

Digitalising Justice: A Fundamental Rights-based Approach

Portugal

May 2025

Contractor: Centro de Estudos Sociais

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List of abbreviations

ALTEC - Logistical Support for High Complexity Processing – Apoio Logístico à Tramitação de Elevada Complexidade

ANSR - National Road Safety Authority – Autoridade Nacional de Segurança Rodoviária

CJP - Council of Judges of Peace – Conselho dos Julgados de Paz

CNPD - National Commission for Data Protection – Comissão Nacional da Proteção de Dados

CSM - High Council of the Judiciary – Conselho Superior da Magistratura

CSTAF - High Council of the Administrative and Tax Courts – Conselho Superior dos Tribunais Administrativos e Fiscais

DCIAP - Central Department of Investigation and Criminal Action – Departamento Central de Investigação e Ação Penal

DGAJ - Directorate General for the Administration of Justice – Direção-Geral da Administração da Justiça
DGPJ - Directorate General for Justice Policy – Direção Geral de Política de Justiça

DGRSP - Directorate General for Reinsertion and Prison Services – Direção Geral de Reinserção e Serviços Prisionais

ENSC - National Cyberspace Security Strategy – Estratégia Nacional para a Segurança no Ciberespaço

EPD - Data Protection Officer – Encarregado de Proteção de Dados

GATEP - Electronic Case Processing Support Group – Grupo de Apoio à Tramitação Eletrónica de Processos

GNR - National Republican Guard – Guarda Nacional Republicana

GPJ - Practical Guide to Justice – Guia Prático da Justiça

IGFEJ - Institute for Financial Management and Justice Equipment – Instituto de Gestão Financeira e Equipamentos da Justiça

INMLCF - National Institute of Legal Medicine and Forensic Sciences – Instituto Nacional de Medicina Legal e Ciências Forenses

IRN - Institute OF Registries and Notary – Instituto dos Registos e do Notariado

ISS - Institute for Social Security – Instituto da Segurança social

PGR – Public Prosecution Service – Procuradoria Geral da República

PJ - Criminal Police – Polícia Judiciária

PRR - Recovery and Resilience Plan – Plano de Recuperação e Resiliência

PSP - Public Security Police – Polícia de Segurança Pública

QUAR - Evaluation and Accountability Frameworks – Quadros de Avaliação e Responsabilização

SEGIS - Electronic Procedural Information Management System – Sistema Electrónico de Gestão de Informação Processual

SMO - Supervision Management Office

STA – Supreme Administrative Court – Supremo Tribunal Administrativo

STJ – Supreme Court of Justice – Supremo Tribunal de justiça

Executive summary

Since 2016, the digitalisation of justice has become a strategic action in Portugal. This is evident in the adoption of a wide range of plans and measures to give substance to this policy. The government, which took office in April 2024, approved a different strategy for the justice area, where the digitalisation of justice was not the main focus. Nevertheless, the previous projects of digitalisation of justice continue to be developed and implemented, following the funding programmes that continue to be operational.

The impetus to modernise the justice sector by optimising new technologies came with the launch of the *Justiça + Próxima* Action Plan in 2016 - an action plan designed to "develop the transformation of justice, driven by digitalisation, with the aim of a justice system that is "agile, transparent, humane and closer to the individuals". The initial version included 120 measures identified through an assessment carried out by the Ministry of Justice, with contributions from 15 institutions in the justice sector. In 2020 and 2023, there were updates in the action plans and the adoption of new measures following the approval of the new European funding programmes.

The main objective of this digital transformation is to increase confidence in the justice system by making it more responsive, transparent, and adapted to the current needs of individuals and businesses. The programme was structured around 10 key points that prioritise the needs of people and business, such as: putting justice at the service of people and the economy; reforming administrative justice; fighting corruption and new forms of crime with determination; innovating in justice; strengthening the resilience of information systems; managing justice buildings and equipment more efficiently; managing, strengthening and dignifying the human resources of justice; training of human resources; protecting the most vulnerable in the care of the justice system; and reinforcing the cooperation of justice in Europe.

Most of the recent investment for the justice sector, under the Recovery and Resilience Plan (PRR), was allocated to the "economic justice and business environment" sector, intended to update processes and procedures and reduce the long delays in case resolutions across the justice system, mainly focusing on administrative and tax courts and the areas of insolvency and debt collection in commercial and enforcement courts. Within this framework, the recent Justice + programme incorporated several measures aimed at using digital technologies, targeting multiple areas: bolstering the robustness of information systems; enhancing interoperability; streamlining case management in courts, namely by improving functionalities in specific software programmes such as MP Codex and Magistratus; enhancing and expanding the usability of online platforms, namely the platform RAL+; anonymising judicial decisions; and initiating GovTech projects, through the GovTech Justiça strategy.

Introduced in February 2023, the GovTech Justiça strategy aimed to accelerate the modernisation and digital transformation of Portugal's justice system. It tried to identify and share best practices in using emerging technologies, as well as GovTech and LegalTech projects. Several initiatives have been launched under the GovTech strategy, including: *LAB Justiça* (Justice LAB) - an advanced training programme on innovation and culture, specifically designed to meet the needs and challenges of human resources in the justice sector and to enhance their skills in strategic management, digital

transformation and leadership in a changing context; and Challenges of Justice (*Desafios da Justiça*) - a competition inviting applicants to present an idea or an innovative solution to a concrete challenge in the justice sector, to stimulate creativity and the development of innovative technological solutions. Other projects included are, for example: auto-generated company names using artificial intelligence algorithms; authenticity validation for online individual applications; BUPi App and its geographic services platform (GeoHub BUPi); Darlene project which develops augmented reality applications for law enforcement agencies; and a beta version of the Practical Guide to Justice (GPJ), an online service based on the GPT-4.0 language model.

Despite all these initiatives, the process of digitalisation in Portugal is still far from presenting consolidated results with benefits for all the involved professionals and, mainly, for individuals who seek justice. The reality, based on the five selected use cases and desk research conducted, shows that the publicised dynamics of digitalisation of justice present some obstacles and difficulties, which means that many of the tools described in the digital programmes and evaluation reports are not finished and not producing positive impacts in the functioning of the judicial system. The selection of the five use cases was based on four criteria: the different dimensions of justice; the diverse stages of development of the digital tools; the different forms of conception and development of the digital solutions; and the diverse target users. Therefore, the following were selected: 1) the Platform for Electronic Legal Aid, aimed to simplify the requests for legal aid through an online procedure; 2) the Software for Anonymisation of Judicial Decisions, intended to make automatically the procedure to make all the judicial decisions publicly available; 3) the Use of Videoconference in court proceedings and judgements, aimed to facilitate the participation and realisation of justice; 4) the Magistratus, a case management software for judges intended to facilitate their work; and 5) the Platform RAL+, a case management software and submission of complaints for mechanisms of alternative dispute resolution, such as Justice of Peace and arbitration and conciliation centres.

These digital tools have been conceived to achieve three main goals: the promotion of the rights of individuals; the management of the judicial system; and the transparency and realisation of justice with higher quality and swiftness. The pace and success of their implementation differs: the videoconference has more than 20 years of use in courts; the Platform for Electronic Legal Aid was launched in 2023; the Magistratus, despite judges using it since 2017, is still being upgraded; the Platform RAL+ is already on a test-phase in 10 Justice of Peace courts; and the software for anonymisation of judicial decisions is in on-going process with the conception of new versions to meet the expected results.

The five uses cases raise several limitations and potential impacts for fundamental rights, often either due to the way they were conceived or the way they are being implemented, often with technical problems, lack of trained personnel and reduced financial investment, with low articulation and cooperation amid the diverse competent governmental entities and judicial governance bodies. In this context, some fundamental rights may be at stake if specific problems persist, such as the right to access justice or the right to protect personal data.

