informational, organisational and statistical. To help operationalise the task of measuring data quality, the OECD defines quality as “fitness for use” regarding user needs. The main dimensions of the data quality concept are relevance, accuracy, credibility, timeliness, accessibility, interpretability, coherence, and cost-efficiency (OECD, 2011<sup>[15]</sup>).

The European Statistics Code of Practice from the EU outlines 16 principles governing the quality of statistical data. These include aspects such as professional independence, co-ordination, and co-operation, the authority for data collection and access, resource adequacy, commitment to quality, confidentiality, impartiality, methodology soundness, appropriate procedures, avoiding excessive burden on respondents, cost-effectiveness, relevance, accuracy and reliability, timeliness and punctuality, and coherence and comparability, as well as accessibility and clarity (European Commission, 2019<sup>[16]</sup>).

Similarly, Eurostat identifies nine dimensions to assess the quality of statistics. These dimensions encompass factors like relevance, accuracy and reliability, timeliness and punctuality, coherence and comparability, as well as accessibility and clarity (European Commission, 2019<sup>[16]</sup>). Assessing the

statistical quality of justice data requires analysing current systemic policy, and organisational and technical measures.

### **6.5.1. Policy measures for data quality**

At the inter-institutional level in Portugal, a recently formed working group has been examining data strategy and governance issues within the justice sector. DGPJ adheres to a quality charter, expressing its commitment to producing valid and reliable statistical data (Government of Portugal, 2022<sup>[17]</sup>). This charter aligns with both the Portuguese National Statistical System and the European Statistical System (ESS). The key tenets of the quality charter include technical independence in accordance with indicator 1.4 of the ESS, emphasising that heads of statistical authorities have sole responsibility for deciding on statistical methods, standards, procedures, and the content and timing of statistical releases (European Commission, 2019<sup>[16]</sup>). Other fundamental principles within the charter encompass statistical confidentiality; safeguarding the fundamental rights of personal life, privacy, and data integrity; ensuring the quality of statistical records; providing public accessibility to official statistics; and fostering co-operation between statistical authorities.

DGPJ complies with relevant EU legislation in the areas of statistical data quality, specifically adhering to Regulation (EC) 223/2009 of the European Parliament and of the Council dated March 11, 2009. This regulation establishes the legal framework of the European Statistical System, regulating the development, production, and dissemination of European statistics. Additionally, DGPJ follows the self-regulation mechanism outlined in the European Statistics Code of Practice (ESCP) of 2017, which was adopted by the Committee on the European Statistical System.

#### *Organisational measures for data quality*

DGPJ follows national and EU data standards in the field. According to fact-finding interviews, all activities are organised by specific rules and all processes are documented. This is evaluated by peer review processes to which DGPJ is subjected. The institution requests specific training on data quality from its collaborators and data providers. DGPJ returns statistical information to data providers so that they better understand the results and their collaboration with DGPJ.

#### *Technical measures for data quality*

DGPJ requests that the managing bodies of information systems implement automated interfaces to decrease the expenses and workload of respondents involved in generating official statistics. The quality of statistical information includes various dimensions, including accuracy and timeliness. Both are fundamental for statistical information to be relevant to users. The need for revisions often reflects the commitment between, on the one hand, disseminating statistical information as up to date as possible and, on the other, ensuring high standards of accuracy. The introduction of methodological improvements and more up-to-date or additional background information, and the detection of random errors associated with inaccuracies in the use of information sources or the data processing may lead to a review of the results that have already been made public as needed (Government of Portugal, 2022<sup>[17]</sup>).

As part of the Hermes project between 2004 and 2019, automatic interfaces became the preferred method for gathering justice data. Paper-based data gathering was discontinued. Even when automatic interfaces were not available, the data was exchanged through web forms or formatted spreadsheets. Through the Hermes project, the data has been stored in a multi-dimensional database built upon common taxonomy and terminology. This approach yielded more advanced and more user-friendly statistical analysis tools. Justice data is now published and visualised online with more advanced query and search tools.

DGPJ implements data quality assurance processes from the moments of data collection and integration of data (e.g. structure, content, coherence). Abnormal cases are monitored and, when detected, are excluded from the datasets. DGPJ uses AI to detect new data quality problems based on previous errors.

To ensure data quality, DGPJ has co-operation protocols with its data providers. The protocols define the key characteristics of the exchanged data – structure, formats, rules of validation and all the rules required for the data operation. These are technical rules by which the entity defines the format. The protocols integrate different methods and validation stages, as well as technical and logical checks (see Table 6.4).

**Table 6.4. Example of communication protocol RAL+**

Type	Format	Example
Date	yyyy-mm-dd	2019-01-01
Date (Extended)	yyyy-mm-dd:hh:nn:ss	2019-01-01:12:00:00 (12:00:00 on January 1, 2019)
Text	Text without restrictions, except when a size limit is identified	Example of a text field
Numeric	Numeric value	999
Value	9999999999.99	1500.50 Numeric value with two decimal places (values expressed in Euros)

Source: Example provided by DGPJ.

Despite all the measures above, concerns about the quality of some of the data were raised during interviews. It should be noted that there are robust measures to ensure the validity and reliability of the data and that the concerns are not about the grand design of the data framework. Fact-finding interviews suggested that issues related to data quality arise from both the source of the data and the purpose of its collection. To address this, DGPJ employs various procedures to assess and ensure the quality of the data, including cross-checking, coherence analysis, the use of text boxes, and regularly reassessing the effectiveness of its own checks. Regarding Citius, IGFEJ is responsible for ensuring that all appropriate technical and organisational measures are in place. This is to ensure that data is processed in accordance with the relevant regulatory framework and that the rights of data subjects are protected.

### **6.5.2. Areas for improvement**

While DGPJ has implemented a robust framework to ensure the integrity and reliability of the justice data presently collected in Portugal, there remain areas for improvement that could further enhance data quality and utilisation. These improvements are not just technical challenges but also involve broadening the scope of governance and enhancing the skills and awareness of all stakeholders involved in data-handling and analysis. As data collection is expanded to encompass more people-centred variables, the same robust framework and measures to ensure integrity and reliability need to be applied to these data also.

#### *Establishing broad and inclusive justice data governance mechanisms*

Establishing a comprehensive and inclusive governance mechanism for justice data is essential to ensure the systemic quality of Portugal's justice data framework. Data governance involves creating policies, procedures, and controls to maintain accuracy, completeness, consistency, validity, and timeliness of data throughout their lifecycle. This encompasses determining data ownership, defining standards, and monitoring data quality, considering aspects like data access, security, privacy, and retention. Such policies and procedures have been already established.

DGPJ working group on justice data strategy and data governance provides a solid foundation for expanding the current mechanism into a fully developed data governance structure. Strong political support from various justice sector stakeholders is important to empower these data governance mechanisms effectively.

#### *Defining justice data quality requirements*

Defining rigorous data requirements is fundamental for a robust data quality mechanism. The mentioned working group can take the lead in developing common quality requirements for justice data in Portugal. These requirements should emphasise accuracy, completeness, coherence, comparability, validity, timeliness, and interpretability of existing and future justice data. For example, the coherence aspect of the requirements could enhance efforts to provide common definitions and further operationalise justice indicators. The relevance requirement establishes a mechanism to continually assess whether the collected justice data align with the strategic and operational objectives of the Portuguese justice sector.

#### *Setting up standardised data validation mechanisms*

Implementing standardised data validation mechanisms is crucial to ensuring that the data meet specified requirements. Validation and verification processes help maintain data accuracy and consistency, utilising automated tools to identify errors or inconsistencies. Such mechanisms already exist and are in place in the statistical system but could be implemented or reinforced in the source systems.

#### *Continuous data quality monitoring*

Continuous monitoring is a vital component of the justice data quality mechanism. It involves ongoing and systematic processes to monitor and enhance data quality. Automated tools and procedures are typically employed to identify data errors, ensuring timely correction and improvement.

#### *Data quality training*

Training is a critical aspect for the consistent application of data quality requirements. Adequate training is necessary for the diverse stakeholders in the justice data framework to adhere coherently to established standards. Currently, there is such training aimed at court officials who ensure the recording of data in the Citius system. This training should be institutionalised and carried out regularly, namely by including them in the annual training plans of the training centre for court clerks (DGAJ).

## References

- DGPJ (2022), *Quality Charter 2022*, [https://estatisticas.justica.gov.pt/sites/siej/en-us/Documents/CartaQualidade\\_UK.pdf](https://estatisticas.justica.gov.pt/sites/siej/en-us/Documents/CartaQualidade_UK.pdf). [11]
- DGPJ (2010), *Delegação de Competências do Instituto Nacional de Estatística - INE, IP*, [https://estatisticas.justica.gov.pt/sites/siej/en-us/Documents/ProtocoloDelegacaoCompetencia\\_INE\\_DGPJ.pdf](https://estatisticas.justica.gov.pt/sites/siej/en-us/Documents/ProtocoloDelegacaoCompetencia_INE_DGPJ.pdf). [12]
- Directorate General for Justice Policy (2024), *Quality barometer of arbitration centers*, <https://triave.pt/inqueritosatisfacao/>. [8]
- European Commission (2019), *Quality Assurance Framework of the European Statistical System*, <https://ec.europa.eu/eurostat/web/quality/european-quality-standards/quality-assurance-framework>. [16]
- Government of Portugal (2024), *Início*, <https://estatisticas.justica.gov.pt/sites/siej/en-us>. [6]
- Government of Portugal (2024), *Instituto da Segurança Social*, <https://www.seg-social.pt/objectivos-e-principios>. [7]
- Government of Portugal (2024), *Mapa interativo da justiça*, <https://www.citius.mj.pt/porta/mapajustica.aspx>. [5]
- Government of Portugal (2023), *Civil cases completed in the first instance judicial courts*, <https://estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Processos-civeis-findos-nos-tribunais-judiciais-de-1-instancia.aspx>. [4]
- Government of Portugal (2022), *Acompanhamento dos meios alternativos de resolução de litígios (RAL)*, [https://dgpj.justica.gov.pt/Portals/31/Noticias/Relat%C3%B3rio\\_Satisfa%C3%A7%C3%A3o\\_Meios%20RAL\\_2022\\_v2.pdf?ver=OroTbZJdX0Nrvb4FCaIXzq%3D%3D](https://dgpj.justica.gov.pt/Portals/31/Noticias/Relat%C3%B3rio_Satisfa%C3%A7%C3%A3o_Meios%20RAL_2022_v2.pdf?ver=OroTbZJdX0Nrvb4FCaIXzq%3D%3D). [10]
- Government of Portugal (2022), *Quality Charter 2022*, [https://estatisticas.justica.gov.pt/sites/siej/en-us/Documents/CartaQualidade\\_UK.pdf](https://estatisticas.justica.gov.pt/sites/siej/en-us/Documents/CartaQualidade_UK.pdf). [17]
- INE (2024), *Dissemination Policy*, <https://estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Politica-Difusao.aspx>. [13]
- INE (2024), *Revisions Policy*, [https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_inst\\_politrevisao&xlang=en](https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_inst_politrevisao&xlang=en). [14]
- INE (2021), *Census 2021*, [https://www.ine.pt/xportal/xmain?xpgid=ine\\_main&xpid=INE](https://www.ine.pt/xportal/xmain?xpgid=ine_main&xpid=INE). [9]
- OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [2]
- OECD (2020), *Justice Transformation in Portugal: Building on Successes and Challenges*, OECD Publishing, Paris, <https://doi.org/10.1787/184acf59-en>. [1]
- OECD (2011), *Quality Framework for OECD Statistical Activities*, <https://www.oecd.org/sdd/qualityframeworkforoecdstatisticalactivities.htm>. [15]



Praia City Group (2020), *Handbook on Governance Statistics*,  
<https://ine.cv/praiagroup/handbook-on-governance-statistics/>.

[3]

# 7

## Enabling responsiveness and people-centricity of legal and justice services in Portugal

---

This chapter focuses on the essential aspects of responsiveness and accessibility of legal and justice services in Portugal, emphasising a people-centred approach. It elaborates on evidence-based planning for people-centred justice, discussing how a people-centred justice system ensures timely, appropriate, affordable, and sustainable legal and justice services that effectively address the population's legal problems and needs. The chapter also outlines the benefits of systematic identification of legal needs, and the strategic use of data for planning justice services. It examines the current state of justice service planning in Portugal and calls for more comprehensive surveys and data-driven strategies to enhance the design and delivery of justice policies and services in Portugal.

---

## 7.1. Evidence-based planning for people-centred justice

A people-centred justice system provides timely, appropriate, affordable, and sustainable legal and justice services that help people address their legal problems and needs. In a people-centred approach, proper services are available to all groups of people when and where they need them, ensuring their rights are safeguarded and that no one is left behind.

To attain this goal in a context where resources are usually scarce, legal services need to be planned to direct the most effective and efficient services to meet people's needs in the right place at the right time. Planning and delivering justice services effectively require identifying the legal needs of the community in question, the areas where legal needs are greatest, and strategies to meet each different legal need (see Planning for the delivery of services in Chapter 2).

### 7.1.1. Towards people-centred justice planning in Portugal

Assessment conducted as part of this diagnosis report suggests that there is scope to advance in a people-centred approach to justice planning in Portugal. At present, it appears that justice service planning is primarily focused on financial accountability and funding processes, with limited attention devoted to planning services to respond to the needs of the community.

#### *Identifying legal needs*

Building on a people-centred vision of purpose of the justice system, sound people-centred planning calls for systematic ways to identify legal needs of different groups of people. Portugal has taken an important step in this direction by conducting a legal needs survey in 2023, which provides important insights into the legal needs of the community. Portugal's initiative in conducting this survey is commendable and the country is encouraged to undertake further surveys in the future to support an evidence-based approach to design and delivery of justice policies and services.

#### *Locating legal needs*

Official government data, including census and social security data, can serve as an important tool (see Locating legal needs in Chapter 2) to assist in locating likely areas of higher prevalence of particular legal needs. In this regard, Portugal has a unique opportunity to deepen the understanding of the legal needs of priority groups and to advance the design and delivery of people-centred justice services, considering the Social Security Institute ("Instituto da Segurança Social", ISS) as part of the legal aid system. ISS has a wealth of knowledge and data on groups that are most vulnerable to legal problems. To this end, Portugal might consider a strategic planning partnership between ISS and DGPJ. This could provide a valuable source of information for planning of legal and justice services for vulnerable groups.

At present, the Portuguese government maps key legal service locations with the intent to assist people to identify their nearest services. There remains a need to understand which initiatives or services work most effectively and efficiently to meet which needs in order to support the tailoring of services for specific needs and for specific groups. To advance in people-centred justice planning, legal needs could also be mapped against demographic and vulnerable groups data to see whether services are geographically allocated to match users' needs.

#### *Matching services to needs*

An important part of the planning process is to make sure justice services reach the people that they are intended for. In the short term, Portugal may consider investing in strengthening the mapping of service locations and service coverage areas. In the longer term, through enhanced people-centred service data

collection, Portugal could identify justice services, including types of services, delivered to user groups as identified by their demographic and other characteristics. This could provide the most effective means for ensuring that services are matched to the relevant need (see Annex D).

### *Monitoring and evaluation*

There could be scope for Portugal to develop and implement a people-centred outcomes focus as part of monitoring and evaluation services to ensure that they are achieving positive outcomes for people. This would need to be supported by robust data.

Currently data collection in the administrative/service context appears to be primarily focused on a relatively narrow range of core performance indicators (e.g. cases in, time per case). Deepening the collection of people-centred data would allow policy makers to incorporate users' data into the process of designing and delivering justice policies and services in Portugal. A summary of indicative data sources to support people-centred justice is provided in Box 6.1.

### **7.1.2. Mapping justice services**

When data is available, mapping justice services and service delivery data against legal needs data can provide valuable insights on the location of legal services in relation to their primary target communities (for 'macro'-level mapping – see *Annex D*). In addition, this can be useful to indicate the coverage of legal services in relation to their primary target communities and the delivery of legal services to users contrasted against relevant target communities (see *Annex D*). Other benefits are helping identify the actual type and quantum of legal and justice services delivered in relation to the quantum of anticipated need in target communities (see *Annex D*); the (relative) gaps in service delivery by region or priority group; and the pathways people follow when seeking to resolve their legal problems.

Whether or not service delivery mapping is possible depends on the comprehensiveness, quality and availability of relevant data. Assessment conducted in this report suggests that justice agencies and service providers collect only data that is required by the relevant legislation, mandates and other directives. In addition, relevant legislation and directives are generally focused on the traditional court-performance "system"-type measures (e.g. cases in/cases finalised).

Notwithstanding the above, this report identifies two promising opportunities to develop mapping outcomes. These opportunities could lead to a positive development within Portugal in the long-term. They relate to further expanding and developing the mapping of services already undertaken by DGPJ. This includes, in particular, moving beyond service office location mapping to the mapping of services (and potentially services delivered) against indicators of legal needs in the community.

Another opportunity is to make use of the unique arrangement in Portugal whereby the Social Security Institute (ISS), with its broader responsibility for many social services across Portugal, is responsible for legal aid application assessments. ISS is in a position to potentially map a range of human indicators against legal aid relevant factors and perhaps broader justice variables (see Box 6.6). As part of fact-finding interviews, DGPJ informed that they have mapped the location of certain services for their website intended as a tool to allow people to identify the closest service to them (the effectiveness of which needs to be assessed). This suggests that they have the locations (street address and/or geocodes) for some/many/all justice sector facilities.

Interviews showed that the ISS seemed very open and keen to work with the Ministry of Justice, the DGPJ and other justice agencies to explore a partnership to make optimum use of the relevant data. In this regard, Portugal could consider exploring an appropriate relationship between the ISS and DGPJ and/or other elements of the justice system for making best use of available data to support the planning and implementation of people-centred justice.

Legal needs surveys across the globe have continually revealed that people’s vulnerability to legal problems parallels vulnerability to a range of other problems. Thus, the same segments of society that are most vulnerable to legal problems are very likely to be those same segments that are engaged with other social service agencies and processes (such as housing, health, unemployment), and thus ISS’s role in providing information about these groups and participating in planning processes could be a major point of progress for justice in Portugal.

It is also recommended to further develop current DGPJ work in mapping justice agencies. This should be expanded to facilitate the location and mapping of all justice and related service locations, including outreach offices and NGOs that provide services, and, where possible, to include the regional/geographic competence of these service offices to identify areas of and gaps in coverage.

### **7.1.3. Identifying what works**

In the legal and justice field, there has been a limited focus on rigorous research and evaluation to identify “what works” to meet legal and justice needs of people (OECD, 2021<sup>[1]</sup>). In many jurisdictions, the situation is aggravated by the absence of common terminology, taxonomies, data protocols and analytical methodologies. These deficiencies are the product of a lack of continuity and coherence across changes in government and agendas over time, as well as the importance of guaranteeing the independence of justice institutions. Identifying “what works” is, therefore, a challenge in all countries.

Similar to other countries, there is scope in Portugal to identify a clear and co-ordinated strategy to identify strategies and mechanisms that help address the needs of people. Efforts can build on the various ongoing steps in the justice system in Portugal to identify and address bottlenecks and deficiencies in justice sector performance, including trials and pilots established over the last 10 years. Adopting an agile approach would help ensure that these ongoing initiatives are accompanied by appropriate evaluation mechanisms to help policy makers learn the lessons from the past. There appears to be an opportunity to further strengthen DGPJ leadership and co-ordination role. For example, their data team and associated components can help drive a more systematic and evidence-based approach to rethink and redesign justice policies and services.

One example in Portugal is the Victim Information and Assistance Office (“Gabinete de Informação e Atendimento à-Vítima” – GIAV), a local initiative undertaking specific research to understand the most effective approaches in the area of domestic violence in the context of court processes (see Box 7.1). A regular reporting and academic publishing programme, it aims to identify good practices and bring together the rigorous knowledge about good practices in criminal courts, notably in the context of domestic violence.

#### **Box 7.1. Portugal: Some victims’ support initiatives**

##### **Victims Information and Support Cabinet (GIAV)**

In 2011, the Victims Information and Support Cabinet was launched as a pilot project resulting from a co-operation between the Egas Moniz Higher Education Cooperative and the department of criminal investigation and prosecution of Lisbon. The project provides risk assessments of victims and alleged perpetrators on behalf of the public prosecutor in domestic violence court matters.

The GIAV undertakes work on a pro bono basis to support victims of domestic violence and children in and around the court proceedings. However, work is very limited for out-of-court proceedings. In addition, GIAV plans the process of psychological assessment and/or intervention in crisis, and connects the criminal justice system with quality research and good practices through engagement with international literature and initiatives.

The GIAV is a valuable service of dedicated and victim-focused assistance at a vulnerable time. Their service is likely to be well-received by victims, given that legal systems tend to be generally challenging and alienating for many members of the society who do not regularly come in contact with formal justice institutions.

Yet, the GIAV appears to be a “stand-alone” service, reportedly underfunded and with little indication of any change to current funding arrangements. Likewise, after operating for over 10 years, their services have not been subject to a systematic evaluation or any formal assessment, nor does one appear to be planned. Without such an evaluation, it could be difficult to make informed decisions about continuing and expanding this pilot to scale or otherwise.

### **Victim Support Offices (GAV)**

The Victim Support Offices (GAV) in Portugal are establishments dedicated to aiding and supporting individuals affected by crime or traumatic events. These offices offer various services to assist victims, including emotional support, guidance through legal procedures, information about their rights, and referrals to other support resources. They often operate in collaboration with governmental bodies, law enforcement, and victim advocacy organisations to ensure a comprehensive and holistic approach to supporting those affected by crime.

In March 2019, six new Victim Support Offices (GAV) were installed in the departments of investigation and prosecution (DIAP) of Braga, Aveiro, Coimbra, Lisbon West, Lisbon North and Faro. These offices are co-ordinated by a public prosecutor and composed of a victim support worker and a court clerk. Their main goal is to ensure assistance, information, support and personalised referral to victims of domestic and gender violence.

Unlike the GIAV, which results from a partnership between the Lisbon department of investigation and prosecution and a higher education institution, the model used for these new victim support offices has a tripartite structure. It involves the Ministry of Justice, the Attorney General's Office and victim support organisations that select and make available victim support officers for each of the offices.

Source: Neves et al. (2015<sup>[2]</sup>), *Gabinete de Informação e Atendimento à Vitima (GIAV) - Espaço Cidadania e Justiça*, [https://comum.rcaap.pt/bitstream/10400.26/8786/1/Poster03\\_IAlmeida\\_2015.pdf](https://comum.rcaap.pt/bitstream/10400.26/8786/1/Poster03_IAlmeida_2015.pdf); Government of Portugal (2019<sup>[3]</sup>), *Protocolo entre o Ministério da Justiça e a Procuradoria-Geral da República*, [https://www.ministeriopublico.pt/sites/default/files/anexos/protocolos/protocolo\\_mj-pgr.pdf](https://www.ministeriopublico.pt/sites/default/files/anexos/protocolos/protocolo_mj-pgr.pdf).