Although the majority of the interviewees believe that the digitalisation of justice is positive and inevitable, the conditions in which it is being implemented give rise to sceptical opinions due to the evident lack of investment in new and renovated equipment, the need to hire more judicial professionals, the scarcity of qualified IT staff in courts and in the entities of the Ministry of Justice, the reduced training provided to professionals and the low dissemination of the available digital tools, among other arguments. Concerning the impacts on fundamental rights, most use cases have limited risks of violation unless there are illegal actions, which are categorised as crimes, or the misuse of the tools. The studied digital tools are mainly case management solutions or instrumental to the realisation of justice, as is the case of the use of videoconference. Their conception follows the principles of justice in safeguarding fundamental rights, with several restrictions based on the user's profile or limited application to specific management tasks. The fundamental rights that emerge more often are related to protecting personal data. These consensual opinions are shared by most of the interviewees, independently of their profession or role in the judicial system.

In general, the interviewees consider that these digital tools align with the regulations and laws that respect the fundamental values of justice and, therefore, assume their compliance with fundamental rights. However, they also acknowledge that some negative impacts can arise from the conditions under which they are implemented. There was no evaluation of the possible impacts on fundamental rights in the five use cases, whether before, during, or after implementation. The functioning of the digital tools was also not assessed at any point, leaving the helpdesk's services as the primary mechanism for reporting problems related to technical hitches. The use of artificial intelligence is, so far, limited to software for the anonymisation of judicial decisions or *chatbots*, such as the Practical Guide to Justice, which are both in an experimental phase.

1. Legal/policy/institutional framework of digitalisation of justice – key developments

1.1. Development of digitalisation of justice systems to date (law, policy and coordination)

Since the turn of the century, multiple actions and measures have been implemented to modernise the justice sector in response to technological advancements¹. However, since 2016, with the launch of the *Justiça + Próxima* Action Plan, a new push has been added to this effort, this time more focused on software solutions than IT infrastructures.

With the implementation of digital advancements and tools, the law has also been updated to reflect the changes on several laws introduced to promote the digitalisation of justice since 2018. One relevant example is the electronic handling of cases. While electronic processing in judicial proceedings has been gradually implemented in Portugal over the years, this process has been further consolidated more recently. Ordinance 267/2018² amended the rules on the electronic processing of cases in the courts, allowing, in particular, the consultation of cases by electronic means by the parties, by those who can exercise the judicial mandate and by those who show good cause; the implementation of the electronic processing of cases in the Courts of Appeal (Tribunais da Relação) and the Supreme Court of Justice (Supremo Tribunal de Justiça); the possibility for representatives to submit documents in video, audio and image format; and, in the context of cases governed by the Insolvency and Company Recovery Code, the performance of acts electronically before court administrators by the trustees, as well as the electronic communication to the trustees by the court administrators. Decree-Law 97/2019 further consolidated electronic processing in judicial proceedings by establishing that the digital case file is the main form of documentation in judicial processes, while the physical case file acts as a supporting element. This Decree-Law also brought other changes regarding digitalisation, namely, it clarified the terms under which communications with entities that assist the courts in their jurisdictional activity may occur electronically; it led to an update of the system of communications and

¹ Since the VII Constitutional Government (9 January 1981 - 4 September 1981), that the digitalisation of justice has been a key concern of multiple governments. In its [programme](#), the VII Constitutional Government stated that, with regards to the justice sector, that information technology would be developed at several levels, reconciling “the rights of citizens to exercise their freedoms and enjoy their privacy with the need, imposed by the very social body in which they are integrated [the justice sector], to collect and process, using automatic processing, information that concerns them”.

² Portugal, [Portaria 267/2018, que procede à alteração dos regimes de tramitação eletrónica dos processos nos tribunais judiciais e nos tribunais administrativos e fiscais](#) (CITIUS/SITAF) (Ordinance 267/2018, which amends the systems for the electronic processing of cases in judicial courts and administrative and tax courts [CITIUS/SITAF]), 20 September 2018.

notifications; it created a system of just impediment for the receipt of electronic notifications by representatives; it improved the rules for electronic service of documents to the Public Prosecution Service and legal persons; and it opened the possibility of witnesses being heard by videoconference, not necessarily from the premises of a court, but also from the premises of a local authority.

1.1.1. The public policies of digitalisation of the justice system

The digitalisation of justice, as established above, was significantly accelerated with the implementation of the *Justiça + Próxima* Action Plan. The original plan was outlined for the four years of the XXI Constitutional Government (2016-2019) to transform the justice system to ensure greater proximity to the citizens, more agility and transparency, and to promote the simplification of processes and procedures, new functionalities and technological tools³. Thus, the initial version established the guidelines for modernising and transforming the justice system through more than 120 measures, structured around four pillars: efficiency; innovation; proximity; and humanisation. These measures were identified through an assessment carried out by the Ministry of Justice, and their execution involved several institutions/stakeholders of the justice sector. In 2020, the second version of the *Justiça + Próxima* Action Plan was launched, where 140 additional measures were included, aiming to consolidate further and extend the previous plan⁴. In this sense, the *Justiça + Próxima* Action Plan (2020-2023)⁵ was also structured around the same four strategic pillars.

In 2023, another programme was developed, driven by the Recovery and Resilience Plan (PRR – *Plano de Recuperação e Resiliência*)⁶, as a continuation of the *Justiça + Próxima* Action Plan: the *Justiça +* programme. *Justiça +* continued the modernisation process underway in the justice system, increasing the available investment and ensuring strategic alignment with the European Commission's recommendations, particularly those focused on improving the functioning of the Administrative and Tax Courts, the efficiency of procedures associated with insolvency and enforcement proceedings, and the digital transition of internal structures. Also as a result of the PRR, in February 2023, the government introduced the GovTech *Justiça* Strategy⁷, which aims to accelerate the modernisation and digital transformation of Portugal's justice system, by fostering a culture of collaborative innovation connecting justice entities with national and

³ Ministério da Justiça (2019), [Justiça Mais Próxima – Plano de Modernização Tecnológica \(2016-2019\)](#), Lisboa, Ministério da Justiça.

⁴ Portugal, Directorate General for Justice Policy (*Direção Geral de Política de Justiça*) (2020), “[Nova edição do Plano Justiça + Próxima](#)”, press release, 4 March 2020.

⁵ Ministério da Justiça (2020), [Justiça + próxima de si, + próxima de todos \(2020-2023\)](#), Lisboa, Ministério da Justiça.

⁶ Ministério do Planeamento (2021), [PRR – Recuperar Portugal, Construindo o Futuro](#), Lisboa, Ministério do Planeamento.

⁷ The [Justice GovTech Strategy](#) is being developed as part of the Justice Hub initiative, whose activity is supported by the PRR, through the ‘Competence Centre for Innovation and Digital Transformation (Justice Hub)’ measure.

international innovation and entrepreneurship ecosystems and to identify and share best practices in the use of emerging technologies.

The government which took office in April 2024 approved a different strategy for the justice area, where the digitalisation of justice was not the primary focus. Despite this, the previous projects of digitalisation of justice continue to be developed and implemented within the funding programmes. Nevertheless, the government approved the implementation of the National Digital Strategy as a guide for public governance.⁸ This Strategy aims to simplify digital interaction between citizens, companies and the state, guaranteeing the protection of fundamental rights and universal accessibility to digital technologies. Although this strategy doesn't have specific measures concerning the digitalisation of justice, it foresees measures that can impact the justice sector. For example, it identifies priority areas for implementing common secure data-sharing spaces in specific areas such as education, health, public services, culture, tourism, the sea and climate transition. These spaces "will facilitate collaboration between the Public Administration, the private sector, and academia, stimulating innovation and the development of new products, services, and business models, to better serve as a central repository for open data while ensuring effective reuse and value creation from the public data."⁹ Due to the fall of the government, the new elections that will occur on 18 May 2025, may lead to adopting a different strategy or approach to the digitalisation of justice.^{10/11/12}

Regarding fundamental rights considerations, the objectives outlined in the *Justiça + Próxima* Action Plan, in its original and extended versions, reflect a strong commitment to improving access to justice in Portugal, focusing on the pillars of "proximity" and "humanisation". These pillars underscore the goal of dignifying the justice system, including its physical spaces, staff, and stakeholders.¹³

⁸ Portugal. [Resolução do Conselho de Ministros n.º 207/2024, que aprova a Estratégia Digital Nacional e o respetivo modelo de governação](#) (Resolution of the Council of Ministries n.º 207/2024, which approves the National Digital Strategy and the respective governance model), 30 December 2024. See also the specific website: [Estratégia Digital Nacional \(National Digital Strategy\)](#)

⁹ The common data-sharing spaces is the Initiative number 13 of the [National Digital Strategy \(page 71\)](#).

¹⁰ On 11 March 2025 the Portuguese government failed to approve a Vote of Confidence in the Parliament and, therefore, has resigned and will remain in office until the next parliamentary elections, which should take place in 18 May 2025.

¹¹ DN online (2025), [Governo caiu. Há eleições em maio. Montenegro e Pedro Nuno trocam acusações](#) (The government has fallen. Elections in May. Montenegro and Pedro Nuno exchange accusations), 11 March 2025.

¹² Público (2025), [Presidente marca eleições legislativas para 18 de Maio e pede debate "digno e esclarecedor"](#) (President sets parliamentary elections for 18 May and calls for 'dignified and enlightening' debate), 13 March 2025.

¹³ Ministério da Justiça (2020), [Justiça + próxima de si, + próxima de todos \(2020-2023\)](#), Lisboa, Ministério da Justiça.

The "proximity" pillar aims to create a more accessible justice system by simplifying services, eliminating unnecessary formalities and procedures, and offering them through one-stop shops and new communication channels. The plan acknowledged that enhancing access to justice also requires more precise and transparent information, greater accountability, improved communication, and optimised use of legal tools. Key measures associated with this pillar included, for example, the creation of multimedia guides to support the electronic interaction of citizens with courts¹⁴ and a project to simplify the text of citations and notifications to citizens.¹⁵

The "humanisation" pillar, in contrast, was focused primarily on the prison population, promoting less punitive approaches, improving prison services, and facilitating social reintegration through training and employability initiatives. These measures emphasised non-discrimination, equality, and the protection of defence rights, reflecting a broader commitment to human rights within the justice system.¹⁶

Other measures foreseen in the pillars of the *Justiça + Próxima* Action Plan are also relevant to improving access to justice. Measures like the creation of the Platform for Alternative Dispute Resolution (also known as RAL+) - a digital platform that aims to bring together all the alternative dispute resolution mechanisms in a single tool (one of the use cases assessed in this report) - are shown to have positive effects on the right to access justice. Although interviewees identified some limitations regarding the use of the platform, they also emphasised that one of the platform's benefits is that it helps secure access to justice, as it provides an additional channel for citizens and businesses. Another measure foreseen was the strengthening of the justice system's network infrastructure, which included increasing the bandwidth and densifying the circuits of the justice communication network. This measure also has the potential to enable access to justice and increase participation in justice since one of the problems identified by the interviewees regarding videoconferencing was the poor quality of equipment and connection. Overall, the materialisation of the four pillars has been made through multiple projects being developed in different areas, promoted by different public and judicial entities, such as, for instance, anonymisation of judicial decisions, improvement and creation of software for management of judicial cases, creation of digital platforms for access to multiple services of justice, or improving the functioning of justice through videoconference and other similar features.

The changes that have been implemented and/or are being implemented were/are expected to respect the rule of law and fundamental rights, even though these principles are never explicitly mentioned. Indeed, when it comes to the five selected used cases,

¹⁴ Currently, [eleven multimedia guides](#) are available. These guides cover several themes including how to request legal aid, how to consult executive proceedings and even how to obtain Portuguese nationality.

¹⁵ Portugal, Directorate General for Justice Policy (*Direção Geral de Política de Justiça*) (2020), "[Simplification of language in injunctions with positive results](#)", press release, 23 October 2020.

¹⁶ Ministério da Justiça (2020), [Justiça + próxima de si, + próxima de todos \(2020-2023\)](#), Lisboa, Ministério da Justiça.

none of the interviewees was aware of any prior or post fundamental rights impact assessment being conducted. This omission is partially due to the actors' belief that adherence to the law inherently includes safeguards and protections to uphold fundamental rights. As also mentioned by some interviewees, the development and implementation of any digital tool or law regarding digitalisation in the judicial system must comply with the Portuguese Constitution and existing legal framework that is in line with the protection of fundamental rights. Additionally, regarding current and planned use of innovative tools or technologies, there has been some development concerning the use of AI tools and interoperability between systems within the justice ecosystem.

1.1.2. The digitalisation of justice: initiatives and AI

The *Justiça + Próxima* action plan, aligned with the objectives of the PRR, has outlined a series of initiatives under the goal of "Strengthening Infrastructure and Technological Equipment" within the justice sector¹⁷. Many of these initiatives focus on data protection and network security, particularly cybersecurity. The most prominent is the development of a Technological Plan for Justice Equipment and Infrastructure, expected to be completed by 2025, under the PRR funding. Currently, no additional information regarding the execution of this plan is publicly available.

The plans and measures defined for the digitalisation of justice do not reference the use of AI. However, Portugal has developed a national strategy for artificial intelligence ("AI Portugal 2030"), which incorporates data protection and privacy considerations. This document defines AI as "the scientific area and the suite of technologies that use programmes and physical devices to mimic advanced facets of human intelligence" (page 16). This strategy is fully aligned with the Coordinated Action Plan of the EU and its Member States, and it is included in INCoDe.2030, the Portuguese initiative to foster digital skills. Portugal's AI Strategy is based on the fundamental principle of not compromising the dignity of citizens, firmly anchored by the promotion of well-being, fairness and quality of life¹⁸. The main goal is for Portugal to have, by 2030, "a knowledge intensive labour market with a strong community of forefront companies producing and exporting AI technologies supported by an academia involved in high-level, fundamental and applied research", as well as easily available AI technologies "to promote the efficiency and quality of all activities, including SMEs, public services and every citizen" (page 22). While the document does not provide explicit guidelines regarding the upcoming AI Act or specify systems considered high-risk within the justice sector, it does emphasise ethics and safety as crucial to AI's future, particularly with autonomous decision-making. It addresses the need for transparency, explainability, and mechanisms

¹⁷ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

¹⁸ Coordination Office of INCoDe.2030 (n.d.), [AI Portugal 2030: Portuguese National Initiative on Digital Skills, An innovation and growth strategy to foster Artificial Intelligence in Portugal in the European context](#), page 15.

to detect and prevent misuse. AI needs to be used to “improve the quality of services and efficiency of processes while guaranteeing human dignity as well as wellbeing and quality of life” (page 22). Moreover, “strong ethical guidelines will protect the fundamental rights of citizens and our core values” (page 22).

Several examples of initiatives developed over the last few years can be provided, including some digital tools using Artificial Intelligence. The following examples can be highlighted.¹⁹ The Platform RAL+, the Platform for Electronic Legal Aid, the new electronic system for allocating judicial cases, and the dematerialisation of communications and interoperability between several entities are evolving and being implemented without using AI.^{20/21} But other digital tools are already using AI in a practical approach for documental analysis and management without any interference with judicial decision-making, such as the Practical Guide to Justice²², the platform for processing nationality applications²³ or the software for anonymisation of judicial decisions. Some digital tools will be further developed in the use cases’ section, as is the case with Platform RAL+, Platform for Legal Aid and software for anonymisation of digital decisions^{24/25}. Nevertheless, these seven cases are presented in this section to have a brief transversal screening of the process of digitalisation of justice.