In a context of limited resources, it is important to implement strategies and service delivery models that produce the best results at a minimum cost. Focusing on identified people-centred justice system priorities, Portugal would benefit from a co-ordinated monitoring and evaluation programme using service data to address gaps and identify good practices.

## **7.2. Facilitating a responsive, accessible justice and people-centred justice systems**

### **7.2.1. Fairness, effectiveness, satisfaction and responsiveness**

Identifying effective strategies to meet the legal and justice needs of people is an essential part of establishing not only a people-centred justice approach but also a justice system that achieves the best outcomes possible within the limited resources available. User satisfaction surveys and follow-on evaluation research are important parts of this process.

Fact-finding interviews revealed that there is limited engagement of justice stakeholders in evaluating outcomes and assessing user satisfaction. The primary emphasis is on measuring court performance indicators (e.g. cases in, cases finalised), while outcome or user satisfaction measurement are rare. One notable example is the DGPJ initiative to start measuring user satisfaction of ADR services.

In terms of the findings from the 2023 Portuguese LNS on fairness, effectiveness, satisfaction and responsiveness, the results paint a challenging picture of the services and pathways available to people to resolve their legal and justice problems. In a nutshell, from the sample of 1 500 people, 505 experienced at least one legal or justice problem, and the processes they followed to resolve their problems were considered costly by most people, time consuming, and often unfair. A majority of respondents lacked knowledge of their rights, found it difficult to find good information and assistance, and were not confident that they could achieve a fair outcome.

Regarding the 314 respondents whose problem had been resolved during the two-year reference period, and who had been involved with a legal process/decision maker to resolve the matter:

- 74.6% disagreed or strongly disagreed that “both parties had the same opportunity to explain their position”;
- 66.2% disagreed or strongly disagreed that “the justification for the decision was clearly explained to you”;
- 55.5% disagreed or strongly disagreed that “they were represented by a lawyer, other advisor, or other independent person/organisation”;
- 63.7% disagreed or strongly disagreed that “the process was fast and efficient”;
- 76.5% disagreed or strongly disagreed that “the process was affordable”.

Despite these detailed and often negative responses, when the same 314 respondents were asked about the fairness of the process (regardless of the outcome):

- a majority (58.9%) responded that they believed it fair to everybody concerned;
- a substantial minority (41.1%) responded that it was not fair to everybody concerned.

Regarding 505 respondents who had experienced at least one legal or justice problem, further questions on fairness, effectiveness, satisfaction and responsiveness found:

- 84.7% disagreed or strongly disagreed that “they understood or came to understand their legal rights and responsibilities”;
- 80.2% disagreed or strongly disagreed that “they knew or came to know where to get good information and advice about resolving the problem”;
- 65.5% disagreed or strongly disagreed that “they were able to get all the expert help they needed”;
- 70.9% disagreed or strongly disagreed that “they were or are confident that they could achieve a fair outcome”.

### **7.2.2. Awareness of services and pathways**

People’s awareness of their legal rights, institutions and pathways to resolve legal problems and enforce their rights is an important element of an effective justice system. People’s awareness is an indication that they can readily navigate through the justice system to address legal issues. Apart from providing a range of appropriate services, a people-centred justice system has mechanisms to build people’s awareness of how to address their problems and who they can turn to for assistance and resolution. In addition to general education and knowledge conveyed through education systems, community information and education campaigns, a people-centred justice system features systems of triage, including problem identification and referral, to help people make use of the available and most appropriate services (OECD, 2021<sup>[1]</sup>).

People's awareness of services and pathways may often be assumed by those working inside justice systems or institutions. However, that assumption is often incorrect, given that ordinary people with little or no court or justice system experience may have little awareness of legal processes, institutions, pathways and obstacles (see Box 7.2).

### Box 7.2. Capturing awareness of justice services

Awareness can be difficult to measure. Service users are aware of the existence of the services they use. But not much is known about non-users' awareness of justice services. In this regard, administrative data has limitations on the insights it can provide about broad awareness. People-centred data can help reveal, for example, about groups, locations and particular circumstances when people become service users. Likewise, justice data can also provide some insight into which groups are not represented, or underrepresented, among certain justice services.

While service data records only services delivered to those who are aware of them, if well collected across the sector and by each organisation, valuable insights can be gathered about those who do *not* use and, thus, who might not be aware of justice services. This is particularly relevant when service providers are targeting particular groups, such as autochthonous populations, people with disabilities, refugees, and people of particular ethnic backgrounds.

While a lack of awareness about the service is only one possible cause for underrepresentation in services, it can be an important contributing factor. An example is the service-mapping Portuguese Association for Victim Support (APAV) conducts and publishes annually. In its annual report, APAV counts the number of registered victims and calculates the percentage of services provided for each region. By mapping their users and service users by region, they can readily identify which regions provide no users or have fewer users than they might have expected. They can also get a better knowledge of the population that uses its services and provide a more targeted protection and support for people who are victims of criminal offenses.

APAV data allow to identify potential gaps between expected and effective service delivery, given other factors such as demographics and crime data. The lack of physical services in certain regions may, of course, be a factor in the low number of users. However, given the growth of online and remote service delivery, it can also reveal a lack of penetration of communications strategies into those regions, with the resulting reduced awareness of their services.

Source: APAV (2022<sup>[4]</sup>), *Estatísticas APAV Relatório Anual 2021*, [https://apav.pt/apav\\_v3/images/press/Relatorio\\_Anual\\_2021.pdf](https://apav.pt/apav_v3/images/press/Relatorio_Anual_2021.pdf).

The 2023 Portuguese LNS provided key findings on people's awareness of services and pathways. Beginning with an 'unprompted' question (that is, respondents were not 'prompted' with the names of any organisations), only 640 respondents out of 1 500 (43%) were able to identify any organisation that could provide accessible and low-cost advice or assistance to deal with a legal problem. By clear margins, more respondents were able to identify two NGOs, DECO (18%) and APAV (12%) than any other agency. The police, the next highest, were nominated by only 5% of respondents. Only 3.9% of respondents identified the Social Security Institute (ISS), which is the pathway to apply for legal aid in Portugal. Response rates were the lowest for courts (2.5%), lawyers (2%), the ombudsperson and Public Prosecution Service (1.8%) as places identified to go for assistance in resolving legal problems.

When respondents were then 'prompted' and asked if they knew anything about what selected (named) justice and related agencies did to help people to resolve problems, results showed that DECO (83%), Social Security Institute/legal aid (80%), APAV (78%), the Authority for Work Conditions (ACT) (70%) and trade unions (69%) displayed reasonable awareness levels, suggesting employment matters are



sufficiently prevalent for the Portuguese population. Only about two-thirds of respondents (66%) seemed to know about the role of the public prosecutor. For the ombudsperson, numbers dropped to only 54%. Perhaps impacted by the limited geographical coverage of the justice of the peace courts, only 641 respondents (43%) were able to nominate them, even when prompted.

When respondents who had experienced at least one legal problem but had not sought advice or assistance were asked why they did not seek advice or assistance, only 3.1% indicated that they “did not know how/where to get advice”. However, also relevant was that others did not seek assistance because of concerns about financial costs of assistance (9.4%), did not think getting assistance would be effective to the outcome (6.6%), were concerned how long it would take to receive assistance (6.6%), or believed that advisors were inaccessible (1.4%).

Fact-finding interviews revealed strong assumptions by many justice stakeholders about people’s awareness and knowledge of the justice system in Portugal. These assumptions generally manifested in an overreliance on certain sources of information such as the “parish” or the Ministry of Justice’s official website, without clear evidence that most people know or use such resources. Likewise, assumptions also manifested in the awareness of justice services among the community. Interviews with public sector stakeholders also highlighted assumptions that people knew justice services were available, and that there was no or limited need in awareness-raising initiatives or in monitoring pathways to legal and justice services.

### *Awareness of different services in Portugal*

The following sections provide information to illustrate some challenges in people’s awareness and knowledge of the justice system in Portugal. It also examines the potential impact of limited awareness on the effectiveness of these services in addressing legal needs and supporting victims in Portugal.

#### **National public prosecutor’s office**

Interviews suggested that people lack awareness of the public prosecutors’ roles, unless they have had some connection to it. Findings from the 2023 Portuguese LNS seem to support this view. Results show that when unprompted only 1.8% of respondents nominated the Prosecutor’s Office as a place to go to resolve legal problems. Even when prompted by naming the office, only about two-thirds of the respondents indicated they “knew what they did in relation to helping people solve problems”.

#### **RIAV service**

While local police are responsible for informing potential victims of the RIAV service (where it is available), stakeholders indicated that in many cases “it was not the victim’s first time to use the service”. This suggests that victims who had previous experience of the RIAV service were happy to return to it, but from an “awareness” perspective it paints a more ambiguous picture. It appears that people who have been to and experienced a service are “aware” of it. Yet, it is unclear if a high number of repeat users suggests poor awareness of the service among those who have not yet experienced it. Note also that RIAV was not mentioned by any respondents in the 2023 Portuguese LNS, although some respondents may have simply included this service within a “police” response.

Estimating the awareness of the RIAV service among its target potential group – victims of domestic violence – could be further complicated by the fact that at the time of the fieldwork and legal needs survey research few services (four) were available across the country. A similar challenge to awareness confronts the justice of the peace courts.

### Justice of the peace courts

Fact-finding interviews suggested that some stakeholders believe the justice of the peace courts are not well-known and, as a result, performing below their potential. This appears to be reflected in the 2023 Portuguese LNS findings. Only 18 respondents out of 1 500 (1.2%), when unprompted, identified justices of the peace courts as a potential source of affordable information, advice or assistance when facing a problem. When prompted, only 43% were able to confirm that they knew something about their role in helping people to resolve problems.

The Council of Justice of the Peace courts' last annual report highlighted the need for greater dissemination of the work of justice of the peace courts (Conselho dos Julgados de Paz, 2022<sup>[51]</sup>). Fact-finding interviews suggested that up to that point no central and systematic communication activities had occurred after the initial period of creation of justice of the peace courts. Most communication efforts after that initial period have been undertaken by the individual courts and on their own terms. However, following the end of fact-finding interviews in 2023, a national publicity campaign was launched to publicise and promote ADR services, including the justice of the peace courts. The campaign included TV spots, street posters, social media campaigns and local media. This campaign involved partner municipalities.

At the local level, fact-finding interviews suggested that awareness of the justice of the peace courts in Bombarral was reliant upon the Ministry of Justice website and the long-past local awareness-raising initiatives conducted when the courts were first created with the municipality. The recent publicity campaign aside, local awareness-raising initiatives seem to be infrequent, if occurring at all. Importantly, despite the overall assumption of people's awareness revealed in fact-finding interviews, a few stakeholders emphasised the need for greater community engagement and called attention to the lack of knowledge in Bombarral about the role of justice of the peace courts.

It is acknowledged, however, that the lack of national coverage is a barrier to effective communication. Apart from the obvious absence of any local "word of mouth" effects in what is probably 85% of the country (territorially) that does not have access to a justice of the peace court, this small coverage has likely prevented effective national communication strategies. Even with law students, it is perhaps understandable why justice of the peace courts may get little mention in course curricula if they are present in few regions and thus few future law graduates (in current circumstances) expect to use these courts.

### Proximity sections of judicial courts

Fact-finding interviews suggested that awareness of the proximity court is reliant upon the fact that "it is defined in the law", that the court "is on the Ministry of Justice website", and that these courts are usually in "small towns and people would know about the services by word-of-mouth". However, during the project there appeared little sign that many local people were using the service. Likewise, stakeholders indicated that the permanent staff (court clerk) on site was only "kept busy" through remote work on other, regional justice tasks.

Proximity sections of judicial courts are potential local sources of information and assistance for people across the country. Day-to-day functioning of these courts should, ideally, include the role of a key local hub for legal information, guidance about processes, and referrals. However, it appears that they are not recognised for such a role in the community. Only 2.5% of respondents from the 2023 Portuguese LNS chose, unprompted, all/any courts as a place to go for such information and assistance. Further, it is worth noting that only two respondents out of 1 500 chose, unprompted, the Ministry of Justice as a source of information and assistance. Therefore, results suggest that relying on the ministry's website might not be an effective method.

## **Awareness of community organisations**

Fact-finding meetings revealed that some non-governmental organisations in Portugal benefit from widespread recognition. For example, the APAV and DECO are both featured widely in metro stations in Lisbon and other advertisement channels. Likewise, people consulted at the diagnosis phase seemed to be aware of these organisations and their work.

The 2023 Portuguese LNS confirmed the relatively high level of awareness of DECO and APAV suggested during the field mission. Other parts of the justice system might learn valuable lessons from the DECO and APAV models.

Ensuring that there is good awareness of legal rights and of the services available to assist people to resolve their legal problems is a key component of a people-centred justice system. This is closely linked with understanding the legal needs of the people and the pathways that they presently follow when confronted with legal problems. It is also an important part of seeking to connect the right services to the right users for their particular problems, achieving optimum outcomes at a minimum cost.

Portugal would substantially benefit from devoting more attention to communication strategies and awareness-raising about legal and related services for the population. Confirmed both by the 2023 Portuguese LNS and fact-finding meetings, lack of awareness may well be a significant contribution to the apparent underusage of proximity services such as justice of the peace courts and the proximity sections of judicial courts. More broadly, the common assumptions that people know about and utilise available services, without any evidence to confirm such assumptions, might influence undercommitment to better communications and legal information strategies.

### **7.2.3. Awareness and accessibility of legal aid**

The application process for legal aid through the social security system is fairly unique in Portugal. As in other countries, legal aid is primarily available for those lacking sufficient financial resources and capabilities to manage legal problems themselves or afford a lawyer, or for those experiencing a particular disability or disadvantage. As previously mentioned, disadvantaged people who are likely to require legal assistance when confronting legal problems are often highly represented among the users of social security and other social services (e.g. health, housing, homelessness services). Therefore, the link between legal aid applications and ISS appears to be logical.

Similar to awareness (or not) of justice services, fact-finding interviews captured some potential assumptions from justice institutions and officials regarding people's awareness of potential eligibility and the application process for legal aid. Fact-finding interviews revealed that some stakeholders had a general sense that most people in Portugal are reasonably aware of how to apply for legal aid. Rather than empirical evidence, this general sense was supported by feelings or assumptions that information and referrals from official government websites, the Bar Association, individual lawyers and community groups could be sufficient to render people aware of eligibility criteria and the application process for legal aid.

Many justice sector stakeholders appeared to take quite a "hands-off" approach and simply referred people to ISS. There also appeared to be limited follow-up with potential users to later understand whether, in fact, they accepted the referral and proceeded with the application for legal aid. Interviews also suggested that parish boards, the lowest level of local government, often take the responsibility for providing people with a range of information, administrative advice and assistance (e.g. filling out applications). Often, stakeholders mentioned in interviews that the parish boards were the place that refer people to legal aid and help them with the application process.

In contrast, some of the non-governmental stakeholders interviewed highlighted that there could be limited general awareness among the population both of the existence of the legal aid option, and how to actually apply for it. Some of them suggested low general awareness of the availability of legal aid and, importantly,

low awareness about how to actually apply for it. For example, one major NGO reported that their single most common task was assisting people to fill out application forms for legal aid. This reinforces the need for a sector-wide communication and awareness strategy.

Another issue raised in interviews with non-governmental stakeholders is the complexity, and therefore limited accessibility, of the application process for legal aid. While simplification of these processes could be useful, some level of complexity and detail cannot be avoided. Therefore, the accessibility of legal aid would also be influenced by the availability of assistance for potential legal aid applicants in completing their application process effectively. It is noted that in early 2023 the application process for legal aid went online. A regular review of the legal aid application process would serve to ensure that people most in need are, in fact, benefitting from legal aid.

#### **7.2.4. People's pathways of action for dispute resolution**

Legal systems are complex, and while legal and justice problems are a constant across people's lives, few people have frequent or even any engagement with formal justice systems. Thus, when people experience legal or justice problems, a people-centred justice system is one where ordinary people can readily identify and reach the appropriate service to address their needs.

Understanding the pathways people follow in response to legal problems is therefore an important element in the quest to understand the effectiveness of justice services and how responsive they are dealing with people's needs.

Triage is part of the justice pathway which aims to connect people as efficiently as possible to the most appropriate service for their particular needs and circumstances (OECD, 2021<sup>[11]</sup>). Triage can occur at a systemic level. For example, in New South Wales, Australia, all people can contact the LawAccess telephone and online service to discuss their legal issues and be referred to an appropriate service. Access to state-funded legal aid is another example of systemic triage, as applicants are triaged by matching their circumstances with defined eligibility criteria, including financial status. Examples include Legal Aid of Nebraska's LawHelp Nebraska online intake and triage system (Wiens, 2019<sup>[6]</sup>) and Portugal's Social Security-run triage system for applicants for legal aid.

Triage can also occur at the individual service organisation level whereby users are first engaged and assessed in relation to the nature of their needs and the most appropriate type of services for them. For example, the state court of Alaska has a two-level triage approach with its family law self-help programme, based on an assessment of the likelihood of settlement, while taking into account a range of factors such as domestic violence (DV), the presence of children, etc. (Coumarelos and McDonald, 2019<sup>[7]</sup>). Similarly, in Singapore, the state courts of Singapore offer an online assessment tool for small claims to guide the parties in their decision-making process. The tool provides a preliminary assessment of whether a dispute falls under the jurisdiction of small claims tribunals (OECD, forthcoming<sup>[8]</sup>).

In Portugal, examples of institutional triage include the RIAV services, where victims of domestic violence are supported and triaged. In RIAV, service is provided not just for the legal aspects of their domestic violence complaint but also for referral onto housing, psychological and other support services needed (see Box 7.3). Another example is the APAV, where a sensitive but comprehensive and user-focused induction process is followed to ensure all relevant issues and needs are identified so that action, including referral, can occur.

### Box 7.3. Integrated Victim Support Response (RIAV)

Integrated Victim Support Response (RIAV) is a relatively new public security programme intended to better support victims of domestic violence and abuse at the time of complaint. Until February 2023, there were only four of such services in Portugal, three of them in the Lisbon region. These services are intended to provide a specialist-trained police service to potential victims of domestic violence. Victims can either report their complaints to local police or to the RIAV service, if available.

This service appears to have an important potential, although with limited resources. At the same time, the diagnosis phase could not determine whether there is a funded plan for a robust assessment and evaluation of the service to determine whether its funding should be increased and taken to scale across the country. As such, there is strong scope for an evaluation of its effectiveness in order to identify necessary and sufficient resources.

Source: Municipality of Lisbon (2022<sup>[9]</sup>), *Espaço Júlia acolhe em Lisboa vítimas de violência doméstica*, <https://www.lisboa.pt/atualidade/noticias/detalhe/espaco-julia-acolhe-em-lisboa-vitimas-de-violencia-domestica>.

Yet, as discussed earlier, limited data are collected in relation to users' pathways and referral. Some examples of service and referral data collection come from the RIAV and APAV services. However, currently, this is not done as part of a systematic process to understand overall users' pathways.

The 2023 Portuguese LNS contributed with some insight to understand the pathways people follow when confronting legal problems. In particular, the survey has asked questions in relation to awareness of legal services, obtaining assistance and information, problem resolution, use of dispute resolution services, and institutions that made the final decision. Survey results revealed important findings in these areas. Concerning seeking assistance, among the 505 respondents who experienced at least one problem, for 36%, assistance was sought from family, friends or an acquaintance (see Chapter 3); for 26% of respondents, assistance was from a lawyer, professional legal organisation or online advice service; for 20%, assistance was sought from another person (e.g. a doctor, pharmacist, schoolteacher).

It is important to note that respondents were able to report multiple sources of assistance. Importantly, for only 215 problems (42.6%) was assistance sought, and for 287 problems (56.8%) assistance was not sought. It is important to note also that of the 186 problems for which assistance from friends, family or acquaintance was sought, 68 of these (37.2%) also included seeking assistance from other sources (e.g. lawyer, legal organisation, doctor, pharmacist).

Concerning problem resolution, only 186 of the 505 problems examined had been taken to one of the formal dispute resolution mechanisms. The police was referred to the most often (75 or 14.9%), followed by courts or tribunals (59 or 11.7%) and government or municipal officer (41 or 8.1%). The lowest number of problem resolution referrals were to formal complaint or appeal processes (30 or 5.9%), online third-party complaints mechanisms (14 or 2.8%), and ombudsperson (14 or 2.8%).

While data and analysis limitations suggest caution should be exercised when considering these pathway findings, preliminary descriptive analysis of the 2023 Portuguese LNS suggests that those who went or were referred to the police for resolution were more likely to have obtained advice from "other people" (e.g. doctor, pharmacist, schoolteacher). Respondents who went or were referred to courts or tribunals for dispute resolution appeared more likely to have obtained advice from a lawyer, professional legal organisation or online advice service. Survey results also suggest that those who went or were referred to government or municipal authorities for dispute resolution were slightly more likely to have obtained advice from "other people", and family, friends and acquaintances. Finally, descriptively, the data suggest that the

respondents who went or were referred to formal complaint mechanisms for resolution were more likely to have obtained advice from family, friends and acquaintances.

The actual problem resolution decisions paint yet another picture. For problems that were resolved, government or municipal authority (77 or 24.5%) was the most frequently cited. This group was followed by online third-party complaints or dispute resolution mechanism (45 or 14.3%); formal complaint or appeal process (34 or 10.8%); and formal mediation, conciliation or arbitration process (29 or 9.2%). Courts and tribunals (28 or 8.9%) and the police (22 or 7%) were among the least consulted decision maker for resolving problems (see Chapter 3).

Results from the 2023 Portuguese LNS show that people do not universally turn to lawyers or other legal advisors when confronted by day-to-day legal problems. Assistance from a lawyer or legal agency was sought for only in 132 (26%) of the 505 legal problems examined. This can be compared to the 183 (36%) for which advice from family, friends or acquaintances was sought.

Another important finding is that relatively few disputes (8.9%) were resolved through court processes. Government and municipal authorities, online third-party dispute resolution and complaint mechanisms, formal complaint processes and ADR processes of mediation, conciliation and arbitration all featured in the higher frequencies of decision-makers.

When combined with relatively low awareness levels discussed earlier in this report (see Awareness of services and pathways), the 2023 Portuguese LNS results prompt some important observations. First, results demonstrate the value of a properly conducted LNS for pathways analysis. Importantly, only with a large enough representative sample of the population is it possible to get a reliable picture of issues such as awareness of services, types of assistance sought to resolve legal issues, and what people do and where they go to resolve their problems. LNS can also provide insight into those that do not go to resolution for legal assistance agencies.