¹⁹ Ministério da Justiça (2024), [*A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência*](#), Lisboa, Ministério da Justiça.

²⁰ Portugal, [*Portaria 46/2022 que regulamenta as comunicações eletrónicas entre os tribunais judiciais ou o Ministério Público e a Autoridade Nacional de Segurança Rodoviária no âmbito de processos judiciais*](#) (Ordinance 46/2022 regulating electronic communications between judicial courts or the Attorney General’s Office and the National Road Safety Authority in the context of judicial proceedings), 20 January 2022.

²¹ Portugal, [*Portaria 357/2019, que regulamenta as comunicações eletrónicas entre os tribunais judiciais e as escolas da rede pública tutelada pelo Ministério da Educação*](#) (Ordinance 357/2019, which regulates electronic communications between judicial courts and schools in the public network supervised by the Ministry of Education), 8 October 2019.

²² The [*GPI*](#) is based on the GPT 4.0 language model, created by OpenAI and Microsoft. This project is coordinated by the Directorate General for Justice Policy (DJPJ - Direção Geral de Política de Justiça), with the aim of interacting with citizens using natural language, without the need to collect personal data from users.

²³ Portugal, Portal da Justiça (*Justice Portal*) (2023), [*“Pedido de nacionalidade portuguesa já pode ser feito online”*](#), press release, 20 February of 2023. The platform can be accessed [here](#).

²⁴ Initially, two software for anonymisation of judicial decisions were developed in each of the two jurisdictions (administrative and tax courts and judicial courts), with different funding programmes and led by different entities. Both were considered unsatisfactory, but one was released to be used in specific cases. Meanwhile, new solutions are being planned. For the software of the administrative and tax courts, see the report of the Ministry of Justice (2024). For the software of the High Council of the Judiciary, see: Conselho Superior da Magistratura (2023). [*“Jurisprudência da 1ª instância estará disponível online no primeiro trimestre do próximo ano”*](#) (First instance case law will be available online in the first quarter of next year), 4 October 2023.

²⁵ Conselho Superior da Magistratura (2023). Information on the [*Iris Project - Rationalisation, Integration and Summarisation: Application of Artificial Intelligence Techniques in the Supreme Court of Justice*](#). 29 September 2023.

- ✓ The **Platform RAL+** was launched in a pilot phase in May 2023, providing citizens and companies with online access to alternative dispute resolution mechanisms in addition to the existing possibilities of going directly to the Justice of Peace or sending by email. This platform intends to simplify and accelerate the resolution of family and labour disputes through mediation and low-value disputes via the Justice of Peace (Julgados de Paz), while equipping professionals with more efficient tools for managing cases. It allows citizens and their legal representatives to present any case through the platform, submit evidence and documents, receive notifications or requests or any other proceeding until the final decision.
- ✓ The **Platform for Electronic Legal Aid** was launched in February 2023 by the Institute for Social Security to help individuals make requests for legal aid through an online tool. This is another channel, in addition to the existing ones (desk offices and e-mail), which allows the submission of requests for legal aid through Social Security Direct (Segurança Social Direta), in each individual's reserved area of the Social Security website. It allows for the follow-up of requests and interaction with Social Security until the final decision is made.
- ✓ The **Dematerialisation of Communications** has been developed in two different projects: 1) between courts, Public Prosecution Service and National Road Safety Authority has been improved and enhanced to obtain information from the Driver's Individual Register; and 2) between courts and public schools, through the student management system (Escola 360). Interoperability is being developed with the aim of starting the electronic submission of police reports to courts to facilitate the digital transfer of case files from the law enforcement agencies (Public Security Police and National Republican Guard) to the judiciary authorities (full implementation planned for 2025).
- ✓ The new **Electronic System for the Allocation of Judicial Cases** started in May 2023, following a public discussion on the need to improve this process and new enacted legislation²⁶, also based on recommendations issued in the Rule of Law Reports referring to Portugal, published by the European Commission²⁷. This new electronic system introduced several changes²⁸, which were evaluated by the Centre for Social Studies upon request of the DGPJ²⁹, as it demanded the physical presence of several professionals to observe an electronic distribution based on an algorithm made by the IT staff of the Ministry of Justice.

²⁶ Portugal, Ministry of Justice (2023), [Portaria n.º 86/2023 que procede à alteração das regras relativas à distribuição, por meios eletrónicos, dos processos nos tribunais judiciais e nos tribunais administrativos e fiscais](#) (Ordinance no. 86/2023 amending the rules on the electronic allocation of cases in judicial courts and administrative and tax courts). 27 March 2023.

²⁷ European Commission (2024), [2024 Rule of Law Report: Country Chapter on the rule of law situation in Portugal](#). 24 July 2024.

²⁸ [Frequented Asked Questions](#) about the changes introduced with the new electronic system for allocation of judicial cases in courts.

²⁹ Casaleiro, P., Gomes, C., Cid Teles, M., Branco, P. (2024), A Distribuição Eletrónica de Processos nos Tribunais Portugueses: Avaliação das novas regras e procedimentos (The Electronic Allocation of Cases in Portuguese Courts: Evaluation of the new rules and procedures), Coimbra: OPJ/CES.

- ✓ The ***Practical Guide to Justice*** (GPJ) was launched in February 2023. This AI-based tool is designed to provide citizens quick access to various justice-related information and clarifications, increasing their fundamental right to access legal information and justice. Initially introduced with a focus on divorce and marriage, GPJ has since expanded to cover topics such as starting a company, online criminal records, and alternative dispute resolution mechanisms. The up-to-date version offers a mechanism for collecting feedback on responses, with the intention to reinforce human learning and control, allowing this tool to be continuously improved.
- ✓ A ***Platform for Nationality Applications*** was launched in February 2023, by the Institute for Registries and Notary, significantly streamlining the acquisition of Portuguese nationality by automating tasks through AI and interoperating with other entities. The platform allows real-time tracking of application progress, enhancing transparency and trust in the system. As of 1 December 2023, it became compulsory for lawyers and solicitors registered in Portuguese entities to submit nationality applications online on behalf of the requesting citizens.
- ✓ Two ***Software for Anonymisation of Judicial Decisions*** started to be developed in 2022 and 2023, with one pilot project initiated during 2024 at the South Central Administrative Court using AI. This pilot was planned to be extended to other courts during 2025, but the results were considered unsatisfactory. The second software (IRIS project), without AI, was also considered limited in the obtained results, but it's being used in specific cases in lower judicial courts. Currently, both high councils have created new working groups to develop new software using AI to anonymise judicial decisions and fulfil the commitment of making them publicly available.

This last example, regarding the development of software for automated anonymisation of judicial decisions, identified deficits of coordination and articulation among various stakeholders within the justice ecosystem, namely judicial governance bodies and the entities in the Ministry of Justice. As the representatives of the high councils and the IT technicians interviewed recognised, there is an evident duplication of efforts and costs to provide software for a similar purpose. Additionally, several websites are being used to make judicial decisions publicly available, besides the official www.dgsi.pt, while the new one is still not available (www.deciso.es.tribunais.org.pt) despite being scheduled for 2024.³⁰ No further information on these issues is available.

The development of digital tools to improve the functioning of the judicial system adopted a general approach, meaning that the solutions are not targeted to specific legal areas, such as criminal, administrative or civil matters. Instead, they are focused on the needs of the judicial professions, embracing a transversal strategy based on the

³⁰ Ministério da Justiça (2024), [*A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência*](#), Lisboa, Ministério da Justiça.

professional competencies and functions. Although several legal areas require specific features, the software solutions are built taking these necessities into consideration. Regarding the use of AI in the justice system, there is an overall acceptance of judges towards technological advances and new software, according to a recent survey on the use of technologies by these professionals.³¹ Yet, respondents were cautious about using AI to replace key judicial functions and competencies. The survey's conclusions align with some of the findings from the interviews conducted with judges during the fieldwork: although most of the interviewed judges are receptive to the digitalisation process, they also express concerns regarding the quality of IT equipment, support and training. As users of the chosen use cases, some of them also recognised potential infringements of their fundamental rights, including data protection and the right to privacy and family life.

The survey of judges on the use of the technologies mentioned above indicated that judicial training - its extent, quality, and time allocation - could be improved, beginning with initial training. Many judges felt there had been too many reforms in recent years, while simultaneously believing that more reforms are needed, ideally focused on practical work needs and with greater judicial professional autonomy.

The Supreme Court of Justice organised the Colloquium 'Courts and Artificial Intelligence: An Odyssey in the 21st Century', in May 2023, in response to the training needs outlined in the judicial training strategy for 2020-2024 and 2020-2027 by the European Commission and the European Judicial Training Network, which expressly states that judicial training must prepare legal professionals to take advantage of digitalisation and to use artificial intelligence.³² The significant concern over potential biases within AI algorithms, particularly in judicial contexts where algorithmic decisions could disproportionately affect vulnerable groups, was thoroughly discussed during the colloquium. The speakers suggested that measures to mitigate this risk include establishing diverse and multidisciplinary teams during the design and testing phases, with regular checks for fairness and bias. The use of international instruments, such as the European Ethical Charter on AI in judicial systems³³, provides a framework for mitigating risks associated with AI in high-stakes areas, including justice.

³¹ Casaleiro, P., Veiga, G., Dias, J. P., Branco, P. (2023), [*Judicial Perceptions and Use of Technology - Portuguese Survey Report*](#), Coimbra, CES/OPJ.

³² Supremo Tribunal de Justiça (2023), [*Colóquios do Supremo Tribunal de Justiça – Tribunais e Inteligência Artificial: Uma Odisseia No Século XXI*](#) (Colloquia of the Supreme Court of Justice - Courts and Artificial Intelligence: An Odyssey in the 21st Century). STJ.

³³ The High Council of the Judiciary adopted, in what concerns artificial intelligence in the judicial system, the [*European Ethical Charter on the use of artificial intelligence \(AI\) in judicial systems and their environment*](#), approved by European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe in 2018.

1.1.3. Coordination and assessment of the process of digitalisation of justice

The coordination of the digitalisation of justice has been primarily led by several key actors, each with distinct roles in implementing and monitoring reforms. The Ministry of Justice, through its institutions, is responsible for drafting the main policies and measures for the *Justiça +* programme funded by PRR. The primary responsibility for overseeing the implementation of the digitalisation initiatives falls to the DGPI, though the Supervision Management Office (SMO). SMO's main agenda includes monitoring the implementation of the PRR in the justice sector, including its platform and management tools, to ensure optimal coordination and efficient use of resources among all stakeholders³⁴.

Several other entities of the Ministry of Justice support the process of monitoring and coordination. The Institute for Financial Management and Equipment of Justice (IGFEJ - *Instituto de Gestão Financeira e Equipamentos da Justiça*), which focuses on implementing technological infrastructure and resource management, and the Directorate General for the Administration of Justice (DGAJ - *Direção Geral da Administração da Justiça*), which is responsible for executing and managing the administrative components of the justice system, are some examples. Additionally, these entities have to cooperate with various key stakeholders across the justice sector, including the High Councils, the PGR, the Directorate General for Reinsertion and Prison Services (DGRSP - *Direção Geral de Reinserção e Serviços Prisionais*), and the Criminal Police (PJ - *Polícia Judiciária*). Other entities also had an essential role in the implementation of specific measures, such as IRN, in all the measures related to the modernisation and digitalisation of registry procedures, or the National Institute of Legal Medicine and Forensic Sciences (INMLCF - *Instituto Nacional de Medicina Legal e Ciências Forenses*) for measures related to legal medicine and forensic science. Additionally, the Ministry of Justice has requested the support of experts, legal and judicial professionals or research centres, whenever necessary. This type of collaborative relationship among multiple stakeholders was also revealed in the fieldwork, where several interviewees highlighted the collaboration between experts and judicial professionals in developing some of the digital tools chosen as use cases. This collaboration is deemed very important to achieve better solutions aligned with the needs of the different professions and to benefit the whole functioning of the judicial system.

Regarding the *Justiça + Próxima* Action Plan, it did not provide a detailed methodology for assessing the success of its measures. However, it emphasised the need for ongoing evaluation through monthly progress reviews.³⁵ According to the DGPI, the Ministry of Justice developed a standardised framework for tracking the implementation of all

³⁴ Ministério da Justiça (2024), [*A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência*](#), Lisboa, Ministério da Justiça.

³⁵ Ministério da Justiça (2020), [*Justiça + próxima de si, + próxima de todos \(2020-2023\)*](#), Lisboa, Ministério da Justiça.

measures under the plan.³⁶ Each responsible entity or individual was required to submit monthly reports detailing the development and implementation progress, the achievement of key indicators and objectives, and the associated costs³⁷. The evaluation of other measures within the *Justiça + Próxima* Action Plan primarily focused on direct cost savings, particularly in operational expenses (e.g. postage costs) and human resources. These savings are typically estimated by extrapolating the cost reductions per task to full-time equivalents³⁸. Besides direct assessment of the success of the specific measures as outlined above, measure 18 of the *Justiça + Próxima* Action Plan (in its original phase) included a measure titled *Justiça 360*, which sought to evaluate the satisfaction both from an external perspective, i.e. from the point of view of the system's users and, from an internal perspective, from the point of view of the professionals in the services and bodies involved in the administration of justice. Satisfaction surveys were developed and systematically applied between 2017 and 2019, with the results made public to increase the transparency of the justice system³⁹.

Thus, the *Justiça + Próxima* Action Plan measures represent a collaborative and bottom-up endeavour, with contributions from those involved in the judicial system, such as practising judges and the High Councils⁴⁰. The consultation process involved a series of workshops in which participants were invited to propose initiatives, including their potential impact. The design of the plan also involved people and companies that use ICT platforms, allowing all interested parties to submit ideas aimed at improving the judicial system. This allowed governance and service delivery to be more collaborative, participatory and transparent⁴¹.

It should also be noted that the CSM has legal and financial autonomy⁴², which grants the necessary instruments to lead several projects related to digital instruments that aid the work of judges. An example of that is the Electronic Case Processing Support Group (GATEP – *Grupo de Apoio à Tramitação Eletrónica de Processos*), created in 2023 by this Council, for the definition, conception and management of applications that support the

³⁶ Portugal, [Despacho 6856/2016 que delega competências na Secretária de Estado da Justiça, incluindo de monitorização do programa Justiça + Próxima](#) (Dispatch 6856/2016 delegating powers to the Secretary of State for Justice, including monitoring the *Justiça + Próxima* programme), 24 May 2016.

³⁷ Direção Geral da Política de Justiça (DGPJ) (n.d.) [Transformação da Justiça em Portugal: Construir sucessos e desafios](#).

³⁸ Ibid.

³⁹ Pereira, S. (2020), [Programa “Justiça + Próxima” em Portugal: A Medida Justiça 360º - Avaliação da Satisfação e Lealdade do Cidadão](#), Lisboa, Instituto de Ciências Sociais e Políticas da Universidade de Lisboa.

⁴⁰ Direção Geral da Política de Justiça (DGPJ) (n.d.) [Transformação da Justiça em Portugal: Construir sucessos e desafios](#).

⁴¹ Ibid.