Yet LNS cannot give a detailed picture for specific services and areas of law in specific regions. Administrative service data also has its own limitations, as it only can reveal information about the pathways of people who actually used a certain service. Nevertheless, if properly collected, administrative service data is an avenue for gaining more detailed insight about the use of particular services and outcomes obtained.

### **7.2.5. Making services accessible**

The people-centred requirement that services be accessible to all people is a complex and nuanced concept, which includes a number of different dimensions such as service awareness noted above. In addition, accessibility of services calls for proximity, appropriateness, timeliness, and referral.

In terms of proximity, there are many service types, such as legal representation, that are often best delivered face-to-face, notwithstanding the growth in online technologies. Also, for many members of some demographic groups, such as older people and indigenous groups, face-to-face service delivery can be important. Proximity might also imply proximity to a relevant third-party organisation or person who might assist a person with legal needs to access an appropriate service. Many disadvantaged people with other needs (e.g. medical, housing, financial) may be in ongoing contact with key government or NGO services that assist them with their other social service needs, and these agencies may also be good places to assist such people to access legal services.

Importantly, proximity of services can also contribute to broader community awareness of those services. For example, if a legal assistance service is regularly seen by people as they go about their daily lives (e.g. shopping, education, public transport), then they are more likely to be familiar with the service and to make use of it. Simply put, geography, distance from services, and the convenience of services remain a factor in accessibility.

Additionally, for legal services to be accessible and usable for the target groups, they must be appropriate in the place and manner of delivery for that particular person or group. Depending on the group and the nature of the problem, services may need to be delivered face-to-face, by telephone, online, through interpreters, or with the assistance of social workers or counsellors if the potential users are older people, people with disability or people with mental illness. For some people, full case support including representation will be required, while for others minor assistance and the delivery of selected “unbundled” services may suffice. Therefore, services must be those that match the user’s legal need and capability.

In terms of timeliness, it is observed that numerous individuals, particularly those with complex life circumstances, tend to not seek assistance at the initial signs of an issue. Instead, they often delay action until a problem has significantly progressed (Pleasence, 2014<sub>[10]</sub>). This pattern is reflected in the provision of many legal services, which are frequently offered on a “just-in-time” basis rather than on a “just-in-case” basis. Despite the preference of governments and service providers for early intervention due to its enhanced efficiency and effectiveness, the reality remains that certain segments of the population, often those at a disadvantage, are more likely to seek legal aid or conflict resolution at a much later stage. This is often beyond the point where early intervention strategies would be most effective. Consequently, the design and delivery of services must be adapted to accommodate these late-stage interventions.

Finally, there need to be effective triage and referral networks to ensure people in need reach appropriate services (or appropriate services reach them) in a timely manner. For reasons that may include lack of awareness or poor proximity, people facing legal problems and in need of assistance will not necessarily arrive at the appropriate legal service. Instead, they often arrive at other social service locations or legal service providers. For example, many disadvantaged people with legal problems are also in contact with social security services, health services, employment services, and housing services. For services across the continuum to be accessible, people with legal needs must be triaged and effectively referred to the appropriate service.

Bringing these dimensions together, governments and service providers should design and provide services that are:

- Targeted to the particular groups in need,
- Joined up sufficiently with other services to provide effective pathways,
- Timely, and
- Appropriate to the needs and capabilities of users (Pleasence, 2014<sub>[10]</sub>).

In order to evaluate the accessibility of services for their intended target groups, it is essential to collect relevant people-centred data and conduct a comparative analysis between the characteristics of service users and the target groups.

### 7.3. Governance for people-centred justice in Portugal

The OECD Recommendation of the Council on Access to Justice and People-Centred Justice Systems and the OECD Framework and Good Practice Principles for People-Centred Justice (OECD, 2023<sub>[11]</sub>; OECD, 2021<sub>[11]</sub>) highlight the need for an overarching justice system purpose that emphasises placing people at the centre of justice-system planning, development, service delivery, and all reform implementation. This people-centred purpose is discussed in Chapter 1. Importantly, this overarching purpose also, in particular, underpins the elements of the system of government guiding people-centred justice implementation, including:

- The establishment of priorities for investment and reform
- The professional practice and regulation of the legal profession.

### **7.3.1. Setting and maintaining priorities for investment and reform**

Over the last 10 - 15 years, Portugal has developed and is implementing an ambitious agenda to transform its justice system, including towards people-centricity. The range of initiatives under the *Justiça + Próxima* programme, developments in alternative dispute resolution, increasing use of technology and fostering of digital transformation are examples. In this reforming work, top-down guidance is essential (OECD, 2023<sup>[11]</sup>; OECD, 2021<sup>[11]</sup>).

At the same time, from a people-centred justice perspective, initiatives (including trials, pilots and specific reforms) at lower levels are also essential as they are an avenue to identifying effective solutions and pathways for individual members of the community to address their legal needs. Investigations as part of this project identified a number of such local-level initiatives or trials, including a number of different initiatives in domestic violence services (GIAV, RIAV, NGO-delivered services, and some formal justice system elements bespoke tech initiatives). These reforms and innovations demonstrate the willingness of people across the justice sector in Portugal to identify areas for improvement and initiate action and innovation to bring about the improvement. This willingness is positive and should be commended.

However, there is room to reap more benefits from this willingness for innovation and improvement through the streamlining of resources, and the improvement, co-ordination and clarifying of priorities. For example, there appear to be a number of pilots that have continued for up to 12 years but have, as yet, not been evaluated. Accordingly, authorities are missing opportunities to endorse the approach and take it to scale or to end the initiative and divert resources to new approaches if the intervention is evaluated negatively. A lack of co-ordination in the resourcing of these initiatives may also lead to some not being fully completed and implemented.

A significant observation from project investigations was that there did not appear to be a clear, agreed and clearly understood set of actionable priorities across the sector that could facilitate realistic and achievable reform action across the justice system. Likewise, there is limited co-ordinated resource allocations to facilitate these reforms. Co-ordination of priorities for budget expenditure across the whole justice sector would not only lead to more efficient and cost-effective outcomes but also allow for the creation of justice system-wide processes that reflect a people-centred approach.

Better co-ordination of priorities and investments is more likely to lead to the delivery of holistic services that meet the legal needs of the community. People rarely have just a single legal matter but often experience a range of life problems that cross jurisdictions and government department responsibilities. A people-centred justice system, therefore, needs to provide for the flexible entry of people and their legal problems to the broader justice sector from other sectors and allow for them to be transferred between services. Government actions would yield better results with a more consistent and comprehensive range of co-ordination and prioritisation of investment across the whole justice sector.

Overall, there is scope to establish or clarify a set of actionable priorities to facilitate realistic, co-ordinated and achievable reform action and co-ordinate scarce resource allocation across the justice system. Clear priorities assist in the efficient allocation of scarce resources. Consistent guidelines and better coordination between government portfolios and related services also assist the efficient allocation of scarce resources and is essential for the implementation of agreed priorities.

### **7.3.2. Regulating legal representation in Portugal and its impact**

Legal representation is an essential element of any justice system seeking to protect the rights of individuals and uphold the law. It also contributes to the effective and efficient operation of the courts and the justice system, ensuring matters can be disposed of efficiently, with the view to ensuring costs for all parties are kept as low as possible (through not having extended proceedings), and promoting fairness in legal processes. However, while effective and truly accessible and available legal representation and



advice is essential, especially in serious matters, it comes at a substantial cost – to individual parties and sometimes to the state. There will always be circumstances and cases where one party can afford to engage ‘more’ and/or ‘better’ legal representation than the other party. Often one party to a legal dispute (and sometimes neither party) will be able to afford sufficient legal representation, or perhaps none at all, and yet legal aid will not be available for them in this matter. People who may be unable to afford legal representation – or afford sufficient legal representation across a whole legal dispute – still deserve access to dispute resolution and other processes to enforce their rights and provide access to justice.

As such, it would be important to approach mandatory legal representation regimes as an opportunity to improve access to justice rather than as a constraint upon it. That is, there is a need for careful monitoring that such regulatory and legislative requirements do not become a barrier to access to justice for people who are unable to access or afford legal representation. A people-centred lens should be applied to considerations for the need for legal representation. In this context, there is scope for the government of Portugal to consider reviewing legislation and regulations concerning legal representation requirements (including those in the following paragraphs) to ensure that they are consistent with a people-centred approach that seeks to ensure that people have access to appropriate and affordable services to meet their particular needs.

In civil cases, legal representation is required for enforcement actions of more than EUR 30 000 or more than EUR 5 000 if the action follows the terms of the declarative action (Government of Portugal, 2013<sup>[12]</sup>). It is also mandatory for the party to be represented by a lawyer in declarative actions in causes with a value of more than EUR 5 000; in cases where an appeal is always admissible, regardless of the amount; and in appeals and in cases brought before higher courts (Government of Portugal, 2013<sup>[12]</sup>).

Even where the representation of a lawyer is mandatory, trainee lawyers, solicitors (“solicitadores”), and the parties themselves may make submissions in which no legal issues are raised. On the other hand, in cases where representation is not mandatory and where the parties have not appointed a proxy, the examination of witnesses is carried out by the judge, who is also responsible for adapting the procedure to the specificities of the situation.

Similarly, in administrative and tax courts, it is mandatory to appoint a lawyer (Government of Portugal, 2013<sup>[12]</sup>). Public entities may be represented in all proceedings by a lawyer, solicitor (“solicitador”), a law graduate or a solicitor graduate with legal support functions, without prejudice to the possibility of representation of the state by the Public Prosecutor’s Office (Government of Portugal, 2002<sup>[13]</sup>) (Government of Portugal, 1999<sup>[14]</sup>). This is also the case for public entities (Government of Portugal, 2002<sup>[13]</sup>)-(Government of Portugal, 1999<sup>[14]</sup>).

In criminal cases, the assistance of a lawyer to the defendant is mandatory during the interrogation of an arrested or detained defendant, interrogation by a judicial authority, and the preliminary hearing and court hearings. It is also necessary in any procedural acts other than the formal declaration as defendant whenever the accused person has any visual, hearing or speaking impairment or is illiterate, cannot speak or understand the Portuguese language, is less than 21-years-old, or where the issue of her/his excluded or diminished criminal liability has been raised. Moreover, in case of ordinary or extraordinary appeal, the assistance of a lawyer to the defendant is mandatory when statements are made for future memory, where the trial hearings take place in absence of the defendant, and finally in other cases determined by law.

The court may appoint a lawyer for a defendant at the court or defendant’s request, where the specific circumstances of the case show the need or the convenience for the defendant to be assisted (Government of Portugal, 1987<sup>[15]</sup>). If the defendant does not have a lawyer or an appointed lawyer, the appointment is mandatory when the person is formally charged (Government of Portugal, 1987<sup>[15]</sup>).

The position of the victim in a criminal case is different. The victim may only be a witness in the proceedings and represented by a lawyer present at the time of testimony (Government of Portugal, 1987<sup>[15]</sup>). The victim can also assume the role of a civil victim, claiming compensation for damages. In that case, the victim

must necessarily be represented by a lawyer in cases where the value of the claim is of more than EUR 5 000 (Government of Portugal, 1987<sup>[15]</sup>). Finally, the victim can assume the position of assistant in the process. In that case, the victim would work with the public prosecutor and contribute to investigations, actively participating in the trial (e.g. by submitting evidence) and being able to appeal against the decisions that affect them. In these cases, the victim must necessarily be represented by a lawyer (Government of Portugal, 1987<sup>[15]</sup>).

As a rule, parties do not need to be represented by a lawyer in justice of the peace courts. The assistance of a lawyer in these courts is only mandatory when the party is illiterate, has no knowledge of Portuguese, or is considered in an “underprivileged position”. Representation by a lawyer is also mandatory in the case of an appeal (Government of Portugal, 2001<sup>[16]</sup>). Some 59% of the parties in the cases concluded in justice of the peace courts in 2021 were not represented by lawyers (Conselho dos Julgados de Paz, 2021<sup>[17]</sup>). Figure 7.1 shows the evolution of the percentage of parties with and without representation by a lawyer in cases completed between 2016 and 2021.

**Figure 7.1. Rate of representation by a lawyer in justice of the peace courts (2016 – 2021)**



Source: Conselho dos Julgados de Paz (2022<sup>[5]</sup>), *XXII Relatório Anual do Conselho dos Julgados de Paz*, <https://www.conselhosdosjulgadosdepaz.com.pt/ficheiros/Relatorios/Relatorio2022.pdf>.

In mediation sessions, the parties must participate in person and are free to present themselves alone or accompanied by lawyers, trainee lawyers or solicitors, as well as being assisted by interpreters if necessary (Government of Portugal, 2013<sup>[18]</sup>)-(Government of Portugal, 2007<sup>[19]</sup>).

Recently, Portugal has seen a discussion about the roles of lawyers and solicitors, focusing on the specific services they provide. This has led to changes in the laws governing these professions, specifically the Statute of the Bar Association. A significant update came with the new legal framework introduced by Law 10/2024 on 19 January 2024. This law, enacted after overcoming a presidential veto, sets new rules for the activities of lawyers and advocates. The president had expressed concerns that allowing non-lawyers to perform these services without proper oversight and training could harm the judicial system and citizen rights (Government of Portugal, 2024<sup>[20]</sup>).

Despite these changes, the requirement for lawyers in legal cases remains unchanged. However, the new rules now permit certain legal tasks, once exclusive to lawyers and solicitors, to be performed by other legal experts who are not members of their professional associations. Essentially, lawyers still hold

exclusive rights to represent clients in court, assist citizens dealing with authorities, and provide defence in criminal proceedings, as required by the Criminal Procedure Code.

The new legislation opens doors for law graduates, notaries, and enforcement agents to offer legal advice. It also allows them and commercial companies to draft contracts if it complements their main business activities. Furthermore, companies focused on debt recovery can now negotiate settlements.

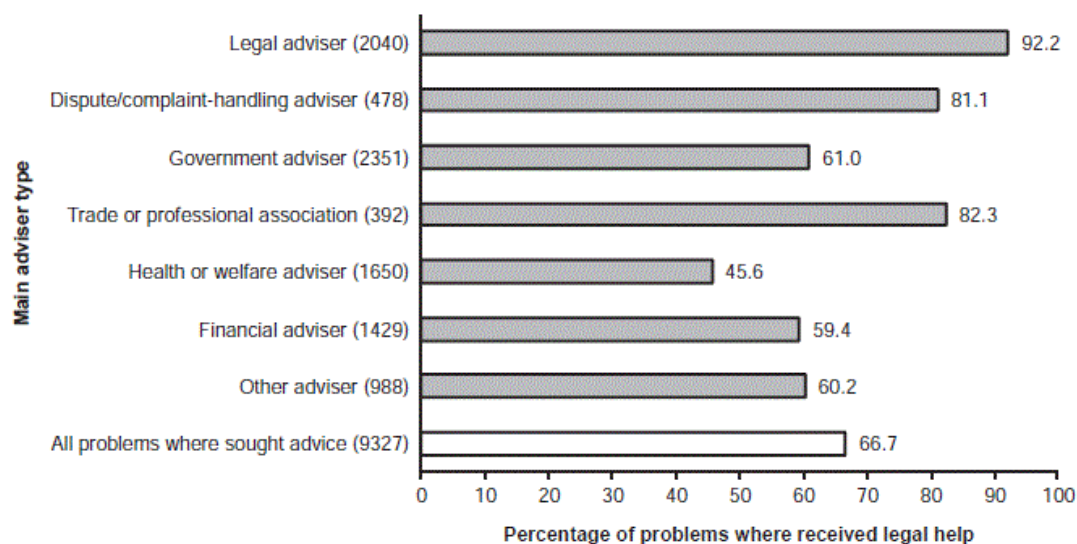
This significant shift in legal practice and service provision needs careful observation to assess its impact on service quality, responsibility, and oversight, emphasising a client-first approach. It offers a chance to evaluate if these legal changes and the broader access to legal services can improve service delivery and expand legal access and information.

### **7.3.3. The legal profession**

The legal profession fulfils an essential role at the heart of justice systems. While many other actors and professionals, including law clerks, paralegals, legal secretaries and others have always been an important part of the system of delivering justice services, lawyers have a unique role and influence over the justice system in most countries. However, over two decades of people-centred legal needs research, including the recent 2023 LNS in Portugal, have brought a more nuanced understanding of how people approach legal problems. In particular, legal problems are widespread across the community, and they are often intertwined with a range of other life problems, not just legal ones. The implications of this, particularly for disadvantaged people, is that they often approach legal problems as only one among several problems that they may face. Moreover, they often do not see it as the most important problem or even as a legal problem. In many occasions, they approach legal problems – and other problems such as health, housing employment – with the assistance of NGOs, community organisations or support agencies from other social service areas. In this context, people often do not go to a lawyer’s office to deal with a legal problem. To reach those most in need, legal services should go to where the people who need them are.

For example, a legal needs survey of almost 21 000 respondents in Australia looked at who provided people with legal help<sup>1</sup>. Figure 7.2 shows that to get help in understanding and acting to solve their legal problems, people turn to a range of agencies, when they might actually seek assistance from a professional advisor. Importantly, this survey found that when people do seek support from a legal service provider/lawyer (only about 16% of matters), respondents reported higher satisfaction levels than from other service providers (Coumarelos et al., 2012<sup>[21]</sup>).

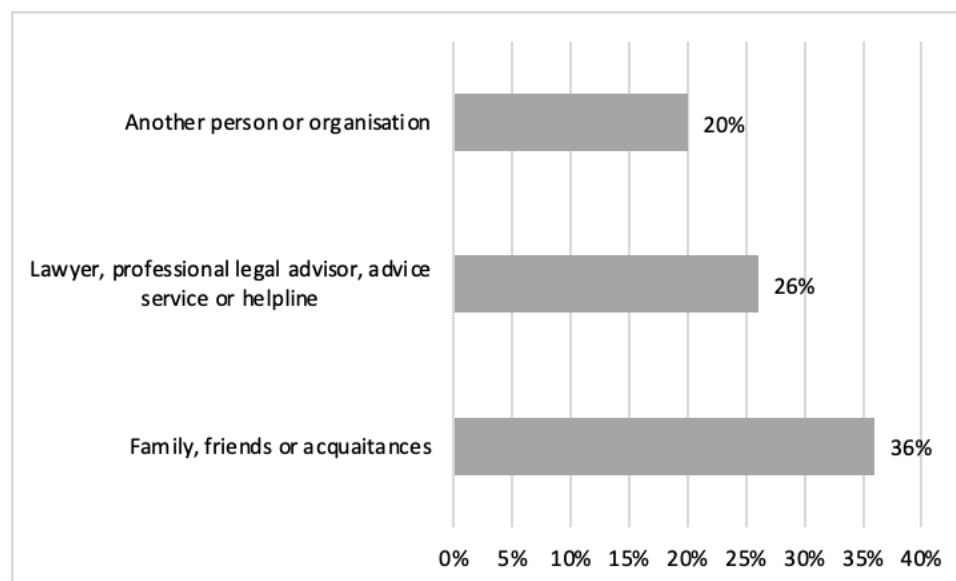
**Figure 7.2. Legal help from main adviser, by adviser type (Australia, 2012)**



Source: Coumarelos, C; Macourt, D; People, J; McDonald, HM; Wei, Z; Iriana, I; Ramsey, S, (2012<sup>[21]</sup>), *Legal Australia-Wide Survey: legal need in Australia*.

The 2023 LNS also confirmed this perception in Portugal. Some 43% of respondents who said they had experienced a legal problem had sought help to obtain information, advice or representation to resolve the problem. But only 26% sought professional legal advice (see Figure 7.3).

**Figure 7.3. Sources of legal help in Portugal**



Source: 2023 LNS.

Most people who seek legal advice do it from a number of sources. The 2023 LNS found that the organisations people turn to are very diverse. Importantly, findings from the diagnosis phase suggest that the legal profession may be exerting a restrictive influence on how legal advice and assistance could be provided. For example, it was reported that lawyers are not allowed to give legal advice outside of legal

offices even if such settings might align with clients' preferences, primarily due to concerns about confidentiality. This limitation has rendered the provision of legal advice and assistance in non-traditional venues such as NGOs, community service spaces, and even within the community where underprivileged groups are more likely to be found, a contentious issue. As a result, organisations employing lawyers for consultation purposes find themselves navigating a regulatory grey area, uncertain of their legal standing.

Portugal is encouraged to reconsider these professional and regulatory barriers to legal service provision in light of insights from recent research into legal and justice needs, including studies conducted within the country. Evidence from the legal needs survey (see Figure 7.3) underscores that individuals seek information, support, and advice from a diverse array of sources, often outside conventional legal offices and institutions. The initiative by the Public Interest Advocacy Centre in Sydney, Australia, illustrates an innovative approach. Through the Homeless Person's Legal Clinics, it collaborates with pro bono lawyers from the private sector and NGO legal professionals to offer legal counsel at locations readily accessible to the homeless population, such as homeless shelters operated by NGOs, emergency centres for women, refuges, street food services, church halls, and other outreach venues.

The prevailing risk associated with stringent practice guidelines and regulations is the potential deterrent effect on individuals seeking legal advice from qualified practitioners. This could inadvertently prompt individuals to seek guidance from a wider, more accessible, yet potentially unqualified array of services and agencies, leading to varied outcomes in terms of the reliability and soundness of the advice received.

Accordingly, there exists an opportunity for Portugal to assess such restrictive practices from the perspective of service recipients that takes into consideration their preferences for how and where legal advice and assistance should be delivered. This reassessment aims to enhance access to justice and ensure that the provision of justice services is centred around the needs and perspectives of the populace.

Finally, there is scope to rethink incentives for the legal profession to facilitate take-up of certain innovations, such as using the justice of the peace courts and ADR services. For example, a number of stakeholders suggested that new incentives and capacity-building may be needed to encourage lawyers to guide and recommend clients to use many of the justice interventions introduced by the government of Portugal in recent years, such as ADR and justice of the peace courts, rather than taking conventional pathways. Some stakeholders have indicated that lawyers might choose traditional practices over newer ones because of incentives such as familiarity with traditional processes, legal certainty, and established appeal options.