⁴² Portugal, [Lei 36/2007, que aprova o regime de organização e funcionamento do Conselho Superior da Magistratura](#) (Law 36/2007, approving the organisation and functioning of the High Council of the Judiciary), 14 August 2007.

judicial activity, mainly related to the work of judges⁴³. Later on, within GATEP, the Council created ALTEC, which is a unit for Logistical Support for High Complexity Processing (*Apoio Logístico à Tramitação de Elevada Complexidade*), aiming to provide assistance to judges who have ‘in their hands’ a highly complex case (whether due to the number of defendants, witnesses, complexity of the issues and/or volume of evidence to be assessed), in everything that does not involve any judicial act⁴⁴. The first direct involvement of ALTEC in the support provided to a significant and highly complex judicial case is now being tested in court, with the BES trial, related to the bankruptcy of one of the biggest banks in Portugal that occurred in 2014. This unit developed an Electronic Procedural Information Management System (SEGIP – *Sistema Electrónico de Gestão de Informação Processual*) that makes it possible to link each piece of evidence to a specific fact that either the Public Prosecution Service or the defence wants the court to prove, among other possibilities⁴⁵. This was the first time this digital tool has been tested.

The CSTAF, on the other hand, has only recently gained legal and financial autonomy⁴⁶. In this sense, this body has only now begun to develop its digital tools. An example is the recent creation of a working group with the mission of designing an information management system to more closely monitor the efficiency of the Administrative and Tax Courts and identify situations that require attention. This programme, to be built from scratch, will be the exclusive property of CSTAF, and is intended, from the outset, to take the bureaucratic burden off presiding judges in the periodic preparation of the reports to which they are obliged, as well as to provide direct support to the judicial inspectors, who will thus have direct access to the data and information that the CSTAF and its president prioritise⁴⁷.

None of the policies aimed at the digitalisation of the justice system explicitly makes reference to measures or safeguards ensuring that new technological applications respect fundamental rights. However, the Action Plan for Digital Transition⁴⁸ highlights the need to establish a regulatory framework that allows the data and technology economy to thrive while adhering to ethics, privacy and security principles. This plan does not fall strictly within the scope of justice digitalisation; rather, it addresses areas

⁴³ Conselho Superior da Magistratura (2023), Newsletter Nº 1 – [GATEP – Grupo de Apoio à Tramitação Electrónica de Processos](#) (Electronic Case Processing Support Group), 15 September 2023.

⁴⁴ Conselho Superior da Magistratura (2024), Newsletter Nº 4 – [GATEP – Grupo de Apoio à Tramitação Electrónica de Processos](#) (Electronic Case Processing Support Group), 30 January 2024.

⁴⁵ Público online (2024), [Provas do processo BES vão ser exibidas com um simples clique](#) (Evidence from the BES case will be displayed with a single click), 15 October 2024.

⁴⁶ Portugal, [Decreto-Lei 31/2023, que consagra a autonomia administrativa e financeira do Conselho Superior dos Tribunais Administrativos e Fiscais e define a organização dos seus serviços](#) (Decree-Law 31/2023, which enshrines the administrative and financial autonomy of the Superior Council of Administrative and Tax Courts and defines the organisation of its services), 5 May 2023.

⁴⁷ Conselho Superior dos Tribunais Administrativos e Fiscais (2025), [“Criação do grupo de trabalho “SIGTAF”](#)”, press release, 8 January 2025.

⁴⁸ Portugal Digital (2020), [Plano de Ação para a Transição Digital de Portugal](#), Portugal Digital.

beyond the justice sector. Nonetheless, the considerations it presents should also be applied to the field of justice digitalisation. The emphasis on privacy and security has led to a range of measures under the theme of 'Regulation, Privacy, Cybersecurity, and Cyberdefence.' These include monitoring the National Cyberspace Security Strategy (ENSC), implementing innovation risk management to address cybersecurity challenges, and enhancing the national Data Protection Officer (DPO) structure through training and organisational reforms to align with evolving legal frameworks for personal data protection. These measures aim to ensure that citizens' privacy concerns are addressed.⁴⁹

Finally, it should also be noted that, in its coordination role, SMO's oversight responsibilities encompass support throughout all phases of project implementation, including design, impact assessment and risk management. However, there is no available information on how impact assessments or risk management processes are measured, nor is there any indication that data is collected on practical obstacles or potential impacts on fundamental rights.

1.2. Planning for digitalisation of justice: stakeholder engagement/consultations and efforts to widen equal access to justice

Since 2016, several measures and reforms have been introduced to further digitalise the justice sector. Since then, several strategies and plans have been approved and implemented or are being implemented. According to the information provided by the Ministry of Justice, setting up the agenda and the definition of the measures implemented from 2015 to 2022 included the participation of the main actors and entities of the national justice system⁵⁰. Therefore, the multiple projects and measures have benefited from the articulation between the Ministry of Justice and several judicial entities, such as the two High Councils or the Public Prosecution Service. Nevertheless, no information was found regarding any consultation process developed by the Ministry of Justice, within the approval of the strategies and action plans related to the digitalisation of justice and its monitoring. Therefore, it is not possible to provide detailed information on any process of consultation that may have occurred, and the same applies to information on evaluation procedures on the level of execution of the action plans.

At the beginning of 2024, the Ministry of Justice published a report on the execution of the measures of digitalisation of justice in the previous two years, sustained by the funding of PRR. Even this report provides vague information on the level of execution and defines new deadlines to be accomplished without further details. This does not mean that there is no stakeholder engagement during planning and development activities. Results from the fieldwork show that within the development of specific tools/platforms, the entity tasked with developing a particular tool/platform would seek

⁴⁹ Portugal Digital (2020), [Plano de Ação para a Transição Digital de Portugal](#), Portugal Digital.

⁵⁰ Ministério da Justiça (2022), [Transformação Digital da Justiça 2015-2022](#), Lisboa, Ministério da Justiça.

stakeholders' opinions and suggestions to build a tool/platform that answers the needs for which it is being created. Nevertheless, the stakeholders involved tend to be legal professionals (judges, representatives from the High Councils or the Bar Association, etc.) and experts. The fieldwork revealed little involvement of civil society organisations, national human rights institutes or equality bodies, among others.

Still, regarding stakeholders' engagement, as mentioned above, several surveys have been applied to the justice sector in the last decades. Yet, these surveys were mainly focused on the perceptions of citizens towards the functioning of justice, the independence of justice, the performance of courts or the working conditions in courts, in general⁵¹. The evaluation of the digitalisation of justice or judicial reforms was not a topic of public surveys, as they were in the 2023 EU Justice Scoreboard,⁵² recently published by the European Commission, where Portugal is generally in the middle of the ranking in terms of implementation of digital tools. The Organisation for Economic Co-operation and Development (OECD) also released a report on the modernisation of justice in Portugal in 2024, which is a follow-up of the report published in 2020.⁵³ Based on the applied methodologies - which included meetings with experts, judicial professionals, policymakers and stakeholders, and a survey of 1,500 people conducted through computer-assisted telephone interviewing - the main findings highlighted a strong commitment to the digitalisation of justice. At the same time, several difficulties were identified.

The OECD identified in 2024 eight main challenges to overcome in Portugal, namely:

- the need for a strategic plan that reflects a people-centred approach in the mandates, design and delivery of justice policies and services, and to conduct regular evaluation procedures to realign the measures;
- the promotion of engagement and awareness of the population to use different dispute resolution mechanisms, some of them available online;
- the need for effective allocation of resources and implementation of justice policies within a long-term coordination among various governmental services;
- the improvement of equitable access to legal aid;
- the need to overcome the gaps in the skills of judicial professionals to meet the demands of the digitalisation of justice;
- the increase of organisational processes to support ongoing learning and skills development;

⁵¹ See these publications as examples: 1) Magalhães, P. & Garoupa, N. (2024), [O Estado da Nação 2024: Inquérito sobre a Justiça](#), Lisboa, IPPS-Iscte – Instituto para as Políticas Públicas Sociais. 2) Dias, J. P., Casaleiro, P., Gomes, C., Jesus, F., Maneca Lima, T., Queirós, A. F., Relvas, A. P., Sotero, L., Henriques, M., & Verzelloni, L. (2024). [Looking at the other side: working conditions in Portuguese courts](#). International Journal of Law in Context, 20(2), 246-266.