## References

- APAV (2022), *Estatísticas APAV - Relatório Anual 2021 - Associação Portuguesa de Apoio à Vítima*, [https://apav.pt/apav\\_v3/images/press/Relatorio\\_Anual\\_2021.pdf](https://apav.pt/apav_v3/images/press/Relatorio_Anual_2021.pdf). [4]
- Conselho dos Julgados de Paz (2022), *XXII Relatório Anual do Conselho dos Julgados de Paz*, <https://www.conselhodosjulgadosdepaz.com.pt/ficheiros/Relatorios/Relatorio2022.pdf>. [5]
- Conselho dos Julgados de Paz (2021), *XXI Relatório Anual do Conselho dos Julgados de Paz*, <https://www.conselhodosjulgadosdepaz.com.pt/ficheiros/Relatorios/Relatorio2021.pdf>. [17]
- Coumarelos, C. et al. (2012), *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of New South Wales, Sydney. [21]
- Coumarelos, C. and H. McDonald (2019), *Developing a triage framework: linking clients with services at Legal Aid NSW*, Law and Justice Foundation of NSW, Sydney, <https://catalogue.nla.gov.au/catalog/8153336>. [7]
- Government of Portugal (2024), *Law 10/2024*, <https://diariodarepublica.pt/dr/detalhe/lei/10-2024-837135330>. [20]
- Government of Portugal (2019), *Protocolo entre o Ministério da Justiça e a Procuradoria-Geral da República*, [https://www.ministeriopublico.pt/sites/default/files/anexos/protocolos/protocolo\\_mj-pgr.pdf](https://www.ministeriopublico.pt/sites/default/files/anexos/protocolos/protocolo_mj-pgr.pdf). [3]
- Government of Portugal (2013), *Civil Procedure Code*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2013-34580575>. [12]
- Government of Portugal (2013), *Law no. 29/2013*, <https://diariodarepublica.pt/dr/detalhe/lei/29-2013-260394>. [18]
- Government of Portugal (2007), *Law no 21/2007*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2007-63397378>. [19]
- Government of Portugal (2002), *Administrative Courts Procedure Code*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2002-34464475>. [13]
- Government of Portugal (2001), *Law no. 78/2001*, <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2001-56735875>. [16]
- Government of Portugal (1999), *Tax Procedure Code*, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1999-34577575>. [14]
- Government of Portugal (1987), *Criminal Procedure Code*, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1987-34570075>. [15]
- Municipality of Lisbon (2022), *Espaço Júlia acolhe em Lisboa vítimas de violência doméstica*, <https://www.lisboa.pt/atualidade/noticias/detalhe/espaco-julia-acolhe-em-lisboa-vitimas-de-violencia-domestica>. [9]
- Neves, A. et al. (2015), *Gabinete de Informação e Atendimento à Vítima (GIAV) - Espaço Cidadania e Justiça*, [https://comum.rcaap.pt/bitstream/10400.26/8786/1/Poster03\\_IAlmeida\\_2015.pdf](https://comum.rcaap.pt/bitstream/10400.26/8786/1/Poster03_IAlmeida_2015.pdf). [2]

- OECD (2023), *Recommendation on Access to Justice an People-Centred Justice Systems*, [11]  
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498>.
- OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, [1]  
 OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>.
- OECD (forthcoming), *OECD Conceptual Framework for Online Dispute Resolution*. [8]
- Pleasence, P. (2014), *Reshaping legal assistance services: building on the evidence base: a discussion paper*, ., Law and Justice Foundation of NSW, Sydney. [10]
- Wiens, J. (2019), *Formative Evaluation of an Online Access to Justice Triage and Intake System*, [6]  
[https://digitalcommons.unmc.edu/coph\\_slce/69/](https://digitalcommons.unmc.edu/coph_slce/69/).

## Notes

---

<sup>1</sup> “Legal help” can be defined as the provision of pre-packaged legal information, advice on legal rights or procedures, help with legal documents, help with court or tribunal preparation, help with formal dispute resolution sessions (e.g. mediation or conciliation), negotiation with the other side, and referral to a lawyer or legal service.

# 8

## Digital technologies and data for people-centred Justice in Portugal

---

This chapter examines the strategic use of digital technologies and data to transform Portugal's justice system to make it more accessible and people-centred. It applies key components of the OECD Digital Government Policy Framework to the Portuguese context and details Portugal's digital and innovative initiatives. The chapter also highlights challenges and opportunities in advancing digital transformation in the justice sector. It focuses on strengthening existing governance arrangements and institutional capabilities to ensure sustainability and continuity for greater impact.

---



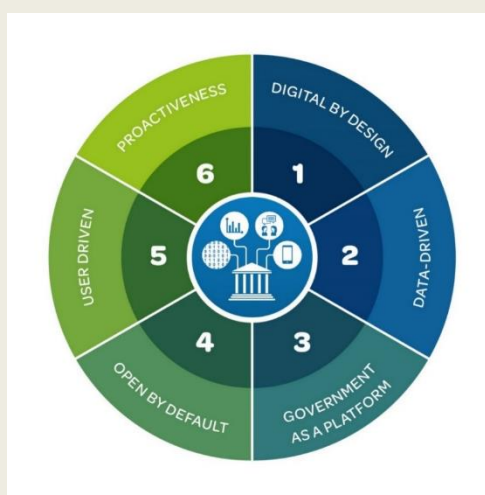
## 8.1. Leveraging digital governance to modernise justice systems

Digital transformation is a key priority in ongoing modernisation efforts to make justice systems more accessible and people-centred (OECD, 2024<sup>[1]</sup>). People and businesses are experiencing conflicts in new ways and becoming more demanding in terms of how their conflicts are solved. Higher expectations of public services from more empowered users in a context of growing internal and external pressures, such as lower levels of trust in public institutions (OECD, 2022<sup>[2]</sup>), promises of the digital age and economic crises are major drivers that call for change in justice systems. This implies putting people's needs at the centre of the design and delivery of justice services. Digital technologies and data are important leverages in the process of transforming justice systems.

Digital technologies and data hold significant potential to strengthen access, resilience, efficiency, and effectiveness of justice systems. The COVID-19 pandemic showcased the important role that digital technologies and data can have in helping justice systems quickly react and respond to people's needs and ensuring justice systems remained accessible. Digital technologies and data may support governments to better understand user needs through data-driven approaches, and help deliver services fit for their needs by reducing the length and complexity of processes. In particular, the use of digital technologies in dispute resolution mechanisms (before and in court) can significantly increase access to and responsiveness of justice systems to legal needs, accompanied by appropriate safeguards not to create additional barriers to accessing justice. Likewise, if managed in a way that puts people at the centre, digital transformation can be a source of empowerment to individuals and communities, allowing them to have access to accurate legal information and make informed decisions about their legal situations.

Understanding that governments should deliver on people's needs, the *OECD Digital Government Policy Framework* (DGPF) identifies key determinants for effective design and implementation of strategic approaches to transition towards higher levels of digital maturity across the public sector (see Box 8.1). It underpins the drive to rethink internal processes and operations with a view to connecting different parts of the administration to improve efficiency, effectiveness and user experience (OECD, 2020<sup>[3]</sup>).

### Box 8.1. The OECD Digital Government Policy Framework



The OECD Digital Government Policy Framework consists of six dimensions that comprise a fully digital government:

Dimension 1 – Digital by design: Measures how digital government policies are designed to enable the public sector to use digital technologies and data in a coherent way when designing policies and services.

Dimension 2 – Data-driven: Measures government’s governance and enablers on access, sharing and reuse of data across the public sector.

Dimension 3 – Government as a platform: Measures the deployment of common building blocks (e.g. guidelines, tools, data, digital identity, software) to equip teams to advance a coherent transformation of government processes and services across the public sector.

Dimension 4 – Open by default: Measures openness beyond the release of open data, including efforts to foster the use of digital technologies and data to communicate and engage actors.

Dimension 5 – User-driven: Measures governments’ capacity to place user needs at the core of the design and delivery of policies and services.

Dimension 6 – Proactiveness: Measures governments’ capacity to anticipate the needs of users and service providers to deliver government services proactively.

Source: OECD (2020<sup>[3]</sup>), *Digital Government Policy Framework: Six dimensions of a digital government*, <https://doi.org/10.1787/f64fed2a-en>.

The six dimensions of the OECD Digital Government Policy Framework can be applicable to modernisation efforts for people-centred justice systems. For example:

- Applying the Digital by design dimension to justice systems involves embedding digital technologies and data from the outset to transform justice policies, services and processes. For instance, governments can leverage digital technologies and data to implement seamless case management systems (including case filing, triage, document management, workflow automation, communicating with parties) for greater efficiency and transparency.
- Implementing a Data-driven approach to justice systems entails the capacity of accessing, sharing, and reusing data within justice institutions and the public sector more broadly. A data-driven approach can also help design better justice policies (e.g. crime prevention and recidivism).
- Government as a platform encourages the use of common digital infrastructure and tools across the justice system, including databases for legal precedents and legislation, digital identity and document authentication systems.
- Adopting an open by default approach in justice systems implies improving transparency and openness in justice. This can include releasing court decisions in available, accessible and reusable formats, developing tools to allow people to listen to public hearings, and using platforms to improve communications and users’ awareness on court cases, legal aid, and their material and procedural rights.
- User-driven justice systems essentially place users at the core of designing and delivering justice services. This could include, for instance, using data gathered from monitoring (e.g. certain administrative data collected on an ongoing basis from social security services) and evaluation mechanisms (e.g. satisfaction and legal needs surveys) to improve service delivery to victims of domestic violence, providing support for those who may face barriers to accessing justice services, adopting plain language when communicating with justice users.
- Proactiveness emphasises the justice system’s ability to anticipate and meet the needs of people and businesses proactively. It aims to create a more responsive and preventative justice system that can address issues efficiently and effectively. Examples include sending automatic notifications about case updates, using data analytics to identify and address potential legal issues

before they escalate, and providing preemptive legal assistance or advice through users' preferred channels.

### 8.1.1. Contextualising digital transformation in Portugal's justice system

Portugal has made significant efforts to accelerate digital transformation of its justice system and integrate digital technologies and data to design and deliver people-centred justice. Portugal's strategic documents (see Towards people-centred justice in Portugal in Chapter 2, and Strategy and plan) to modernise its justice sector echo the national commitment to accelerate innovation and leverage digital technologies and data to improve people's life, building on previous efforts on administrative simplification.

The most significant example is the *Simplex* programme, which emphasises a people-centred approach to the design and delivery of public services (see *Legal and Justice Needs in Portugal*, in Chapter 3). At the whole-of-government level, the commitment to accelerate digital transformation was reinforced with the Strategy for Innovation and Modernisation of the State and the Public Administration 2020–2023 (Government of Portugal, 2020<sup>[4]</sup>) and of Strategy Portugal 2030 (Government of Portugal, 2020<sup>[5]</sup>). Specifically for the justice sector, the Strategy for Innovation and Modernisation of the State and Public Administration focused on the need to invest in the people who work in public administration and to deepen the global governance of technologies.

Building on previous initiatives such as the National Initiative for Digital Competences e.2030 – INCoDe.2030 (Government of Portugal, 2018<sup>[6]</sup>), commitment to the digital transformation was fully embraced in 2020 at the whole-of-government level, with the approval of the cross-sectoral Action Plan for Digital Transition (Government of Portugal, 2020<sup>[7]</sup>). The action plan seeks to support the implementation of measures aiming at the digital transition of the public sector, companies and citizens (see Box 8.2).

#### Box 8.2. Portugal: Action Plan for Digital Transition

The Action Plan for Digital Transition is a strategic document adopted by the Portuguese government to guide the country through a comprehensive digital transformation. This initiative aims to leverage digital technologies to drive economic growth, improve public services, and enhance the quality of life for all citizens.

This strategic document is based on three fundamental pillars:

- The first pillar is focused on capacity-building strategies not only for public servants but also on initiatives to equip the Portuguese population with the necessary digital skills for the modern workforce, including training programmes and education initiatives at all levels from basic digital literacy to advanced digital skills.
- The second pillar is based on fostering entrepreneurship and investments, supporting both small and medium-sized enterprises, as well as larger companies, to adopt digital technologies to improve competitiveness, innovation, and access to global markets. Support involves financial incentives, technical assistance, and innovation hubs.
- The third pillar focuses on digital transformation of the public sector, notably by using digital technologies to make services more efficient, accessible, and user-friendly.

This Action Plan for Digital Transition is a multi-year effort involving collaboration between the government, private sector, academic institutions, and civil society to achieve these ambitious goals. Among the priority areas of the Action Plan, many apply to the modernisation of justice, in particular to the design and delivery of services. With a direct impact on the justice system, the priority measures include:

- Digitalisation of the 25 most used public services, aiming at simplification and online access for at least the 25 most used administrative services, ensuring their dematerialisation and that everyone has access to digital public services (sub-pillar III.1 – digital public services);
- Increased provision of digital services in different languages of interest for internationalisation, with the aim of ensuring that the services available on the ePortugal.gov portal are multilingual, and that information content and electronic forms are translated into languages other than Portuguese, ideally always in English by default (sub-pillar III.1 – digital public services);
- Cloud strategy of the public administration, which provides the creation of the necessary strategic framework for the adoption of cloud tools by the public administration (sub-pillar III.1 – digital public services);
- Simplification of public procurement of information and digital technology services by the public administration, which aims to simplify procedures related to the provision of services and acquisition of digital services and goods by the public administration (sub-pillar III.2 – agile and open central administration).

Source: Government of Portugal (2020<sup>[7]</sup>), *Resolution of the Council of Ministers 30/2020*, <https://dre.pt/dre/detalhe/resolucao-conselho-ministros/30-2020-132133788>.

The modernisation efforts in Portugal's justice system, particularly through digital transformation initiatives, reflect the priority measures in the Action Plan and have seen varying levels of buy-in within and outside the public sector. High-level leadership has often publicly supported the modernisation of justice in Portugal including through the allocation of budget for modernisation initiatives (Government of Portugal, 2023<sup>[8]</sup>) (Government of Portugal, 2024<sup>[9]</sup>) (Sarmiento e Castro, 2022<sup>[10]</sup>).

Portugal stood out with projects that aimed to improve the efficiency of justice and the dissemination of information on available services. Over the last two decades, considerable efforts have been made to provide the justice system with digital infrastructure that enables professionals to work more efficiently and more agilely. These efforts have been registered at different speeds in the various segments of the justice sector, from registry to courts and alternative dispute resolution mechanisms (Government of Portugal, 2024<sup>[11]</sup>) (Government of Portugal, 2024<sup>[12]</sup>) (Government of Portugal, 2023<sup>[13]</sup>). In addition, the active participation of stakeholders in training programmes and innovation initiatives have underscored their buy-in and collaborative modernisation of Portugal's justice system (Government of Portugal, 2024<sup>[14]</sup>) (Government of Portugal, 2022<sup>[15]</sup>) (Government of Portugal, 2022<sup>[16]</sup>).

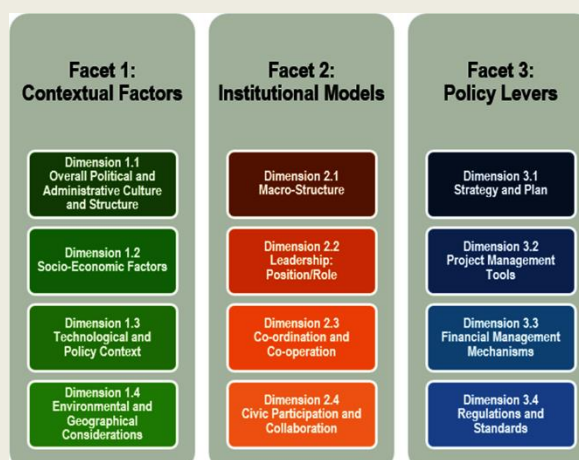
Despite Portugal's efforts in modernising its justice system over several decades of reform and noticeable buy-in within and outside the public sector, there is an untapped opportunity to enhance existing governance arrangements, including on ICT infrastructure, sustainability of strategic plans over time, institutional and individual capabilities and data governance to transform the justice system and services, and meet new demands on the justice sector from people and businesses.

## 8.2. Governance to steer the strategic use of digital technologies and data

The complexity of digital transformation requires robust governance to drive change across the public sector. Such governance enables governments to envision and lead coherent and sustainable digital transformation across the public sector, establishing a collaborative and inclusive digital ecosystem. Grounded in the OECD Recommendation of the Council on Digital Government Strategies (OECD, 2014<sup>[17]</sup>), the *E-Leaders Handbook on the Governance of Digital Government* presents the OECD Framework on the Governance of Digital Government (see Box 8.3). It helps governments to seize the

benefits, and manage and address the challenges of digitalisation through sound governance approaches (OECD, 2021<sup>[18]</sup>).

### Box 8.3. The OECD Framework on the Governance of Digital Government



The OECD Framework on the Governance of Digital Government presents three governance facets:

- **Contextual Factors:** Define country-specific characteristics to be considered when designing policies to ensure a human-centred, inclusive and sustainable digital transformation of the public sector.
- **Institutional Models:** Present different institutional set-ups, approaches, arrangements and mechanisms within the public sector and digital ecosystem, which direct the design and implementation of digital government policies in a sustainable manner.
- **Policy Levers:** Support governments to ensure a sound and coherent digital transformation of the public sector.

Source: OECD (2021<sup>[18]</sup>), *The E-Leaders Handbook on the Governance of Digital Government*, <https://doi.org/10.1787/ac7f2531-en>.

The framework provides guiding policy questions, drawn from the insights, knowledge and best practices of OECD member and non-member countries. While initially conceived to support strengthening the governance of digital government towards a mature, digitally-enabled state, the framework's dimensions can be applicable to modernisation efforts for people-centred justice systems. The next sections apply some of the relevant dimensions of the framework to help assess the state of play and identify areas for improvement in Portugal's justice system.

#### 8.2.1. Contextual factors: Technological and policy context

*Contextual Factors* refers to country-specific characteristics that should be considered according to the political, administrative, socio-economic, technological, policy and geographical context. Although each country has its contextual specificities that warrant a unique governance framework, the application of the OECD Recommendation of the Council on Digital Government Strategies (OECD, 2014<sup>[17]</sup>) can help to identify common elements of governance that are relevant for all countries.

The *Technological and Policy Context* dimension covers key contextual factors that are linked to the country's past, current and prospective technological development and how technology is used in the public and private sector, which have fundamental influence over the digital governance in the public sector

(OECD, 2021<sup>[18]</sup>). Fact-finding interviews and desk research helped identify two important bottlenecks of the digital transformation of the justice system in Portugal – connectivity and legacy systems.

### *Coverage and level of development of ICT/digital infrastructure*

*Coverage and level of development of ICT/digital infrastructure* looks at the availability, speed, latency, bandwidth, coverage, network and energy usage of Internet connectivity as the result of the country's digital infrastructure policies (OECD, 2021<sup>[18]</sup>). A good coverage and level of development of ICT/digital infrastructure is fundamental to access and delivery of justice services across the country and enables greater digital inclusion. A sub-optimal coverage and level of development of ICT/digital infrastructures not only increases the digital divide between areas with fair and poor connectivity but also hampers service delivery and access to justice more broadly.

In 2022, Portugal reported a proportion of 88% of households with Internet access in 2022 (below the EU average of 93%). More importantly, the gap between cities and rural areas in household Internet access reached 14% and the proportion of people that had never used the Internet in Portugal was 14% (Eurostat, 2022<sup>[19]</sup>). The level of Internet access and use are also influenced by income level and people's age. This is particularly relevant in the case of Portugal, with one of the oldest populations in Europe. The elderly (over 65) represent 24% of the country's total population (OECD, 2022<sup>[20]</sup>). One of the main goals of the Action Plan for Digital Transition (see Contextualising digital transformation in Portugal's justice system) is to promote the creation of conditions for generalised, easy and free access to the Internet. The Action Plan for Digital Transition foresees measures such as the creation of a social tariff for access to Internet services and the development of an educational project for the digital inclusion of one million adults lacking access to ICT/digital infrastructure.

Investment in making legal information available and delivering judicial services online seems to be a priority in Portugal. This is demonstrated by the development of the online Practical Guide to Justice and the implementation of the RAL+ platform. Nevertheless, respondents of the 2023 Portuguese LNS did not indicate "online access to legal information" as primary source of information. Another example demonstrates the need to invest in diverse channels. The dedicated telephone helpline operated by the DGPJ is frequented by many justice service users looking for information on ADR. Investing in online platforms to deliver information should not overlook the need to consider other channels for those with greater difficulty in accessing information on the Internet.

Portugal should sustain its efforts to improve Internet coverage through continued investments and innovation, as it has been doing in the past years. Looking ahead, the country could consider aligning the design and delivery of justice services with strategies on coverage and level of development of ICT/digital infrastructure. This includes supporting access to infrastructure for those who cannot afford it and promoting training programmes to increase digital literacy. Furthermore, mindful of the Portuguese context, it is important to recognise the value of the omni-channel approach to engage users and ease access to legal information and services, as well as the role digital technologies and data can play in achieving the omni-channel approach. This could enhance Portugal's efforts to bridge the digital divide and provide a seamless user experience.

### *E-government heritage and legacy*

The e-government approach tends to make the implementation of technology the focus, especially in the context of digitising existing government processes and services. In the rush to make things available online, the result has been government-centred services, reproducing analogue bureaucratic procedures online (OECD, 2020<sup>[21]</sup>). As a consequence, this has resulted in government practices that do not respond to users' needs, including siloed approaches to the design of policies, duplications of services and legacy technologies.

The diagnostic phase of the project identified some challenges in mobilising digital technologies to enhance a people-centred approach. Fact-finding interviews, a government questionnaire, and desk research suggested issues to do with legacy technologies, multiplication of channels, and lack of joint prioritisation and co-ordination across institutions within and beyond the public sector. This has had some important implications, including users' distrust in certain platforms.

The fact-finding interviews showed stakeholders' recognition of the importance of digital technologies and data to improve the efficiency of the justice system and justice actors' daily work. However, the focus seems to largely remain on the use of online platforms to submit requests and communicate during a process, and less on the strategic use of digital technologies and data to address people's needs. Another challenge identified was the lack of joint prioritisation for developing new interoperable services among different entities and governmental areas. This is crucial to ensure alignment of investments and activities.

The digital transformation of the justice system in Portugal has gone through different stages of development that have unevenly affected the various entities involved. Over time, sector-specific investment has exacerbated the challenge of dealing with legacy channels, technology and infrastructure. Most recent projects have sought to address these issues. Several examples of these various stages can be found in the different institutions of the justice system.

In courts, for example, the first attempt to use digital technologies for case management started in 1999, with a project addressed to and developed by court clerks. Citius, the current information system to support the work of the courts, was introduced in 2007 and gradually extended to the various judicial courts (European Judicial Network, 2024<sup>[22]</sup>).

In parallel, in 2004, SITAF was introduced. The implementation of a dedicated information system for the administrative and fiscal jurisdiction was conceived as part of the overall reform, and developed with the aim of simplification, rationalisation of resources, and dematerialisation. Although this platform was used for electronic filing and processing of cases before Citius, it was widely underused and identified as a source of serious constraints.

SITAF has generated distrust among users due to constant system crashes and a perceived complexity of use. Because lawyers did not trust the information system, the same pleading was often sent to the courts in different formats – uploaded in the platform, sent by e-mail or by post. This multiplication of copies of the same pleading led to additional work for the court registries and, often, to duplication of cases, as more than one case would be opened based on the different copies received through different channels.