⁵² European Commission (2023), [The 2023 EU Justice Scoreboard](#), COM(2023) 309 final, 8 June 2023 (pp-43-53).

⁵³ OECD (2024), [Modernisation of the Justice Sector in Portugal](#), Paris, OECD Publishing. OECD (2020), [Justice Transformation in Portugal: Building on Successes and Challenges](#), Paris, OECD Publishing.

- the improvement in the procedures of data collection, management and integration, including users' satisfaction surveys, into the data justice framework;
- the establishment of strategic partnerships to leverage expertise, resources, and data to improve justice services.

The fieldwork for this research corroborates these challenges. Among them is the crucial need for careful resource allocation and effective long-term coordination among various governmental entities and judicial bodies.

In 2023, a survey applied to Portuguese judges on their perceptions of technology use, its impact on their work, and changes within the justice system⁵⁴, revealed that most judges frequently use various digital tools and software, regularly participate in videoconference proceedings, and have experience in online hearings and trials, understanding both the advantages and limitations of digital tools. However, judges expressed general dissatisfaction with the quality of IT equipment, support, and internet connectivity, particularly for remote work. They view technology as having significant potential to improve access to justice and the efficiency of judicial cases, noting that better technology use could enhance their work.

1.3. Design and development of digital tools and systems for use in the justice sector

Public-private sector collaboration has played a pivotal role in driving the digital transformation of the justice system, particularly in the design and development of digital tools, platforms and systems.

The GovTech Strategy exemplifies public-private sector collaboration in developing digital solutions for the justice system. This strategy introduced a series of innovation and digital transformation initiatives in partnership with universities, research centres, companies and start-ups to create solutions to modernise the justice sector. One of the most relevant projects developed within this strategy was a digital tool for the automated anonymisation of judicial decisions for Administrative and Tax Courts, but unfortunately, the end result was not considered satisfactory as it emerged from the fieldwork. Another activity of the GovTech Strategy was the Justice Challenges Initiative (*Desafios Justiça*). This initiative was launched to foster synergies and stimulate creativity in co-innovation processes between the public justice sector and the national, European, and international innovation ecosystems. The initiative served as a platform for experimenting with and testing new ideas. The *Justice Challenges* competition invited entrepreneurs, researchers, students, justice professionals and citizens to propose innovative technological solutions to address specific challenges identified by the justice services.

⁵⁴ Casaleiro, P., Veiga, G., Dias, J. P., Branco, P. (2023), [*Judicial Perceptions and Use of Technology - Portuguese Survey Report*](#), Coimbra, CES/OPJ.

A third example of the partnership between the public and private sectors is the Platform RAL+, coordinated by DGAJ and executed by a private company.⁵⁵

Specific digital tools have enhanced the engagement of groups that often face barriers to interacting with judicial systems, allowing them to access information online. One example is the Digital Justice Platform (*Plataforma Digital da Justiça*),⁵⁶ which consolidates content and services into a single, easily accessible online interface. This platform simplifies legal language, making information more accessible for people with cognitive or learning disabilities, and provides a centralised access point to justice-related information across various areas of the system. It significantly enhances access to justice for citizens in remote or rural areas who may not have physical proximity to justice services, such as courts or legal aid offices. The availability of online services and resources reduces the need for travel and allows individuals to engage with the judicial system from their own locations; an idea that is widely recognised by the majority of the interviewed professionals, whether legal or judicial professionals or IT staff. These professionals consider that these digital services are an added value to the existent mechanisms of physical access that must remain active and be complimentary.

Within this context of partnerships between governmental entities and the academic institutions or the private sector, the fieldwork also revealed that, when developing digital tools/platforms, the entities involved often sought to adapt them thinking of their final users, as it is the case of the Platform RAL+ or the software for anonymisation of judicial decisions.

One of the gaps identified in the design and development of digital tools is the lack of fundamental rights assessments, which led to some interviewees expressing possible risks of violating fundamental rights, with some legal and judicial professionals highlighting the right of private and family data as the one with the highest risk in digital tools such as the Platform for Electronic Legal Aid or the software for anonymisation of judicial decisions. Nonetheless, they also reinforced that some solutions have been implemented to mitigate those risks, or at least to restrict users' access according to their profile and role in the judicial cases.

Furthermore, within the process of digitalisation of justice, there are no references to measures or safeguards to ensure that new technological applications respect fundamental rights such as judicial independence, data protection, or cybersecurity. The strategies that serve as the basis for the process of digitalisation in the justice sector mainly mention the improvement of access to justice and a better quality of justice as ultimate goals.

⁵⁵ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

⁵⁶ Website da [Plataforma Digital da Justiça](#) (Digital Platform of Justice) that integrates several judicial services in a single interface.

1.4. Governance, transparency and oversight of digitalisation of justice

The assessment of the measures of the *Justiça + Próxima* programme was made by working groups established comprising the relevant organisations involved in each project, which functioned as coordinators of the respective measures. The implementation schedule was determined through a prioritisation process based on criteria such as the expected impact and the structural significance of each measure. This allowed for a logical sequencing of the implementation, particularly emphasising the necessary interconnections between specific measures.⁵⁷

Each coordinating organisation was tasked with designating a reporting manager for their respective measures, and a platform was developed to generate monthly reports on their implementation. Additionally, an internal dashboard was created for the Ministry's team and the participating organisations, providing continuous updates on the progress of the measures, including the identification of potential risks.

The implementation of key measures was also incorporated into the Evaluation and Accountability Frameworks (QUAR – *Quadros de Avaliação e Responsabilização*) and the Activity Plans of the respective organisations, to ensure early ownership of the projects by justice sector actors, fostering a movement for change driven not only by political directives from the Ministry, but also by the justice actors themselves. To promote accountability, the Ministry should publish open data and statistics related to the *Justiça + Próxima* programme. These datasets, which track the number of completed and ongoing measures and their current status, are available to all interested citizens⁵⁸. However, the available information is outdated, and no new information has been provided in recent years.

Despite the process in place to evaluate and assess the digital justice initiatives proposed in this Action Plan, there are no governance structures to guarantee accountability for amendments or reforms relating to the digitalisation of justice that may impact fundamental rights. The Minister of Justice, between 2015 and 2022, admitted that “there is still a long way to go and many questions to answer, such as guaranteeing the security of information and privacy, anticipating and preventing exclusion due to lack of digital skills or using artificial intelligence without losing sight of values and respect for fundamental rights”⁵⁹. The inexistence of assessments is in line with one of the conclusions from the fieldwork conducted, where according to the majority of the interviewees, especially working in relevant public or judicial entities, no prior or post assessments have been conducted regarding the functioning of the digital tools or the impact of digitalisation on fundamental rights. Furthermore, there are more general indirect mechanisms of oversight that could have an impact on fundamental rights and the digitalisation process of justice.

⁵⁷ Ministério da Justiça (2022), [Transformação Digital da Justiça 2015-2022](#), Lisboa, Ministério da Justiça.

⁵⁸ This information was provided through the [Digital Justice Platform](#).

⁵⁹ Ministério da Justiça (2022), [Transformação Digital da Justiça 2015-2022](#), Lisboa, Ministério da Justiça.