In 2013, a new architecture of the system was designed, but it was not until 2017 that the enhancements became visible and SITAF gained new noticeable functions. The different perceptions of the functional performance of these two information systems led to constant comparisons between them. It was mentioned during fact-finding interviews that the possibility of using Citius or merging the two information systems were a constant topic of discussion among justice users (e.g. judges, court clerks, lawyers), especially with those who work with Citius and, in general, recognise its greater potential.

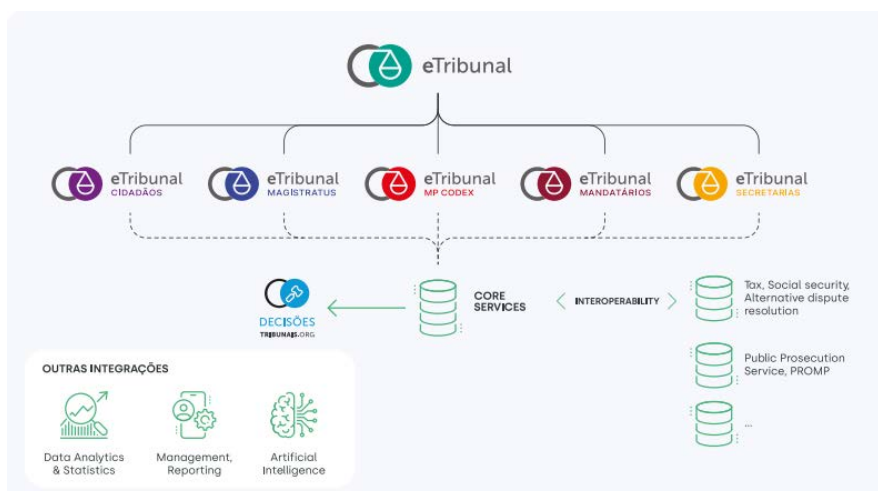
Under the *Justiça + Próxima* programme, the Portuguese justice sector started integrating these court information systems (see Figure 8.1). From the end of 2023, eTribunal Magistratus and eTribunal MP Codex became the main access points for judges and prosecutors, respectively, to the court system for both jurisdictions (ordinary, and administrative and fiscal) and included the functionalities previously available in Citius and SITAF. New functionalities have also been introduced. This includes the automation of tasks and the implementation of mechanisms to facilitate research, namely case law, thus streamlining the judicial process.

New applications for lawyers and the general public have been introduced to improve user experience and to increase the number of accessible digital services. The eTribunal Mandatários was introduced as a new interface for lawyers, granting unified access to ordinary, administrative, and tax courts. It enables lawyers to view electronic communications by the courts, as well as by the secretariats of the National Injunctions



Counter (BNI), the National Leases Counter (BNA), and the Leases Injunction Service (SIMA) from a single platform. Additional features include e-mail alerts for new electronic filings and notifications of procedural events in specific cases. Other features under development include direct access to court proceedings and updates on changes of lawyers' professional addresses.

**Figure 8.1. Portugal: Court's information system eTribunal**



Note: Only available in Portuguese.

Source: Government of Portugal (2024<sup>[23]</sup>), *Justice Digital Transformation*.

Another example of information system developments is from the registration services (land registry, car registry, civil registry, and commercial registry), which was one of the areas that significantly benefited from the *Simplex* programme. Between 2004 and 2006, Portugal launched SIRCOM (Integrated Commercial Registry System), SIRP (Integrated Land Registry System), SIRIC (Integrated Civil Registration and Identification System) and DUA (Single Automobile Document), a set of systems that enables the dematerialisation of acts, processes and documents. Following their implementation, a major challenge has been ensuring seamless communication between these systems and the information systems of the courts and the Ministry of Justice, especially for services like the registries that need to interact with the courts at certain stages of judicial proceedings.

Another clear example of the challenges posed by years of specific sectoral investments is the development of multiple websites that provide legal and justice information in recent years not only from the government but also from multiple entities in the area of justice (e.g. courts, public prosecution service, the justice of the peace courts, alternative dispute resolution institutions). Despite the efforts made with the creation of the Digital Justice Platform in 2017, information is still scattered across several of the government's own websites, running the risk of becoming outdated. Fact-finding interviews suggested that search tools and scattered official websites of both the Ministry of Justice and other entities (e.g. courts, justice of the peace, ADR) are the most visible sources of information to users about entities' competences and services available.

The issues mentioned above, including legacy technologies, multiplication of online platforms, and the lack of joint prioritisation and co-ordination across institutions, share a common e-government approach that is focused on technology. Gradually, Portugal has been moving away from this approach. The principles of interoperability, reuse of information and sharing of resources are some of the main priorities of the *Justice + Proximity* programme, also with a view of fostering inter- and intra-institutional collaboration. Interoperability between the information systems of other government sectors and those of the justice sector services are thus among the main objectives of the programme. Some of the most important



initiatives in recent years have been to improve interoperability and thus the capacity of different information systems to communicate and exchange information smoothly.

Portugal should consider applying a digital-by-design approach, embedding digital technologies and data to reengineer and redesign services and processes with the focus of meeting users' needs. This includes securing through DGPJ the long-term vision and governance mechanisms for the coherent implementation of service design, delivery and data strategies in the justice sector.

Likewise, establishing a permanent strategic co-ordination body for service design and delivery of justice would help joint-prioritisation and cross-government commitment to cut through organisational siloes, thus helping ensure consistency of experience from users' perspective. This would also help move away from sector-specific investments and contractual arrangements that have exacerbated the multiplication of channels. This co-ordination body could involve relevant justice stakeholders such as the Ministry of Justice, DGPJ, IGFEJ, Supreme Council of the Judiciary, Supreme Council of Administrative and Tax Courts, Public Prosecution Office, ISS Bar Association, and ADR service providers, in addition to government agencies (notably the Administrative Modernisation Agency [AMA]) in charge of broader digital transformation efforts in the public sector.

### 8.2.2. Leadership

One of the key elements to achieving digital transformation is political commitment and institutional leadership (OECD, 2014<sup>[17]</sup>). This includes clearly communicating a shared vision and priorities, and promoting co-ordination and collaboration across organisations (OECD, 2020<sup>[24]</sup>). In the context of modernisation efforts, the role of senior leaders as champions for digital transformation and promoting a digital culture and mindset have been increasingly recognised as a requirement by OECD member and non-member countries (OECD, 2020<sup>[24]</sup>).

Portugal has benefited from the strong political commitment of leaders. High-level leadership has often publicly supported the modernisation of justice in Portugal (Government of Portugal, 2023<sup>[8]</sup>) (Government of Portugal, 2024<sup>[9]</sup>). Some examples are their in-person participation and support of digital transformation initiatives such as hackathons, training programmes and calls for innovation such as the *Desafios Justiça* (see Box 8.4).

#### Box 8.4. Portugal: Leveraging innovation in justice – *Desafios Justiça*

*Desafios Justiça* is an initiative that aims to contribute to the development of innovative technological solutions that respond to the concrete needs of justice services' users. The initiative is part of *Govtech Justiça*, under the component "Identify and co-create". Its objective is to promote exchange and foster synergies and co-creation processes between the public sector, academia, research centres and the national, European and international innovation and entrepreneurship ecosystems to experiment and test ideas.

The calls for innovation are launched by public organisations and are open to both natural and legal entities. Applications are submitted through a specific form and selected candidates present their ideas to a jury. The first challenge was launched at the beginning of 2023, with INPI as the promoting organisation. On 29 September 2023, four selected applications were presented at an event held at the Justice Hub.

Source: Government of Portugal (2024<sup>[25]</sup>), *Desafios Justiça*, <https://govtech.justica.gov.pt/participar/#desafios>.

Commitment is also shown at ministerial level through clear communication of the government's vision to digital transformation in justice, and even more specifically through the allocation of budget for modernisation initiatives (Sarmento e Castro, 2022<sup>[10]</sup>) (Government of Portugal, 2024<sup>[26]</sup>). This commitment and a strong leadership for its modernisation agenda in the justice system can be seen in the various competences attributed to bodies. The General Secretariat of the Ministry of Justice ensures co-ordination, efficiency and effectiveness within the Ministry of Justice. Among other important roles, the General Secretariat oversees the development and implementation of the strategic view of digital transformation and innovation within the Ministry of Justice, namely the *Justiça + Próxima* plan and *SIMPLEX* programme, ensuring alignment between initiatives and the ministry's operational and strategic needs (Government of Portugal, 2022<sup>[27]</sup>). The General Secretariat also fulfills an important role of co-ordination of cross-departmental projects and programmes, including those involving international co-operation and aimed at reforming and modernising the justice system.

Other institutions have important functions in the Portuguese justice governance landscape (see *People-centred justice data in justice sector institutions in Portugal* in Chapter 6). In the context of digital transformation of justice, DGPJ and the Justice Institute for Financial and Equipments Management (IGFEJ) have a prominent role. DGPJ is responsible for supporting the Ministry of Justice in policy formulation, planning, evaluation, and co-ordination of the justice sector in close collaboration with the General Secretariat of the Ministry of Justice. DGPJ also plays a key role in the administration of justice in Portugal, overseeing various aspects of the justice system, including the modernisation of judicial services. Its activities are aimed at improving the efficiency, accessibility, and quality of the justice system to meet the needs of the public and ensure the effective administration of justice.

IGFEJ plays a pivotal role in Portugal's justice system by managing the financial, human resources, and technological infrastructure within the Ministry of Justice. Its responsibilities include developing, implementing, and managing ICT systems – from case management systems to secure communication networks that enable the efficient operation of the justice system. In close co-ordination with the General Secretariat of the Ministry of Justice, IGFEJ actively works on initiatives aimed at modernising the justice system through digital technologies, data and innovative practices. It develops proposals for articulation with Portugal's strategic plans of modernisation of justice, taking into account technological evolution and the overall training needs in the justice sector. IGFEJ oversees the budgeting, accounting, and financial management of resources allocated to the justice sector. This includes ensuring the appropriate distribution and utilisation of funds within the various entities under the Ministry of Justice.

While Portugal currently has strong political leadership in the digital transformation of justice, efforts in strengthening the institutional leadership need to be sustained over time across political mandates and government composition. The country should continue investing in capacity-building and engaging with stakeholders within and outside the public sector to help maintain knowledge, embed the agenda within the fabric of government operations and sustain commitment over time.

Furthermore, there is an untapped opportunity to further institutionalise certain priorities, such as the *GovTech Justiça* (see Strategy and plan) by formalising them into legal documents. This could ensure continuity and sustainability of priorities and strategic view, resulting in a more enduring impact. For instance, the sustainability of digital transformation initiatives can be at risk due to a lack of alignment between policies and budget. While there is an overall four-year plan which sets priorities (“Grandes Opções do Plano”), budget allocation does not always align with the defined goals and priorities, and is renegotiated on an annual basis, making long-term planning difficult. Setting clear strategic priorities in legal documents or regulations may help ensure the execution of the agenda and continuity of initiatives in the long-term.

Strengthening the institutional leadership to govern justice data is also crucial for driving the justice sector's modernisation agenda forward. This would allow Portugal to promote a data-driven approach across the justice ecosystem and foster collaboration among different stakeholders. It is also important to ensure that

all stakeholders acknowledge that data governance is multifaceted, involving not only technology but also organisational structures, policy levers and changes in the organisational culture.

### 8.2.3. Strategy and plan

“Strategy and plan” examines the existence of a strategic document that sets the vision, clear objectives, key actors involved and action items in line with other relevant policy objectives and which are to be carried out in an effective, efficient and organised manner. A strategy for the digital transformation of the justice system should detail a vision, goals and milestones, the stakeholders, their respective activities, funding and ideally key performance indicators (KPIs) and monitoring mechanisms (OECD, 2021<sup>[18]</sup>).

Portugal is one of the few countries introducing a comprehensive package of administrative simplification, digitalisation and innovation measures with the aim to bring justice closer to people. In line with Portugal’s broader agenda on digital transformation in the public sector (see Contextualising digital transformation in Portugal’s justice system), the country has made significant efforts to advance the agenda at sectoral level in justice. The *Justiça + Próxima* programme (see Box 2.,) and, more recently, the *Justiça+* and the *GovTech Justiça* are a step forward in leveraging digital technologies and data, and taking innovative approaches to design and deliver justice services.

Some of the initiatives in *Justiça+* reflect a comprehensive effort to integrate digital technologies and data across the Portuguese justice system, aiming to enhance efficiency, transparency and access to justice services. While Chapter 2 provides an overview of Portugal’s strategic documents and initiatives, and a general overview of *Justiça+*, Box 8.5 details some of its initiatives in the area of digital transformation.

#### Box 8.5. Portugal: Leveraging *Justiça +* to promote digital transformation in the justice system

*Justiça +* is a comprehensive effort aimed at broadly modernising the country’s justice system. Within the programme’s 10 key responses to advance a people-centred justice in Portugal, the following initiatives are contemplated with a focus on using digital technologies and data to attain the programme’s main goal:

- Strengthening resilience of information systems: Investing robustness of infrastructure, capacity-building and the development of new systems in courts and judicial police.
- Improving interoperability: Enhancing integration between the information systems of administrative and tax courts and the Tax Authority for electronic citations.
- Optimising case management in courts: Improving functionalities in MP Codex and Magistratus. This includes automating more tasks and enhancing search mechanisms.
- Enhancing online platforms and expanding their usability: This includes broadening access to the RAL+ platform to all peace courts and consumer dispute arbitration centres that are part of the consumer arbitration network. In addition, *Justice +* sets as target the introduction of new features in the Empresa Online 2.0 platform to streamline the business lifecycle, including creation, management, financial reporting and closure. These changes aim to improve integration, reduce redundant data provision and allow access to all necessary information and services in a single space.
- Anonymising judicial decisions: Implementing an integrated solution for the anonymisation of judicial decisions through algorithms.
- Launching GovTech initiatives: By promoting involvement with academia, research on innovation, and creating the conditions to make data available, accessible and reusable within and outside the public sector.

Source: Government of Portugal (2023<sup>[28]</sup>), *Justiça +*, <https://mais.justica.gov.pt/#continuaravancar>.

Portugal has been taking a forward-looking approach in its efforts to promote digital transformation of its justice system. One concrete example is the launch of *GovTech Justiça*. *GovTech Justiça* (see Box 8.6) stems from proposal 4 of *Justiça +*, “Innovate in justice”, and Portugal’s broader efforts on digital transformation of the public sector. *GovTech Justiça* shares with *Justiça +* the steering concept of leveraging digital technologies and data to improve service delivery in the justice system.

Launched in February 2023, *GovTech Justiça* aims to consolidate a culture of innovation in the justice sector. The starting point of the strategy is building synergies with relevant stakeholders to identify priorities and co-design solutions that help address users’ needs. *GovTech Justiça* emphasises the use of emerging technologies, innovative approaches and building shared solutions with universities, research centres and start-ups. It has IGFEJ as the co-ordinating body responsible for the shared technological dimension and for overseeing the management of the Justice Hub, the physical space for the strategy’s implementation.

As an evolving strategy, *GovTech Justiça* is continuously being developed with the Justice Hub at the centre of its implementation. The government has also secured resources clearly allocated in the RRP (Government of Portugal, 2024<sup>[29]</sup>).

### Box 8.6. Portugal: *GovTech Justiça*

Launched in February 2023, the *GovTech* strategy has three goals:

1. To accelerate the modernisation and digital transformation of the justice system in Portugal;
2. To foster a culture of collaborative innovation by bringing justice entities closer to national and international innovation and entrepreneurship ecosystems;
3. To identify and share good practices on the use of emerging technologies, as well as govtech and legaltech projects.

The strategy has led to the creation of several initiatives, including:

- *LAB Justiça*, an executive education programme in partnership with universities in the areas of strategic management, digital transformation and leadership;
- *Desafios Justiça*, a set of open calls for innovators to present solutions to concrete issues in justice;
- The consolidation of an innovation framework for the justice system;
- The development of a strategic plan for the Justice Hub;
- The automation of the company name pool, which allows the automatic creation of company names, using artificial intelligence algorithms. This helps streamline the creation of companies and eliminates the execution of a task that was entirely manual in the past;
- Authenticity validation for online citizenship applications. This allows online submission of citizenship applications and helps dematerialise the procedure;
- The BUPi app, which allows owners to capture the geographic co-ordinates of their land on site and, thus, start the process of registering it through the BUPi platform, *Balcão Único do Prédio*;
- The BUPi geographic services platform (GeoHub BUPi), which is based on a highly available, scalable, resilient (disaster recovery) and secure geographic services platform to provide content to the BUPi Viewer and partner entities;
- The Darlene project, aimed at law enforcement agencies, develops applications with the support of augmented reality. The project aims to equip law enforcement agents to improve their physical and mental processing capability, and increase situational awareness and support decision-making in critical situations;

- A beta version of the Practical Guide to Justice (GPJ), an online service based on GPT-4.0 language model. By March 2024, the service was trained to provide information in the areas of online criminal records, ADR, marriage, divorce and company creation.

Source: Government of Portugal (2023<sub>[30]</sub>), *GovTech Justiça*, <https://govtech.justica.gov.pt>; Government of Portugal (2024<sub>[31]</sub>), *GovTech Justiça: Projetos*, <https://govtech.justica.gov.pt/projetos/>.

*GovTech Justiça* has given rise to visionary initiatives in the justice system. The strategy makes Portugal a pioneer in the use of digital and emerging technologies to enhance the delivery of people-centred services, improving overall access to justice.

An example of a forward-looking initiative carried out as part of *GovTech Justiça* is the Practical Guide to Justice (GPJ) (see Box 8.6). The initiative was launched in March 2023 in an effort to make information more accessible to citizens and businesses. The GPJ facilitates the identification of the most appropriate justice services in certain areas in a transparent and intuitive manner. For example, the GPJ's website provides important disclaimers about the tool's aims and limitations, and explains how the tool generates and manages information collected. The project results from a partnership between DGPJ, Genesis.studio (a software company) and Microsoft. Beginning in February 2024, DGPJ has incorporated a mechanism for collecting user feedback on responses that the GPJ offers.

While Portugal has advanced digital transformation of the justice system through implementation of government-wide and sector-specific strategies, there is still an opportunity to yield a greater impact by defining a long-term plan to achieve its vision and setting a clear monitoring mechanism to ensure the continued relevance of the strategic documents and plans over time.

During the fact-finding interviews, many stakeholders voiced common challenges in understanding the wider vision of the strategies and action plans, inter-linkage among different measures and the rationale behind prioritisation of initiatives. These concerns may lead to disengagement in developing and implementing cross-cutting justice services that require the involvement of multiple parts of the justice sector. The interviews also identified the lack of monitoring and evaluation mechanisms, along with limited engagement of justice stakeholders in evaluation outcomes and assessing user satisfaction (see Strategic partnerships). Apart from some satisfaction surveys, there is no systematic monitoring and evaluation of the impact of justice services and people's experiences in using justice services.

Institutionalising *GovTech Justiça* would support Portugal to address these challenges as it is the predominant strategy in the digital transformation of the Portuguese justice system. *GovTech Justiça* clearly presents its aim, dimensions and initiatives in an agile format on the website [govtech.justica.gov.pt](https://govtech.justica.gov.pt). Nevertheless, formalising *GovTech Justiça* into a structured legal document would help ensure wider buy-in, continuity and sustainability of the strategy across political terms and budget cycles.

Furthermore, defining a clear long-term plan for *GovTech Justiça* may help bring more clarity on shared priorities for the justice system as a whole. This includes creating a shared vision for the strategy, as well as setting tactical and operational aspects for its implementation. The plan should identify how specific stakeholders can act on the strategy through various governance mechanisms and arrangements, with clearly defined roles, responsibilities and deliverables. Setting clear priorities and activities in the plan can also better align policies and budget. Portugal might consider developing an investment plan to address the financial resources needed for specific activities or initiatives within the plan. This would help ensure the continuity and sustainability of *GovTech Justiça* over time across political mandates and government composition.

Finally, establishing a clear monitoring and evaluation mechanism for *GovTech Justiça* would support Portugal to sustain its success in the long run. This involves setting out key performance indicators (KPIs) in an open and transparent manner, aligned with the stated objectives and deliverables (see Box 8.7. In

addition, the mechanism should enable evaluating outputs, outcomes and impacts achieved to allow continuous improvement on an ongoing basis (OECD, 2021<sup>[18]</sup>).

### **Box 8.7. Korea: Monitoring mechanism of digital government initiatives**

The government of the Republic of Korea has established a monitoring mechanism to track the progress and effectiveness of its digital government initiatives. It demonstrates the government's commitment to transparency, efficiency and accountability. The mechanism contains different components to ensure that its digital transformation efforts are effectively implemented and aligned with user needs.

#### *The digital government usage survey*

In accordance with the Electronic Government Act, the survey is conducted annually to evaluate service usage rates and public perception of digital government services. The survey outcomes are published openly to ensure transparency and accountability. The survey data is also accessible through the Korean Statistical Information Service (kosis.kr) and the Public Data Portal (data.go.kr).

#### *The performance management system*

The government uses a performance management system outlined in the digital government performance management guideline. Central government institutions need to follow the performance management manual to manage their performance effectively and efficiently during digital government projects or initiatives. The Ministry of the Interior and Safety also provides guidelines for defining performance indicators for digital/ICT projects to ensure consistency and effectiveness across the public sector.

#### *The government performance evaluation portal*

Each ministry's key performance indicators (KPIs) are integrated into the government's performance evaluation system. Evaluation outcomes are publicly available on the portal.

Source: Government of Korea (2023<sup>[32]</sup>), *Electronic Government Act*, <https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=electronic+government+law&x=35&y=28#iBgcolor0>; Government of Korea (2024<sup>[33]</sup>); *Government Performance Evaluation Committee*; <https://evaluation.go.kr/web/index.do>.

Another area Portugal can benefit from is developing a long-term strategic vision on the use of AI in the justice system. The absence of such a strategic view can hinder responsible and trustworthy use of AI with potential inefficiencies and inconsistencies in justice systems and services. This can also deepen challenges such as lack of co-ordination in the implementation of solutions, inconsistent standards and practices, and most importantly, distrust in the justice sector.

AI systems are prone to bias if not properly designed and monitored. Without the clear strategic direction that emphasises ethical AI use, there is a risk of deploying AI solutions that perpetuate historical biases, leading to unfair treatment of certain groups. Likewise, AI-leveraged services may compromise data privacy and jeopardise trust levels of digital transformation initiatives in justice if standards for data protection are not set and measures to address security risks established. To address this issue, it is important that Portugal consider embedding its strategic vision for AI use and key principles in *GovTech Justiça* and *Justiça +*. As Portugal has already developed the national strategy for AI ("AI Portugal 2030"), it would be important to consider applying its vision and values, and adapt them to serve the needs of the justice sector (see Box 8.8). In addition, Portugal would also need to foster a shared understanding of AI among justice actors and service users broadly. This includes communicating transparently and regularly on the purpose, risk, benefits and good-use cases of AI in the justice sector.



### Box 8.8. Portugal: National Strategy for Artificial Intelligence (AI Portugal 2030)

The National Strategy for Artificial Intelligence was launched in June 2019 and promoted by the Portugal INCoDe.2030 in collaboration with other entities, including the Science and Technology Foundation (FCT), the National Innovation Agency (ANI), Ciência Viva and the Administrative Modernisation Agency (AMA).

Developed under “Research”, the fifth axis of Portugal INCoDe.2030, the strategy syncs with the European Co-ordinated Plan on Artificial Intelligence and rests on seven foundational pillars:

1. Enhancing societal well-being;
2. Boosting AI competencies and digital literacy across the population;
3. Encouraging the creation of new employment opportunities and an AI-driven services economy;
4. Establishing Portugal as an experimental hub for AI innovation;
5. Identifying and exploiting specialised AI market niches in Portugal;
6. Supporting AI research and innovation for knowledge generation and technological advancement; and
7. Improving public services for both citizens and businesses by integrating data-driven methodologies in policy-making and administrative decisions.

Overall, this strategy seeks to position Portugal at the forefront of both fundamental and applied AI research, elevate workforce qualifications, and leverage AI technology for economic advancement. Under the AI national strategy, INCoDe.2030 plans to:

- Enhance visibility and support for AI initiatives by public and private sectors, academic institutions, and innovation hubs;
- Organise webinars addressing AI-related subjects;
- Launch the PT AI WATCH platform for an extensive overview of AI projects;
- Advocate for digital and AI skill development;
- Reevaluate and update existing AI strategy to craft a new National AI Strategy and Implementation Plan.

Aligned with the European Union's Digital Decade vision, preparations for a revised strategy tailored to Digital 2030 goals are currently underway.

Source: Government of Portugal (2019<sup>[34]</sup>), *National Strategy for Artificial Intelligence*, <https://portugaldigital.gov.pt/en/accelerating-digital-transition-in-portugal/get-to-know-the-digital-transition-strategies/national-strategy-for-artificial-intelligence/>.

#### 8.2.4. Co-ordination and co-operation

Co-ordination and co-operation play a crucial role in the successful implementation of policies and initiatives. Effective co-ordination and co-operation enable governments to navigate the complexity of digital transformation, aligning the efforts of various actors towards common goals, reducing duplication of efforts and ensuring coherence across different parts of the government. This can also contribute to enhancing transparency, accountability and trust in government. In addition, transparent processes would empower the public to engage, reinforcing trust in the government's initiatives. Co-ordination and co-operation require clear mandates, and roles and responsibilities among public sector stakeholders to

implement strategies and action plans that cut across levels of government and policy areas (OECD, 2021<sup>[18]</sup>).

Taking into account the strategic direction discussed in the following section, building strategic partnerships is among the most important elements in the context of the justice sector in Portugal.

### *Strategic partnerships*

The involvement of public, private, and civil society stakeholders in the design and delivery of justice policies and services is key for transforming justice systems to be more people-centred. Engaging these diverse groups ensures that justice policies and services are innovative, efficient and reflective of the community's needs. This collaborative approach promotes transparency, trust and accessibility, making the justice system more responsive to the people it serves. Furthermore, joint efforts have the potential to increase policy stability, reducing dependence on political will.

The concept of strategic partnerships for better public services is not new in Portugal. This is at the heart of the philosophy behind the development of the *Simplex* programme. The programme was launched in 2006 with the primary goal of simplifying access to public services for people and businesses by cutting red tape, reducing compliance costs and leveraging digital technologies and data to enhance service delivery. Each year, all government departments, companies, associations, and citizens can propose initiatives to be included in the programme (Government of Portugal, 2024<sup>[35]</sup>).

The *Justiça + Próxima* programme implemented the same approach and promoted a culture of collaboration. It benefitted from the contribution of 15 entities in justice, including the Supreme Council of the Judiciary, the Supreme Council of the Administrative and Tax Courts, and the Office of the Prosecutor General. The programme aimed to involve civil society organisations in developing solutions to the challenges in the justice sector. Portugal has taken the strategic partnerships even further with *GovTech Justiça*. It facilitates collaboration between the private and public sectors, as well as universities, research centres and start-ups, to transform the design and delivery of justice services through innovative digital initiatives.

The fact-finding interviews also highlighted several efforts to engage diverse stakeholders from the early stage of the service design process in Portugal. Prominent examples include the RAL+ initiative, which aims to modernise alternative dispute resolution (ADR) by establishing an online platform for mediation and justice of the peace courts. For this project, various stakeholders across the justice system have participated in design sessions and interviews, with the purpose of gathering insights and inputs for the development of the service according to stakeholders' needs. Other examples are Magistratus and MP Codex, which considered the participation of specific groups of users in the design process of these platforms.

Although Portugal has made significant efforts to engage stakeholders from the outset in the design and delivery of justice services, there is still room for improvement to maximise strategic partnerships across the justice sector, leveraging current initiatives.

Portugal should consider taking an iterative approach to engage various stakeholders throughout the entire service cycle. In the case of Magistratus and MP Codex, for instance, while workshops and interviews were organised to extensively involve stakeholders in the design of justice services (Government of Portugal, 2024<sup>[23]</sup>), some interviewees expressed concerns about the status of the projects due to limited follow-up after these meetings and working sessions, including the absence of feedback on stakeholders' inputs. This can demotivate and compromise stakeholders' involvement over time.

To address this issue, Portugal could consider organising follow-up activities to test and learn before committing to launching a service. This would provide an opportunity to better reflect the needs of the stakeholders and correct course in response to their needs. In addition, setting a clear communication plan



to transparently communicate progress of design and delivery of these services may also help improve engagement with stakeholders throughout the design cycle. Portugal may also want to consider keeping accessible records of consultation processes and background documents, communicating proactively with stakeholders about processes and decisions, and creating feedback loops to inform the design process.

Portugal can also capitalise on the Justice Hub to be a central point for building strategic partnerships in the justice sector. The Hub can facilitate knowledge creation, project development and a community of practice across the public and private sectors, academia and the civil society. The Hub can provide the necessary support, resources, and momentum to drive meaningful change and modernisation of the justice sector. To attain such objectives, Portugal might consider setting a strategic plan and developing a sustainable operational model for the Hub. Concretely, some actions may include defining a configuration of functioning process (e.g. clear mandates and service catalogues), developing training guidelines for capacity-building, and setting management mechanisms (e.g. core team skills and capabilities, definition of resources, operational guidelines, and roles and responsibilities of members of the Hub) for the Hub.

### **8.2.5. Empowerment of justice actors**

As countries embrace the use of digital technologies and data to respond to the needs of the economy and society, this requires a capable workforce to work across organisational silos and public institutions equipped to place the needs of people at the core of the design and delivery of policies and services. Achieving these outcomes relies on skills and a learning culture.

With the rapid evolution of digital technology, digital skills need to be able to mature and respond over time. Therefore, it is crucial to create an environment that encourages staff to continuously learn and grow. Leaders have the responsibility of promoting the establishment of such an environment and supporting digital skills initiatives. To encourage digital transformation across the public sector, an organisation needs to embrace a learning culture at all levels. This starts with leadership creating a safe environment for employees to experiment, learn and develop through testing, iterating and even failing (OECD, 2020<sup>[24]</sup>).

Portugal has implemented several initiatives to enhance the digital skills of the public sector in the past years. In addition to embedding skills in broader national strategies, such as the Strategy for the Digital Transformation of Public Administration 2021–2026 and the National Recovery and Resilience Plan, the country launched the National Digital Competences Initiative e.2030 (Portugal INCoDe.2030), that aims to provide basic digital skills to Portuguese citizens and upskill public servants to accelerate the digital transformation in the public sector.

To implement Portugal's skills strategies, the country has been implementing important initiatives, including the Programme for the Development of Digital Skills for public servants (Government of Portugal, 2024<sup>[36]</sup>), the Centre for Digital Competences of the Public Administration (Government of Portugal, 2018<sup>[37]</sup>) and the AMA Academy (Government of Portugal, 2024<sup>[38]</sup>). Despite differing in some of their specific initiatives, they provide training and education programmes to equip public servants with skills needed in a digitally-enabled public sector, and foster a culture of innovation, collaboration and responsiveness to the needs of people (e.g. through knowledge-sharing, best practices, partnerships).

Portugal has also launched digital skills initiatives to equip stakeholders beyond the public sector. Some of these main initiatives include *Jovem + Digital* programme (Government of Portugal, 2020<sup>[39]</sup>), a training programme for acquiring digital skills aimed at young adults; the Digital Skills Certificate programme, which aims to improve the digital skills of the Portuguese population, enhancing their social inclusion and employability (Government of Portugal, 2021<sup>[40]</sup>); and *Academia Portugal Digital*, designed to enhance the digital skills of the Portuguese population, including professionals, students, and the general public, to meet the demands of the digital economy and support digital transformation across various sectors. This last initiative likely involves collaboration between public and private entities to facilitate access to digital learning opportunities and foster a digitally skilled workforce in Portugal (Government of Portugal, 2024<sup>[41]</sup>).

In the justice sector, the Centre for Judicial Studies (CEJ) offers continuous training and education for legal professionals, including judges and public prosecutors. These programmes cover various areas, including new legal frameworks, digital skills, and innovative practices in the justice sector. Within *GovTech Justiça*, certain sporadic initiatives, such as *Lab Justiça*, help strengthen the skills of various actors in justice services on strategic management, digital transition and leadership in a context of change (see Box 5.2). This investment in capacity-building is particularly relevant in the context of executing projects and reforms envisioned in the PRR.

Portugal could draw inspiration from its own initiatives in the executive branch to continue developing projects that aim at empowering justice actors, including justice service users. This includes, for instance, expanding the offer and continuity of training programmes, building on existing sporadic initiatives such as *Lab Justiça* training programmes (see Box 5.2). In addition, there is an untapped opportunity to leverage the Justice Hub as a platform to promote capacity-building, peer-learning, knowledge-sharing and creating a community of practice for stakeholders in the areas of digital transformation and innovation in justice.

## References

- European Judicial Network (2024), *Online processing of cases and e-communication with courts*, [22]  
[https://e-justice.europa.eu/content\\_automatic\\_processing-280-pt-maximizeMS\\_EJN-en.do?member=1](https://e-justice.europa.eu/content_automatic_processing-280-pt-maximizeMS_EJN-en.do?member=1).
- Eurostat (2022), *Digital economy and society statistics - households and individuals*, [19]  
[https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Digital\\_economy\\_and\\_society\\_statistics\\_-\\_households\\_and\\_individuals#Internet\\_access](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Digital_economy_and_society_statistics_-_households_and_individuals#Internet_access).
- Government of Justice (2023), *Justiça+*, <https://mais.justica.gov.pt/>. [28]
- Government of Korea (2024), *Government Performance Evaluation Committee*, [33]  
<https://evaluation.go.kr/web/index.do>.
- Government of Korea (2023), *The 2023 digital government usage survey*, [32]  
[https://www.mois.go.kr/frt/bbs/type001/commonSelectBoardArticle.do?bbsId=BBSMSTR\\_000000014&nttlId=106158](https://www.mois.go.kr/frt/bbs/type001/commonSelectBoardArticle.do?bbsId=BBSMSTR_000000014&nttlId=106158).
- Government of Portugal (2024), *C18 Justiça económica e ambiente de negócios*, [26]  
<https://recuperarportugal.gov.pt/justica-economica-e-ambiente-de-negocios-c18/>.
- Government of Portugal (2024), *Capacitar para inovar*, <https://govtech.justica.gov.pt/capacitar-para-inovar/>. [14]
- Government of Portugal (2024), *Desafios Justiça*, [25]  
<https://govtech.justica.gov.pt/participar/#desafios>.
- Government of Portugal (2024), *Home*, <https://academia.ama.gov.pt/>. [38]
- Government of Portugal (2024), *Home*, <https://academiaportugaldigital.pt/>. [41]
- Government of Portugal (2024), *IGFEJ hosts Forum for Innovation and Technology in Justice*, [9]  
<https://igfej.justica.gov.pt/Noticias-do-IGFEJ/IGFEJ-recebe-Forum-para-a-inovacao-e-Tecnologia-da-Justica>.
- Government of Portugal (2024), *Justice Digital Transformation*. [23]
- Government of Portugal (2024), *Livro*, <https://www.simplex.gov.pt/livro>. [35]
- Government of Portugal (2024), *Login*, [11]  
[https://ralmais.dgpj.justica.gov.pt/ords/f?p=102:LOGIN\\_DESKTOP:.....](https://ralmais.dgpj.justica.gov.pt/ords/f?p=102:LOGIN_DESKTOP:.....).
- Government of Portugal (2024), *Projects financed through RRP*, [29]  
<https://igfej.justica.gov.pt/Projetos-financiados/Projetos-PRR>.
- Government of Portugal (2024), *Projetos*, <https://govtech.justica.gov.pt/projetos/>. [31]
- Government of Portugal (2024), *Serviços online*, <https://irn.justica.gov.pt/online>. [12]
- Government of Portugal (2024), *Training*, <http://www.ina.pt/index.php/centro-de-formacao-oferta-formativa>. [36]

- Government of Portugal (2023), *Acesso mais simples na justiça: arrancou o eTribunal*, [13]  
<https://www.portugal.gov.pt/pt/gc23/comunicacao/noticia?i=justica-arrancou-hoje-a-nova-interface-com-os-tribunais->.
- Government of Portugal (2023), *GovTech Justiça*, [30]  
<https://govtech.justica.gov.pt>.
- Government of Portugal (2023), *Technology at the service of justice: Discussions assessed the impacts of the digital transformation of justice*, [8]  
[https://justica.gov.pt/Noticias/Debate-avaliou-os-impactos-da-transformacao-digital-da-Justica?pk\\_vid=e0268741b454535817092979129b03e3](https://justica.gov.pt/Noticias/Debate-avaliou-os-impactos-da-transformacao-digital-da-Justica?pk_vid=e0268741b454535817092979129b03e3).
- Government of Portugal (2022), *“Desafio da Justiça” will be launched soon*, [16]  
<https://www.portugal.gov.pt/pt/gc23/comunicacao/noticia?i=desafio-da-justica-vai-ser-lancado-em-breve>.
- Government of Portugal (2022), *Engage companies, universities and science to transform justice*, [15]  
<https://justica.gov.pt/Noticias/Envolver-empresas-universidades-e-ciencia-para-transformar-a-Justica>.
- Government of Portugal (2022), *Order no. 7122/2022*, [27]  
<https://diariodarepublica.pt/dr/detalhe/despacho/7122-2022-184357031>.
- Government of Portugal (2021), *Portaria n.º 179*, [40]  
<https://diariodarepublica.pt/dr/detalhe/portaria/179-2021-170322930>.
- Government of Portugal (2020), *Portaria n.º 250-A*, [39]  
<https://diariodarepublica.pt/dr/detalhe/portaria/250-a-2020-146244078>.
- Government of Portugal (2020), *Resolution of the Council of Ministers 30/2020*, [7]  
<https://dre.pt/dre/detalhe/resolucao-conselho-ministros/30-2020-132133788>.
- Government of Portugal (2020), *Resolution of the Council of Ministers 55/2020*, [4]  
<https://data.dre.pt/eli/resolconsmin/55/2020/07/31/p/dre/pt/html>.
- Government of Portugal (2020), *Resolution of the Council of Ministers 98/2020*, [5]  
<https://data.dre.pt/eli/resolconsmin/98/2020/11/13/p/dre/pt/html>.
- Government of Portugal (2019), *AI Portugal 2030*, [34]  
<https://portugaldigital.gov.pt/en/accelerating-digital-transition-in-portugal/get-to-know-the-digital-transition-strategies/national-strategy-for-artificial-intelligence/>.
- Government of Portugal (2018), *Council of Ministers’ Resolution 26/2018*, [6]  
<https://data.dre.pt/eli/resolconsmin/26/2018/03/08/p/dre/pt/html>.
- Government of Portugal (2018), *Resolution of the Council of Ministers No. 22/2018*, [37]  
<https://dre.pt/web/guest/home/-/dre/114825660/details/maximized>.
- OECD (2024), *Developing Effective Online Dispute Resolution in Latvia*, [1]  
<https://doi.org/10.1787/75ef5c4c-en>.
- OECD (2022), *Building Trust to Reinforce Democracy: Main Findings from the 2021 OECD Survey on Drivers of Trust in Public Institutions*, Building Trust in Public Institutions, OECD Publishing, Paris, [2]  
<https://doi.org/10.1787/b407f99c-en>.
- OECD (2022), *Elderly population*, [20]  
<https://data.oecd.org/pop/elderly-population.htm>.

- OECD (2021), *E-Leaders Handbook on the Governance of Digital Government*, [18]  
<https://doi.org/10.1787/ac7f2531-en>.
- OECD (2020), *Digital Government in Chile – Improving Public Service Design and Delivery*, [21]  
<https://doi.org/10.1787/b94582e8-en>.
- OECD (2020), *Digital Government Policy Framework: Six dimensions of a digital government*, [3]  
<https://doi.org/10.1787/f64fed2a-en>.
- OECD (2020), *The OECD Framework for digital talent and skills in the public sector*, [24]  
<https://doi.org/10.1787/4e7c3f58-en>.
- OECD (2014), *Recommendation of the Council on Digital Government Strategies*, [17]  
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0406> (accessed on 4 June 2021).
- Sarmiento e Castro, C. (2022), *Speech by the Minister for Justice, Catarina Sarmiento e Castro, as part of the specialised assessment of the 2023 State Budget proposal*, [10]  
<https://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063484d364c793968636d356c6443397a6158526c63793959566b786c5a793944543030764e554e505269394562324e31625756756447397a51574e3061585a705a47466b5a554e7662576c7a633246764c7a45784f575135596d46694c57553559>.

## Annex A. OECD criteria for people-centred design and delivery of legal and justice services

The OECD People-Centred Justice Criteria for Design and Delivery of Legal and Justice Services is linked closely to the OECD People-Centred Justice Framework (OECD, 2021<sup>[1]</sup>), but principally operates at the lower service delivery level. The People-Centred Justice Criteria provides an understandable and accessible tool for examining the delivery of legal and justice services within a jurisdiction Table A A.1. It provides a useful tool to apply to diagnostic of concrete cases, as per the example of this report.

**Table A A.1. The OECD people-centred justice criteria for design and delivery of legal and justice services**

<b>Evidence-based planning</b>	People-centred legal and justice services are based on and respond to an empirical understanding of legal and justice needs and legal capabilities of those who require or seek assistance.
<b>Equality and inclusion</b>	People-centred legal and justice services are inclusive and targeted at those most in need. They are responsive to the specific access needs of particular groups likely to suffer from social and economic disadvantage or that are otherwise marginalised or vulnerable, and those with complex needs. They are designed to contribute to equality, poverty reduction and social inclusion.
<b>Accessibility</b>	People-centred legal and justice services are accessible and designed to actively overcome the range of barriers to the assistance people require.
<b>Availability</b>	People-centred legal and justice services are available across the justice chain and provided in a range of formats and programmes and services types.
<b>Prevention, proactivity and timeliness</b>	People-centred legal and justice services are proactive and contribute to preventing legal issues and to timely resolution. Recurring legal issues are addressed on a systemic basis to address underlying causes, thereby preventing recurrences.
<b>Appropriateness and responsiveness</b>	People-centred legal and justice services are appropriate and responsive to the individual, the issues they face, and their situation. They are tailored, proportionate, efficient, and flexible to accommodate local circumstances.
<b>Empowerment</b>	People-centred legal and justice services are empowering, enable people's meaningful participation in the justice system, and build people's legal capabilities.
<b>Collaboration and integration</b>	People-centred legal and justice services are part of a coherent system that provides seamless referrals and integrated services through collaboration among legal, justice and other human service providers. People obtain access to all the services they need to solve the legal and related non-legal aspects of their problems holistically, regardless of the entry point for assistance.

<b>Outcome-focus and fairness</b>	People-centred legal and justice services contribute to fair process and fair outcomes and to better and more sustainable procedural, substantive and systemic outcomes – including increased trust and confidence in the justice system and better performance of that system – and to the attainment of societal objectives such as social inclusion.
<b>Effectiveness</b>	People-centred legal and justice services are effective and continually improved through evaluation, evidence-based learning and the development and sharing of best practices.

Source: OECD (2021<sup>[11]</sup>), *OECD Framework and Good Practice Principles for People-Centred Justice*, <https://doi.org/10.1787/cdc3bde7-en>.

## References

OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [1]

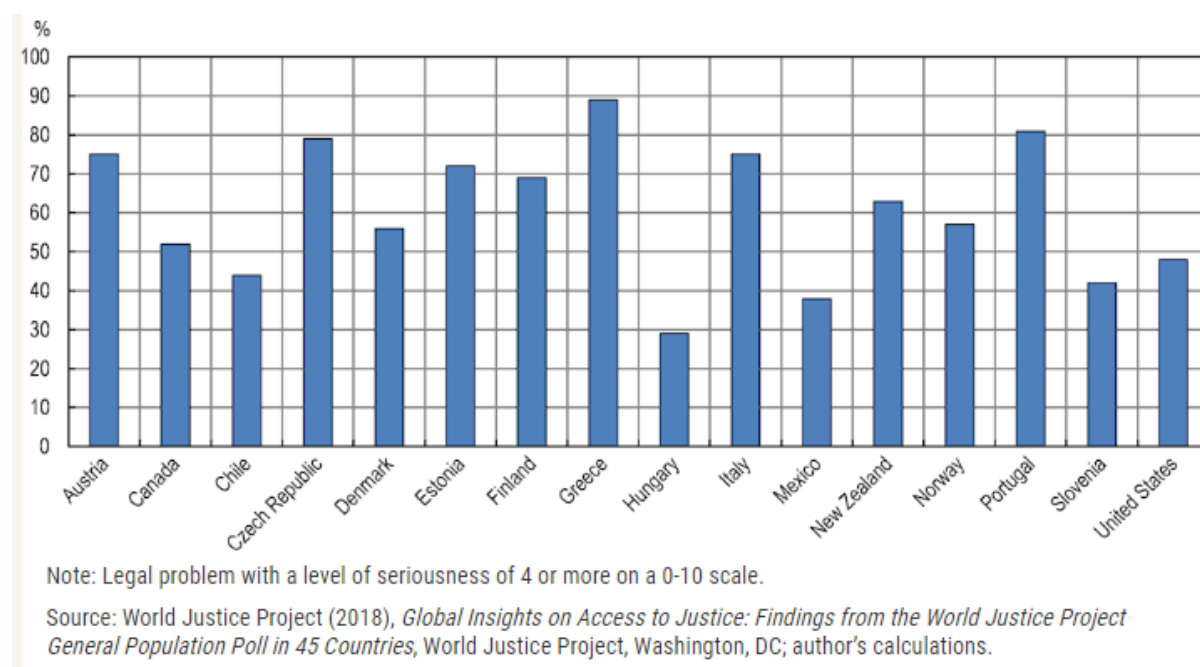


## Annex B. Past legal needs assessments in Portugal

In accordance with the global legal needs research, most people experience some form of civil legal problems over the course of their life. As in other OECD countries, two-thirds of Portuguese respondents reported experiencing at least one legal problem over the course of two years (see Figure A B.1). The most frequent problems relate to consumer issues, housing, money and public services (OECD, 2020<sup>[1]</sup>).

As in most countries, justiciable problems tend to particularly affect certain disadvantaged groups (e.g. recipients of social benefits, people from low-income groups). In all countries, legal problems expose people to direct and indirect impacts (e.g. exposure to violence, loss of employment or income opportunities).

**Figure A B.1. Share of respondents who report at least one justiciable problem**



Results also suggest that the share of legal needs addressed is higher in Portugal than in other comparable countries. At 30%, the share of respondents who lack legal capability or awareness on where to obtain information and assistance to solve their legal problem is lower than in most OECD countries. Importantly, one-fourth of respondents who faced a legal problem had received professional assistance, which constitutes one of the highest shares among OECD countries. However, access to professional advice seems to increase rather strongly with the level of income. Finally, 65% of the legal problems reported in the survey had been resolved, of which only 5% had been addressed through the formal judicial system (OECD, 2020<sup>[1]</sup>).

The main studies that have enabled an approach to justice and legal needs in Portugal have in their wake the traditional theme of the sociology of law and the political sociology of public opinion on law and justice. The most comprehensive surveys, representative of the Portuguese population, were carried out by the Centre for Social Studies in 1993 (Santos et al., 1996<sup>[2]</sup>) and later in 2001 (Santos et al., 2004<sup>[3]</sup>).

These studies aimed at understanding citizens' awareness of the law and the courts, their perception of courts' performance and functions, their opinion in light of their own or their relatives' experiences and, finally, whether they resort to justice institutions when needed (Santos et al., 1996<sup>[2]</sup>). These studies sought to identify the triggers for demands to justice in Portugal and to identify interviewees' experiences as plaintiffs, defendants or victims.

Both surveys defined 10 areas to identify patterns of litigation. These areas were inheritance, domestic violence, neighbourhood, insurance, defective products, tenancy, non-payment of debts, work, environmental quality and corruption. Respondents were asked whether they had any disputes in each area and, if so, which different dispute resolution mechanisms were used and in which order. Results showed a relatively low pattern of litigation in the ten areas defined, although with variations within each area. More relevant are the findings on how people sought to resolve these problems. In the 1993 survey, the most common problems experienced by the sample were (a) neighbours – 21.7% (b) tenancy – 12.2%, (c) debts – 12%, and (d) defective product – 11.8% (Santos et al., 1996<sup>[2]</sup>).

One of the main purposes of the research carried out in 1993 and 2001 was precisely to find out cases that do not reach the courts but rather are handled by other dispute resolution mechanisms. This includes unofficial or informal (e.g. intervention of a friend or family member, agreement with the other party), official non-judicial or administrative (Consumer Protection Centre, municipality) or cases left without any action. Survey results showed that there is a clear option for unofficial dispute resolution mechanisms (e.g. reaching an agreement amicably).

Surveys results also showed a significant weight of inaction. In some types of conflicts, this was shown the priority form of resolution. This could suggest that the Portuguese society is marked by a deficit of active citizenship, influenced not so much by ignorance of rights, but rather by the lack of motivation to claim them (Santos et al., 1996<sup>[2]</sup>). Both surveys concluded that only a small fraction of legal problems reaches the courts. It also suggested that, at that time, the Portuguese society was characterised by a significant discrepancy between the effective and potential demand for courts. In 1993, 20.9% of the respondents stated that they had at least one case in court. Within this group, the overwhelming majority (73.6%) had only one (Santos et al., 1996<sup>[2]</sup>). In 2001, 22.9% of the respondents had at least one case in court and, of these, most stated that they only had one (Santos et al., 1996<sup>[2]</sup>).

Both surveys also sought to find out the reasons for avoiding judicial dispute resolution mechanisms. Results revealed that a large proportion of respondents would not resort to courts in case their dispute was not resolved. The main common reason was the “inadequacy of the judicial channel” as the issue being considered as not “serious enough” or respondents not willing to “get on bad terms with my family/neighbours/spouse”. The common areas within this answer included marital aggression and defective products. Inaccessibility (i.e. “it was very expensive to go to court; it took a long time”) was particularly relevant for certain types of conflict (e.g. quality of the environment, labour relations, tenancy or insurance). Hostility against courts was low in most cases (Santos et al., 1996<sup>[2]</sup>).

In 2013, a third survey was launched by the Permanent Observatory for Justice of the Centre for Social Studies, under the project “Women in the Judiciary in Portugal: paths, experiences and representations” (Gomes et al., 2014<sup>[4]</sup>). Interestingly, results followed the same pattern as of the surveys carried out in 1993 and 2001. Most of the respondents had never had any case in court (15%), and of these, the majority only had one case (Gomes et al., 2017<sup>[5]</sup>).

In 2002, a survey on “Impressions of Justice in an Urban Environment” aimed to evaluate the experience of the Lisbon population with the justice system, degree of satisfaction and strategies for resorting to

dispute resolution mechanisms, awareness of the law, opinion on justice and injustice (Hespanha, 2005<sup>[6]</sup>). Results indicated that the most common recourses in seeking a solution to a legal problem are the police (38.9%), non-specialised public services (30%) and lawyers (26.2%), while courts are the least used (20.3%) (Hespanha, 2005<sup>[6]</sup>).

The survey also sought to ascertain the pathways to resolve certain types of issues, including eviction, dismissal, problems related to personal debts, problems with the division of property, the purchase of defective products, problems arising from the guardianship of children, issues arising from theft or robbery. Results showed that mechanisms linked to justice or the application of law appear in first place in the intentions regarding the resolution of conflicts, despite significant differences according to the type of issues (Hespanha, 2005<sup>[6]</sup>).

## References

- Gomes, C. et al. (2014), *As mulheres nas magistraturas em Portugal: percursos, experiências e representações*, CES/OPJ, <https://estudogeral.uc.pt/handle/10316/96460>. [4]
- Gomes, C. et al. (2017), *Justiça e eficiência: O caso dos Tribunais Administrativos e Fiscais*, <https://estudogeral.uc.pt/handle/10316/87266>. [5]
- Hespanha, A. (2005), *Inquéritos aos Sentimentos de Justiça num Ambiente Urbano*. [6]
- OECD (2020), *Justice Transformation in Portugal: Building on Successes and Challenges*, OECD Publishing, Paris, <https://doi.org/10.1787/184acf59-en>. [1]
- Santos, B. et al. (2004), *Inquérito à opinião pública sobre o funcionamento dos tribunais em Portugal*. [3]
- Santos, B. et al. (1996), *Os Tribunais nas Sociedades Contemporâneas: O Caso Português*. [2]

## Annex C. Service-mapping methodology

### Mapping legal services: Matching legal services to need

Legal services may only be effective and efficient if they provide the most appropriate services based on the specific legal needs of citizens and are delivered at a time and place where and when they are needed.

In order to both plan for and monitor legal service reach and delivery after identifying legal needs of the community the next important step is to match appropriate legal services to legal needs. Mapping legal service delivery against the measures (indicators) of legal need is a useful planning mechanism to achieve this (although this step requires caution to avoid significant risks associated with oversimplification of measures and ‘matching’).

The planning cycle describes a process whereby the legal needs of the people of the jurisdiction are identified in relation to the people’s experience of those needs. A people-centred justice system seeks to know which groups of people are most vulnerable to which legal and justice problems, locate those problems geographically or in other relevant ways, and then, drawing upon the best available knowledge about what works (i.e. which particular service type is most appropriate to address a particular legal and justice problem in a particular circumstance for a particular person), seeks to position and deliver those most appropriate services in a manner accessible and appropriate for the people concerned. Mapping legal services against needs is a key evidence-based tool in this planning process.

The depth and value of legal service -depends on the nature and quality of the data available (legal needs and service delivery data in particular). The data generally required as part of the justice data ecosystem is discussed in the next section, but for the purposes of this report we consider two levels of mapping: micro-level – which requires more detailed sets of people-focused data well and consistently collected – and macro-level mapping – which requires a much less comprehensive set of data.

### Macro-level mapping

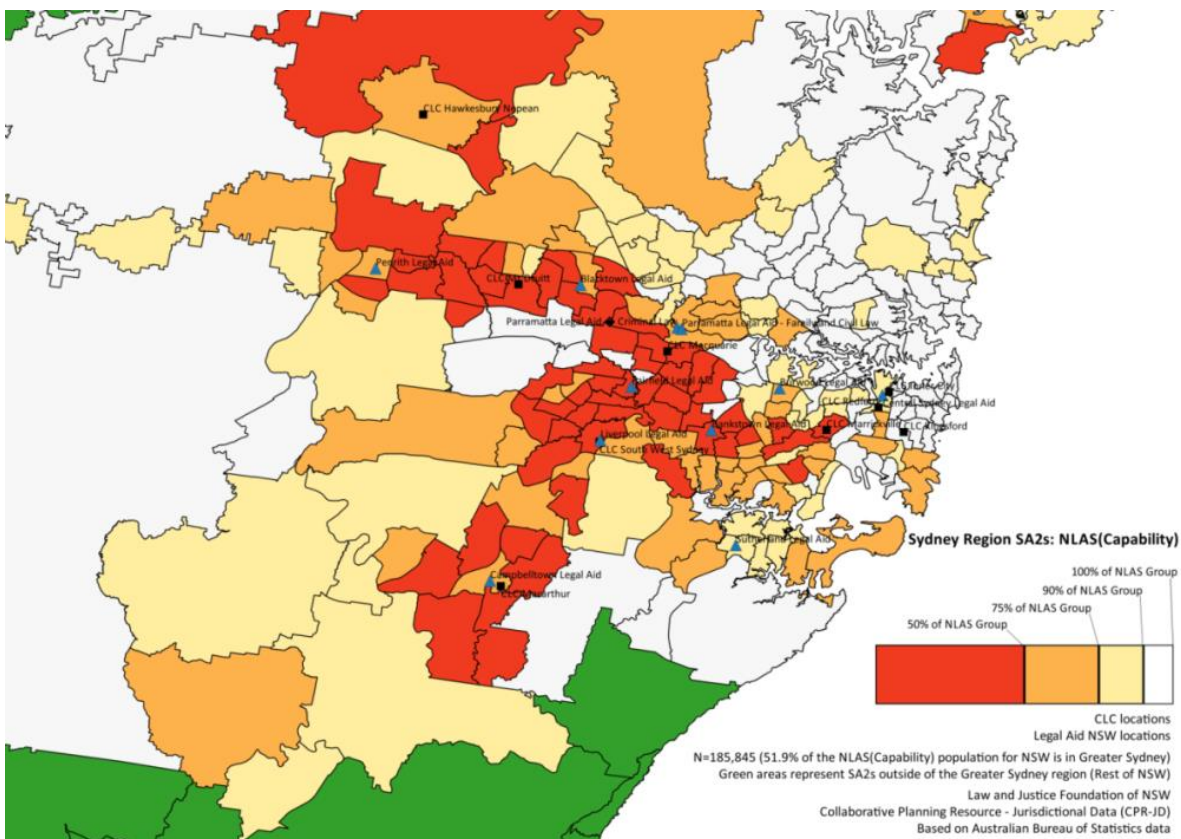
In brief, macro-level mapping involves locating justice system service locations against relevant population/demographic groups to provide an at-a-glance picture of the distribution of services in relation to likely legal need. It can provide an accessible tool to identify where there are gaps in service coverage which can, in turn, inform government planning and resource allocation.

In addition to plotting the location of service facilities and their catchments, macro-level mapping can also involve identifying the types of services or target audience (e.g. women, people with disabilities) for that particular service. When mapped against the census/distribution of that/those target groups, this can provide insight into whether the legal services appropriate for the particular target communities are located in the areas of greatest need/greatest number of those target groups.

For example, in Australia, the two maps below provide examples of the use of macro-level mapping.

Figure A C.1 maps the locations of legal assistance service offices in relation to the areas of greatest need for legal assistance services. At a glance, this seems to suggest that the legal assistance service offices are generally located in areas of highest need.

Figure A C.1. Sydney Region SA2s: NLAS (Capability) and service locations

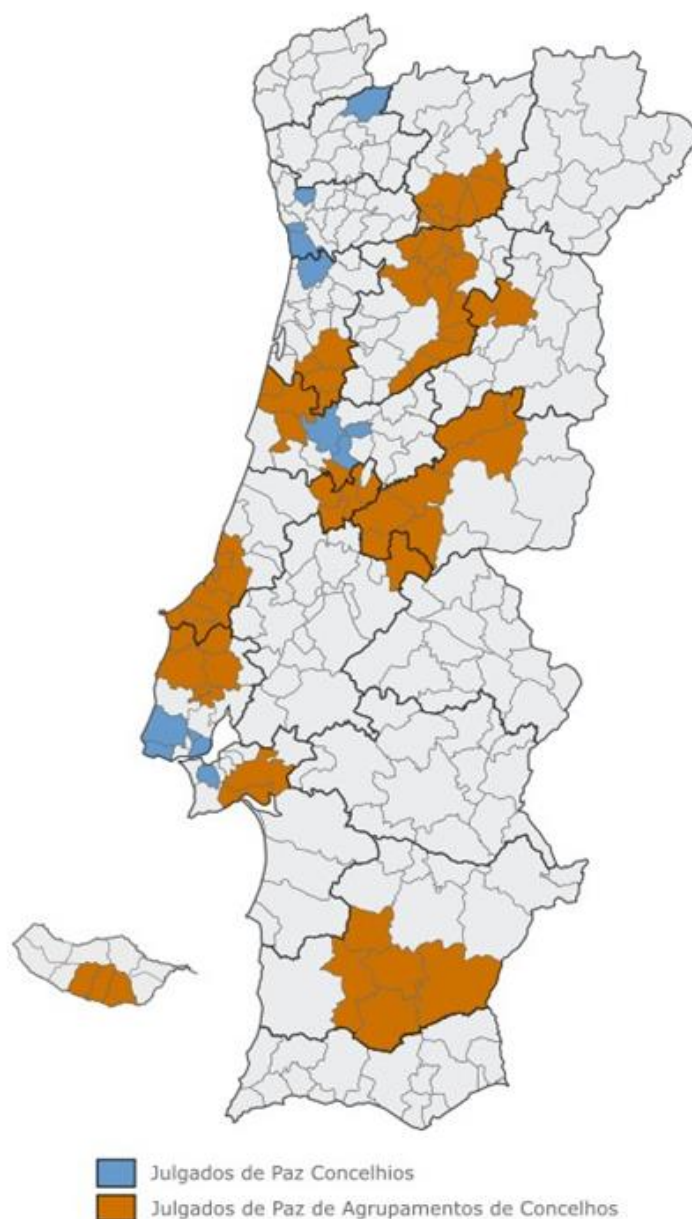


Source: Mirrlees-Black, Catriona; Randell, Sarah (2015<sup>[1]</sup>), *Collaborative Planning Resource - Jurisdictional Data: New South Wales Based on Australian Bureau of Statistics data*, [https://www.researchgate.net/publication/316257414\\_Collaborative\\_Planning\\_Resource\\_-\\_Jurisdictional\\_Data\\_New\\_South\\_Wales](https://www.researchgate.net/publication/316257414_Collaborative_Planning_Resource_-_Jurisdictional_Data_New_South_Wales).

Figure A C.2 plots geographically the community legal centre (CLC) legal assistance catchments (i.e. the regions of operations of each service) across the state of New South Wales, in Australia. The large black areas are those areas not covered by any generalist community legal centre catchment, meaning that people in those regions did not have reasonable access to such a legal assistance service. This map was subsequently used to guide the expenditure of additional funding to expand CLC coverage to cover these areas.



Figure A C.3. Areas of competence for the justice of the peace courts in Portugal



Note: Only available in Portuguese.

Source: Government of Portugal (2024<sup>[3]</sup>) *Mapa dos Julgados de Paz instalados*, <https://www.conselhodosjulgadosdepaz.com.pt/contactos.asp>.

While the macro-level of planning can provide a picture of whether legal services are located in the general proximity of where the greatest legal need is expected, it often may not provide sufficient insight as to where and to whom the legal services are actually delivered. Accordingly, the mere presence of a service in a specific region does not guarantee that it is effectively directed towards or reaching the intended priority clientele within that area.

Macro-level mapping also provides only limited insight into which citizens within a certain region are receiving services from locally-based legal service providers, or remotely from more distant (and sometimes specialist) legal services. Therefore, for governments, service planners, legal service providers



and others to gain a sound picture of where and to whom legal services are being delivered and whether these coincide appropriately with populations of greatest legal need, micro-level planning may be a means of obtaining a greater level of detail, provided the relevant data is available.

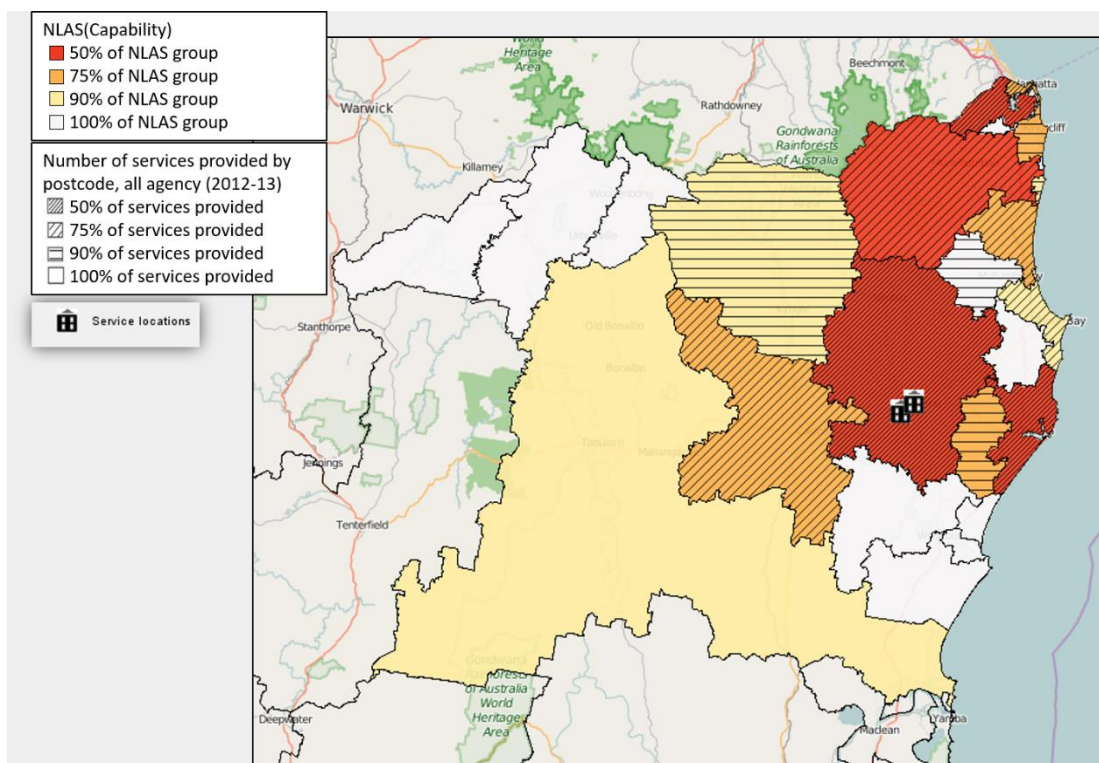
## Micro-level mapping

Micro-level mapping is more detailed and comprehensive than macro-level planning. While this level of planning is often possible in commercial environments (e.g. supermarket sales of each item by store location) and in other areas of human services, the availability of appropriate justice system data in many jurisdictions means that it is much rarer for justice systems. The key challenge for micro-level mapping is, thus, the availability of a comprehensive set of consistent and comparable data across a range of services within a jurisdiction.

Mapping at the micro-level generally involves the use of detailed administrative data, particularly user data, collected on each individual for each service that is rendered to that person. This could include demographic profiles and descriptors of the type of legal matter rendered by the service provider. Using this data might enable mapping the types and quantum of services where they are actually delivered.

Administrative data can provide important information in mapping service delivery against need, particularly if it is collected robustly and consistently within services and on the range of services available within a jurisdiction. This data can help identify location of delivery of services and can be mapped to contrast with where the relevant measure or proxy of legal need. For example, Map Figure A C.4 below compares the proportion of enquiries to legal services, by postcode) in the NSW Northern Rivers area of Australia with the proportion of the Need for Legal Assistance Services (NLAS) (Capability) population.

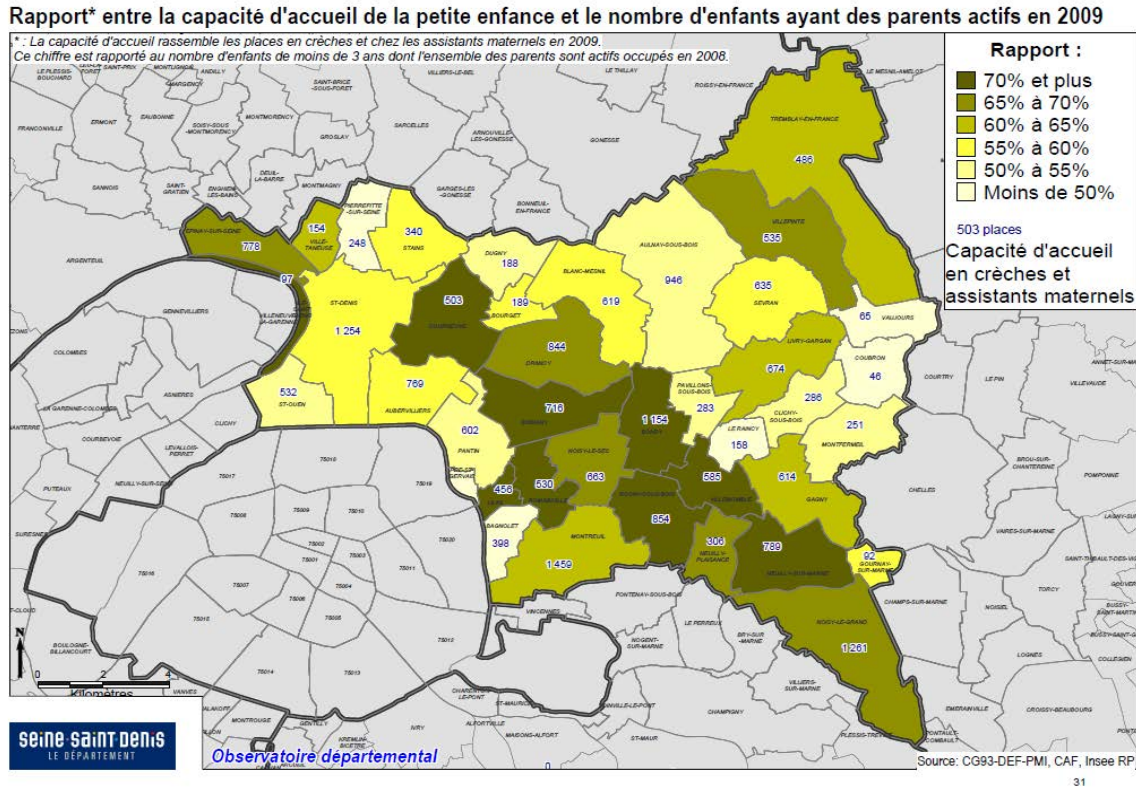
**Figure A C.4. NLAS (Capability) population and services provided by postcode – Proportion of residents (ABS, 2011) & proportion of services provided (All agency 2012-2013) by postcode**



Source: ABS 2011; LJF LASDD LawAccess NSW, Legal Aid NSW (Advice) and NSW Community Legal Centres 2015

While not representing legal sector data, Map Figure A C.5 below demonstrates the potential power of contrasting existing services against need. The map contrasts the number of available places in early childhood centres (i.e. supply) with the number of infants of employed parents (i.e. demand) in the Saint-Denis area, in France. While legal need is often a less precise quantity, and the services provided by legal service providers much more diverse than the simple indicator of the availability of places in early childhood centres, the map demonstrates the potential usefulness of such a data collection and mapping exercise.

**Figure A C.5. Comparison between number of places in early childhood centres and the number of infants of employed parents in the Saint-Denis area in France**



Note: Only available in French.  
Source: CG93-DEF-PMI, CAF, Insee RP (Seine-Saint Denis, 2013<sub>[4]</sub>).

## References

- Government of Portugal (2024), *Mapa dos Julgados de Paz instalados*, [3]  
<https://www.conselhodosjulgadosdepaz.com.pt/contactos.asp>.
- Mirrlees-Black, C. and S. Randell (2015), *Collaborative Planning Resource - Jurisdictional Data: New South Wales*, [1]  
[https://www.researchgate.net/publication/316257414\\_Collaborative\\_Planning\\_Resource\\_-\\_Jurisdictional\\_Data\\_New\\_South\\_Wales](https://www.researchgate.net/publication/316257414_Collaborative_Planning_Resource_-_Jurisdictional_Data_New_South_Wales).
- Randell, S., M. Geoff and M. Catriona (2018), *Evidence of legal need in NSW to support Cameron Review implementation*, Law and Justice Foundation of New south Wales, [2]  
[http://www.lawfoundation.net.au/ljf/site/templates/powerpoint/\\$file/Presentation\\_Randell\\_CLC\\_info\\_session\\_Oct2018.pdf](http://www.lawfoundation.net.au/ljf/site/templates/powerpoint/$file/Presentation_Randell_CLC_info_session_Oct2018.pdf).
- Seine-Saint Denis (2013), *Observatoire départemental - PANORAMA CARTOGRAPHIQUE D'INDICATEURS SOCIAUX*, [https://ressources.seinesaintdenis.fr/IMG/2013-dsoe-sod-panorama\\_cartographique\\_indicateurs\\_sociaux-version\\_15-10-2013-2.pdf](https://ressources.seinesaintdenis.fr/IMG/2013-dsoe-sod-panorama_cartographique_indicateurs_sociaux-version_15-10-2013-2.pdf). [4]

## Annex D. Distribution and specialisation of judicial benches in Portugal

**Table A D.1. Overview of judicial bench specialisations and territorial competence in Lisbon and Almada regions**

Type of benches	Benches	Area of territorial competence (municipalities)	Number of judges foreseen by law
Benches of specialised competence	Central civil bench of Lisbon	Lisbon	20
	Central criminal bench of Lisbon	Lisbon	24 + 4 military judges
	Local civil bench of Lisbon	Lisbon	24
	Local criminal bench of Lisbon	Lisbon	13
	Petty crime bench of Lisbon	Lisbon	5
	Family and children's bench of Lisbon	Lisbon	8
	Labour bench of Lisbon	Lisbon	8
	Commerce bench of Lisbon	Lisbon	7
	Enforcement bench of Lisbon	Lisbon	9
	Central civil bench of Almada	Alcochete, Almada, Barreiro, Moita, Montijo, and Seixal	3
	Central criminal bench of Almada	Alcochete, Almada, Barreiro, Moita, Montijo, and Seixal	6
	Local civil bench of Almada	Almada	2
	Local criminal bench of Almada	Almada	3
	Criminal investigation bench of Almada	Almada	1
	Family and children's bench of Almada	Almada	3
	Labour bench of Almada	Almada and Seixal	2
	Enforcement bench of Almada	Alcochete, Almada, Barreiro, Moita, Montijo, and Seixal	3
	Local criminal bench of Barreiro	Barreiro and Moita	2
	Criminal investigation bench of Barreiro	Alcochete, Barreiro, Moita, and Montijo	1
	Family and children's bench of Barreiro	Alcochete, Barreiro, Moita, and Montijo	3
	Labour bench of Barreiro	Alcochete, Barreiro, Moita, and Montijo	2
	Commerce bench of Barreiro	Alcochete, Almada, Barreiro, Moita, Montijo, and Seixal	4
	Local civil bench of Moita	Barreiro, and Moita	2
	Local civil bench of Montijo	Alcochete, and Montijo	1
	Local criminal bench of Montijo	Alcochete, and Montijo	2
	Local civil bench of Seixal	Seixal	2

	Local criminal bench of Seixal	Seixal	3
	Criminal investigation bench of Seixal	Seixal	1
	Family and children's bench of Seixal	Seixal	3
<b>General Competence benches</b>	---	---	---

Source: Government of Portugal (2014<sub>[1]</sub>), Decreto-Lei n.º 49/2014, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2014-105630273>.

**Table A D.2. Specialised and general competence benches in the Bragança region: Distribution and legal jurisdiction**

Type of benches	Benches	Area of territorial competence (municipalities)	Number of judges foreseen by law
<b>Benches of specialised competence</b>	Central civil and criminal bench of Bragança	Alfândega da Fé, Bragança, Carrazeda de Ansiães, Freixo de Espada à Cinta, Macedo de Cavaleiros, Miranda do Douro, Mirandela, Mogadouro, Torre de Moncorvo, Vila Flor, Vimioso e Vinhais.	4
	Local civil bench of Bragança	Bragança and Vinhas	2
	Local criminal bench of Bragança	Bragança and Vinhas	1
	Labour bench of Bragança	Alfândega da Fé, Bragança, Carrazeda de Ansiães, Freixo de Espada à Cinta, Macedo de Cavaleiros, Miranda do Douro, Mirandela, Mogadouro, Torre de Moncorvo, Vila Flor, Vimioso e Vinhais.	1
<b>General Competence benches</b>	General competence bench of Macedo de Cavaleiros	Macedo de Cavaleiros	1
	General competence bench of Miranda do Douro	Miranda do Douro and Vimioso	1
	General competence bench of Mirandela	Mirandela	2
	General competence bench of Mogadouro	Alfândega da Fé and Mogadouro	1
	General competence bench of Torre de Moncorvo	Freixo de Espada à Cinta and Torre de Moncorvo	1
	General competence bench of Vila Flor	Carrazeda de Ansiães and Vila Flor	1
<b>Proximity sections</b>	Proximity section of Alfândega da Fé	Alfândega da Fé (limited to holding of trial hearings)	---
	Proximity section of Carrazeda de Ansiães	Carrazeda de Ansiães (limited to holding of trial hearings)	---
	Proximity section of Vimioso	Vimioso (limited to holding of trial hearings)	---
	Proximity section of Vinhais	Vinhais (limited to holding of trial hearings)	---

Source: Government of Portugal (2014<sub>[1]</sub>), Decree-Law 49/2014, <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2014-105630273>.

## References

Government of Portugal (2014), *Decreto-Lei n.º 49/2014*,

<https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2014-105630273>.

[1]

## Annex E. Specialisation in administrative and tax courts in Portugal

Table A E.1. presents a detailed overview of the specialisation within administrative and tax courts in Portugal, categorised by court, benches, and areas of territorial competence. It encompasses a range of courts from Almada to Viseu, each with its designated benches focusing on general competence in administrative and fiscal matters, social administrative issues, tax enforcement, and administrative offence appeals. The territorial competence of each court covers a wide array of municipalities, indicating the geographic scope of their jurisdiction. This systematic organisation has an important role in addressing the specific legal needs of various regions, favouring accessibility of specialised services across Portugal. The table is a resource for understanding the distribution and specialisation of administrative and tax justice services in Portugal.

**Table A E.1. Specialisation in administrative and tax courts in Portugal**

<b>Court</b>	<b>Benches</b>	<b>Area of territorial competence (municipalities)</b>
<b>Almada</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Alcochete, Almada, Barreiro, Moita, Montijo, Palmela, Seixal, Sesimbra, and Setúbal
<b>Aveiro</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Águeda, Albergaria-a-Velha, Anadia, Arouca, Aveiro, Espinho, Estarreja, Ílhavo, Mealhada, Murto, Oliveira de Azeméis, Oliveira do Bairro, Ovar, Santa Maria da Feira, São João da Madeira, Sever do Vouga, Vagos, and Vale de Cambra
<b>Beja</b>	Aggregated administrative and tax court with no specialisation	Alandroal, Alcácer do Sal, Aljustrel, Almodôvar, Alvito, Arraiolos, Barrancos, Beja, Borba, Castro Verde, Cuba, Estremoz, Évora, Ferreira do Alentejo, Grândola, Mértola, Montemor-o-Novo, Mora, Moura, Mourão, Odemira, Ourique, Portel, Redondo, Reguengos de Monsaraz, Santiago do Cacém, Serpa, Sines, Vendas Novas, Viana do Alentejo, Vidigueira and Vila Viçosa
<b>Braga</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Amares, Arcos de Valdevez, Barcelos, Braga, Cabeceiras de Basto, Caminha, Celorico de Basto, Esposende, Fafe, Guimarães, Melgaço, Monção, Paredes de Coura, Ponte da Barca, Ponte de Lima, Póvoa de Lanhoso, Terras de Bouro, Valença, Viana do Castelo, Vieira do Minho, Vila Nova de Cerveira, Vila Nova de Famalicão, Vila Verde and Vizela
<b>Castelo Branco</b>	Aggregated administrative and tax court with no specialisation	Chão, Arronches, Avis, Belmonte, Campo Maior, Castelo Branco, Castelo de Vide,



Court	Benches	Area of territorial competence (municipalities)
		Covilhã, Crato, Elvas, Fronteira, Fundão, Gavião, Idanha-a-Nova, Manteigas, Marvão, Monforte, Nisa, Oleiros, Penamacor, Ponte de Sor, Portalegre, Proença-a-Nova, Sabugal, Sertã, Sousel, Vila de Rei and Vila Velha de Ródão
<b>Coimbra</b>	Aggregated administrative and tax court with no specialisation	Arganil, Cantanhede, Coimbra, Condeixa-a-Nova, Figueira da Foz, Góis, Lousã, Mira, Miranda do Corvo, Montemor-o-Velho, Oliveira do Hospital, Pampilhosa da Serra, Penacova, Penela, Soure, Tábua and Vila Nova de Poiares
<b>Funchal</b>	Aggregated administrative and tax court with no specialisation	Calheta, Câmara de Lobos, Funchal, Machico, Ponta do Sol, Porto Moniz, Porto Santo, Ribeira Brava, Santa Cruz, Santana e São Vicente
<b>Leiria</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Abrantes, Alcanena, Alcobaça, Almeirim, Alpiarça, Alvaiázere, Ansião, Batalha, Benavente, Bombarral, Caldas da Rainha, Cartaxo, Castanheira de Pêra, Chamusca, Constância, Coruche, Entroncamento, Ferreira do Zêzere, Figueiró dos Vinhos, Golegã, Leiria, Mação, Marinha Grande, Nazaré, Óbidos, Ourém, Pedrógão Grande, Peniche, Pombal, Porto de Mós, Rio Maior, Salvaterra de Magos, Santarém, Sardoal, Tomar, Torres Novas and Vila Nova da Barquinha
<b>Lisbon</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Alenquer, Arruda dos Vinhos, Azambuja, Cadaval, Lisbon, Loures, Lourinhã, Mafra, Odivelas, Sobral de Monte Agraço, Torres Vedras and Vila Franca de Xira
	Public procurement bench	Alcochete, Almada, Barreiro, Moita, Montijo, Palmela, Seixal, Sesimbra, and Setúbal Alenquer, Arruda dos Vinhos, Azambuja, Cadaval, Lisbon, Loures, Lourinhã, Mafra, Odivelas, Sobral de Monte Agraço, Torres Vedras and Vila Franca de Xira Sintra, Amadora, Cascais and Oeiras
<b>Loulé</b>	Aggregated administrative and tax court with no specialisation	Albufeira, Alcoutim, Aljezur, Castro Marim, Faro, Lagoa, Lagos, Loulé, Monchique, Olhão, Portimão, São Brás de Alportel, Silves, Tavira, Vila do Bispo and Vila Real de Santo António
<b>Mirandela</b>	Aggregated administrative and tax court with no specialisation	Alfândega da Fé, Alijó, Boticas, Chaves, Bragança, Carrazeda de Ansiães, Freixo de Espada à Cinta, Macedo de Cavaleiros, Mesão Frio, Miranda do Douro, Mirandela, Mogadouro, Mondim de Basto, Montalegre, Murça, Peso da Régua, Ribeira de Pena, Sabrosa, Santa Marta de Penaguião, Torre de Moncorvo, Valpaços, Vila Flor, Vila Pouca de Aguiar, Vila Real, Vimioso and Vinhais



Court	Benches	Area of territorial competence (municipalities)
<b>Penafiel</b>	Aggregated administrative and tax court with no specialisation	Amarante, Baião, Castelo de Paiva, Felgueiras, Lousada, Marco de Canaveses, Paços de Ferreira, Paredes, Penafiel, Santo Tirso, Trofa and Valongo
<b>Ponta Delgada</b>	Aggregated administrative and tax court with no specialisation	Angra do Heroísmo, Calheta, Corvo, Horta, Lajes das Flores, Lagoa, Lajes do Pico, Madalena, Nordeste, Ponta Delgada, Povoação, Praia da Vitória, Ribeira Grande, Santa Cruz das Flores, Santa Cruz da Graciosa, São Roque do Pico, Velas, Vila Franca do Campo and Vila do Porto
<b>Porto</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Gondomar, Maia, Matosinhos, Porto, Póvoa de Varzim, Vila do Conde and Vila Nova de Gaia
	Public procurement bench	<p>Águeda, Albergaria-a-Velha, Anadia, Arouca, Aveiro, Espinho, Estarreja, Ílhavo, Mealhada, Murtosa, Oliveira de Azeméis, Oliveira do Bairro, Ovar, Santa Maria da Feira, São João da Madeira, Sever do Vouga, Vagos, and Vale de Cambra</p> <p>Braga, Cabeceiras de Basto, Caminha, Celorico de Basto, Esposende, Fafe, Guimarães, Melgaço, Monção, Paredes de Coura, Ponte da Barca, Ponte de Lima, Póvoa de Lanhoso, Terras de Bouro, Valença, Viana do Castelo, Vieira do Minho, Vila Nova de Cerveira, Vila Nova de Famalicão, Vila Verde and Vizela</p> <p>Amarante, Baião, Castelo de Paiva, Felgueiras, Lousada, Marco de Canaveses, Paços de Ferreira, Paredes, Penafiel, Santo Tirso, Trofa and Valongo</p> <p>Gondomar, Maia, Matosinhos, Porto, Póvoa de Varzim, Vila do Conde and Vila Nova de Gaia</p>
<b>Sintra</b>	<ul style="list-style-type: none"> <li>- General competence administrative bench</li> <li>- Social administrative bench</li> <li>- General competence fiscal bench</li> <li>- Tax enforcement and administrative offence appeals bench</li> </ul>	Sintra, Amadora, Cascais and Oeiras
<b>Viseu</b>	Aggregated administrative and tax court with no specialisation	Aguiar da Beira, Almeida, Armamar, Carregal do Sal, Castro Daire, Celorico da Beira, Cinfães, Figueira de Castelo Rodrigo, Fornos de Algodres, Gouveia, Guarda, Lamego, Mangualde, Meda, Moimenta da Beira, Mortágua, Nelas, Oliveira de Frades, Penalva do Castelo, Penedono, Pinhel, Resende, Santa Comba Dão, São João da Pesqueira, São Pedro do Sul, Sátão, Seia, Sernancelhe, Tabuaço, Tarouca, Tondela, Trancoso, Vila Nova de Foz Côa, Vila Nova de Paiva, Viseu e Vouzela

Source: Administrative and tax courts – Source: Annex to Decree-Law 325/2003, 29 December, last amended by Decree-Law 58/2020, 13 August, Decree-Law 174/2019, 13 December, and Ordinance 121/2020, 22 May)

# Annex F. The 2022 Portugal legal needs survey

## Methodology

The diagnosis phase of this project benefitted from an adapted version of the United Nations Development Programme (UNDP) model survey for SDG 16.3.3 purposes (UNDP, 2022<sup>[1]</sup>). The adapted legal needs survey followed a concise format to accommodate the scope and scale limitations of this project. The 2022 Portugal LNS was therefore an enhanced version of the UNDP model, and extended to cover a limited number of additional issues. The survey was adapted to the particular circumstances of Portugal and followed the underlying principles developed for a comprehensive legal needs survey model published in the 2019 OSJI-OECD report (OECD/Open Society Foundations, 2019<sup>[2]</sup>).

The main methodological enhancements to the UNDP model incorporated in the LNS questionnaire for this project are as follows:

- **Adding in pathways question(s).** SDG 16.3.3 concerns the ratio between those people experiencing a legal problem and those who obtain a service to resolve that problem (UNDP, 2023<sup>[3]</sup>). This focuses on problem resolution and the mechanism for achieving that does not necessarily reveal insights into the intermediate steps someone may take to get advice, information or assistance along the way before problem resolution. Comprehensive legal needs surveys in other jurisdictions over many years have revealed that people commonly follow pathways involving a number of people or organisations to assist along the way. For this survey we have added a question in relation to whether the person experiencing the problem obtained information, advice or representation to help them better understand or resolve the problem. While this is still limited in its scope, this question provided some additional insight into the pathways people may take.
- **Crime and criminal process.** While SDG 16.3.3 relates primarily to civil and family law matters, as this was a stand-alone legal need survey for this project it was important to capture some insight in relation to the incidents of and responses to criminal matters. For this survey we have added crime and criminal process options in the general legal problems question.
- **Online complaints and dispute resolution options.** The UNDP model places little emphasis on online channels for dispute resolution. While many justice systems are still in the early days of establishing online dispute resolution (ODR) mechanisms, as societies and economies become increasingly digital some justice systems and the private sector have started implementing such mechanisms (OECD, forthcoming<sup>[4]</sup>). For this survey then we have added in an option with stronger emphasis on “online third-party complaints or dispute resolution mechanisms such as provided by commercial services (e.g. eBay, Uber Eats, Amazon, etc.)”. While this is still limited in its scope, this question provided some additional insight on the use of ODR in Portugal. The prevalence of such processes is significant and likely growing, and thus deserves further attention and perhaps a more focused survey.
- **Fairness and understanding.** For this survey, two additional questions were asked in relation to the fairness of the process and the outcome, and in relation to respondents’ understanding of their rights and responsibilities, and their ability to get information to assist them to understand their rights and responsibilities.

- **Impact on the person.** An important element of many legal needs surveys is to get insight into the impact that particular legal problems have upon the person. For this survey, we have added in a question to assess the impact respondents may have experienced following a legal problem.
- **Awareness.** An important feature of people-centred justice systems is whether people are aware or will readily become aware of where they can go for assistance and resolution when confronted by a legal problem. Awareness of existing legal and justice services is an important element in identifying whether a person understands justice pathways when confronting a legal problem. For this survey, we have added in two questions to get some insight about levels of awareness of available services. The first question was unprompted to assess general awareness, and the second was prompted by referring to names and roles of specific justice organisations and related institutions. Again, while this is still limited in its scope to assess people's awareness of justice pathways, these two questions enabled useful insights.
- The LNS had 1 500 respondents, with a sample stratified randomly by year of birth, gender, education level, region (Portugal mainland NUTS 2 – Regional Co-ordination Commissions and Autonomous Regions) and disability, following the 2022 population estimates of the Portuguese National Statistics Institute (INE) (INE, 2022<sup>[5]</sup>). The identification of disability for the sample was based on social benefits granted to nationals and foreigners, refugees and stateless persons legally residing in Portugal and who have a disability resulting in a degree of incapacity equal to or greater than 60%. – ±124,000 individuals).

The data was collected through computer-assisted telephone interviewing (CATI). Telephone numbers were randomly generated, and distributed in a rate of 65% for mobile calls and 35% for landline calls. Response rate of calls was 42%. In order to reach a sample of 1 500 respondents, 9 778 people were called. With a sample size limited to 1 500 respondents, the survey did not allow to yield much insight at a disaggregated level, such as by different community or age groups, and different regions.

## References

- INE (2022), *Demographic Statistics*, [5]  
[https://www.ine.pt/xportal/xmain?xpgid=ine\\_tema&xpid=INE&tema\\_cod=1115](https://www.ine.pt/xportal/xmain?xpgid=ine_tema&xpid=INE&tema_cod=1115).
- OECD (forthcoming), *OECD Conceptual Framework for Online Dispute Resolution*. [4]
- OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD [2]  
Publishing, Paris, <https://doi.org/10.1787/g2q9a36c-en>.
- UNDP (2023), *SDG indicator metadata: 16.3.3*, [3]  
<https://unstats.un.org/sdgs/metadata/files/Metadata-16-03-03.pdf>.
- UNDP (2022), *Manual to Support National Data Collection on SDG Indicator 16.3.3*, [1]  
<https://www.undp.org/policy-centre/oslo/publications/manual-support-national-data-collection-sdg-indicator-1633>.

# Modernisation of the Justice Sector in Portugal

This report assesses the modernisation of the justice sector in Portugal. It examines the country's progress towards a people-centred justice system and a modernised justice sector and offers a range of recommendations to sustain and amplify this progress. It highlights the importance of adopting continuous assessments of legal needs, designing and delivering services with a people-centred purpose; upskilling the justice sector to meet the demands of a digitally enabled and people-centred justice system; enhancing the availability, quality, and use of data and statistical systems; and using digital technologies and data to improve the accessibility, efficiency, and responsiveness of the justice system in Portugal.



Funded by  
the European Union



PRINT ISBN 978-92-64-56080-2  
PDF ISBN 978-92-64-70457-2



9 789264 560802