The National Commission for Data Protection (CNPd - *Comissão Nacional de Proteção de Dados*) has issued some opinions that tackle the implications on fundamental rights of certain digitalisation projects. For example, Opinion 31/2024⁶⁰ addresses a draft regulation that seeks to establish electronic communication protocols between judicial courts, administrative and tax courts, the Public Prosecution Service, and the INMLCF for transmitting examination and expert reports required in judicial cases.

The CNPD is consulted to review draft legislation focusing on data protection and privacy implications, particularly in handling sensitive health-related data. The body raised significant concerns regarding the treatment of this sensitive personal data, emphasising that it must comply with the fundamental right to the protection of personal data outlined in the EU Charter of Fundamental Rights and the General Data Protection Regulation. This includes adhering to principles such as data minimisation, purpose limitation, and ensuring data accuracy and secure storage, all essential for upholding individuals' privacy and data protection rights.

The CNPD further noted that handling this data without clear provisions for legal traceability of those participating in electronic communications (such as court clerks or INMLCF technicians), particularly through their identification, could compromise their duty of confidentiality and infringe on the privacy rights of those whose data is being processed. The Commission also highlighted that the draft does not establish specific technical or functional specifications for system interoperability, and the section on 'Security measures' lacks concrete details on the necessary technical and operational measures to ensure data confidentiality. To meet legal requirements and ensure compliance with data protection standards, the CNPD recommended revising the draft to include a data protection impact assessment, detailed security protocols, identification requirements for personnel, and specific technical and functional standards for interoperability in data exchanges. The CNPD stressed that these measures are essential for protecting individuals' fundamental rights to privacy and data security, particularly within judicial contexts involving sensitive health information.⁶¹

⁶⁰ National Commission for Data Protection (2024), [Parecer/2024/31 sobre o projeto de portaria que regulamenta as comunicações eletrônicas realizadas entre os tribunais judiciais, os tribunais administrativos e fiscais, o Ministério Público e o Instituto de Medicina Legal e Ciências Forenses no âmbito dos exames e perícias requisitados aos serviços deste último em processos jurisdicionais](#) (Opinion/2024/31 on the draft ordinance regulating electronic communications between judicial courts, administrative and tax courts, the Prosecutors General Office and the Institute of Legal Medicine and Forensic Sciences in the context of examinations and expertise requested from the latter's services in legal proceedings), 28 August 2024.

⁶¹ Other Opinions, made by National Commission for Data Protection dealt with issues such as the Opinion 42/2024, on the draft regulation of the implementation of electronic service of documents on natural and legal persons in legal proceedings, the Opinion 10/2024, on the draft ordinance regulating electronic communications between judicial courts, administrative and tax courts, public prosecution and commercial and land registry services or the Opinion 8/2024, on the proposal for the regulation on the operation of the Domestic Violence Database. All the opinions issued can be seen at the [CNPd's website](#).

1.5. Implementation: Training, provision of information and support in improving digital skills and digital access

To enhance practitioners' digital skills and capacities in the justice system, a series of targeted initiatives have been introduced, primarily under the Capacity Building for Innovation (*Capacitar para Inovar*) programme, as part of the Ministry of Justice's broader digital transformation agenda, GovTech. One of the key measures was the creation of the LAB Justiça programme, an advanced training initiative aimed at equipping leaders and project managers within justice-related organisations with strategic management skills, digital transformation expertise, and leadership competencies. Launched by IGFEJ in partnership with two universities, this programme was focused on fostering resilience, adaptability, and innovation among justice professionals. Between October 2022 and April 2023, it provided training to 100 leaders and project managers from 18 justice bodies, underscoring its focus on leadership and managerial roles.⁶²

Following this programme, as part of the 2nd edition of the *LAB Justiça* agenda, a more specialised training initiative called DEEP DIVE was launched in February 2024. This advanced programme builds on the initial *LAB Justiça* curriculum, offering tailored, immersive sessions of up to 60 hours, adapted to the professional profiles of the participants. Its purpose was to deepen their understanding of specific topics related to digital transformation and leadership in the justice sector. Additionally, from October 2023 onwards, a cycle of 16 innovation workshops has been held at the *Hub Justiça*, focusing on organisational and technological innovation, project management, and digital communication.⁶³

The Ministry of Justice has also prioritised the active involvement of legal practitioners in the planning and execution of digital transformation efforts. For instance, the Justice Innovation and Technology Forum (*Fórum de Inovação e Tecnologia da Justiça*), launched in May 2022, aims to convene representatives from the technological departments of various judicial bodies on a monthly basis. This forum was set up to facilitate the alignment of strategies, the exchange of best practices, and the coordinated execution of digital projects.⁶⁴ The latest meeting took place in October 2024, with the presence of the representatives of Ministry of Justice, judicial bodies and Criminal Police, to discuss the new challenges of the digitalisation of justice highlighting the need to ensure future sustainability of the digital solutions and to increase the sharing practices among all the actors and professionals in the justice system.⁶⁵

⁶² Government (2023), [Primeiros 100 dirigentes e gestores de projeto concluem formação do LAB Justiça](#) (First 100 project leaders and managers complete LAB Justice training course), 19 April 2023.

⁶³ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

⁶⁴ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

⁶⁵ For more information, see the website of the IFGFEJ with specific information on [this event](#).

Two additional initiatives targeting specific groups within the justice sector have been developed over the last few years. The *Somos Registo* programme, launched in October 2023 by the IRN, promotes internal cohesion and improved service delivery. Through seven nationwide sessions, this initiative involved IRN personnel in decision-making processes and sharing knowledge and best practices related to ongoing digital innovations. The BUPi Involves (*BUPi Envolve*) initiative was targeted at municipal technical staff and personnel of IRN, tax authorities, and Directorate General for Territory, providing them with essential training and capacity-building related to the One Stop Building Shop platform (BUPi - *Balcão Único do Prédio*). This initiative supported the sharing of experiences, addressing of queries, and dissemination of updates of the platform.⁶⁶

The survey, which applied to judges regarding the use of the aforementioned technologies, indicated that judicial training - its extent, quality, and time allocation - could be improved, particularly in the initial training phase.⁶⁷ Many judges felt that there had been too many reforms in recent years, although they believe that more reforms are needed, ideally focused on practical work needs and with greater judicial professional autonomy. The fieldwork also showed that legal practitioners were actively involved in implementing certain digital initiatives. For instance, in the case of *Magistratus*, the new integrated court information system for judges, the rollout process relied on designated 'training judges' to provide instruction to their peers, ensuring that all judges were adequately trained in the use of the new system⁶⁸. The same was done during the implementation of Platform RAL+.

Some of the aforementioned initiatives were held periodically, representing a commitment to continuous professional development. These initiatives included workshops, forums, and tailored training sessions designed to ensure sustained support and adaptation to the evolving digital landscape. The majority of the activities took place until the end of 2024. After this date, no relevant information publicly available can confirm its continuity.

One significant initiative to foster access to judicial information is the already mentioned GPJ. This digital tool uses AI to deliver accurate and real-time information on various justice topics in Portuguese and English. The GPJ is designed to offer explanations in simple, conversational language, thus making legal information more accessible to non-specialists. By 2026, it is expected to cover the entirety of justice services⁶⁹. To assist

⁶⁶ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

⁶⁷ Casaleiro, P., Veiga, G., Dias, J. P., Branco, P. (2023), [Judicial Perceptions and Use of Technology - Portuguese Survey Report](#), Coimbra, CES/OPJ.

⁶⁸ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

⁶⁹ Ministério da Justiça (2024), [A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência](#), Lisboa, Ministério da Justiça.

users with digital tools, the DGAJ has also produced a guide explaining how to access Webex⁷⁰, the platform used for remote hearings in Portuguese courts. This guide is intended to help individuals unfamiliar with videoconferencing technology navigate the system effectively.

The justice portal, justica.gov.pt, has been serving, until recently and as explained above, as a central hub for information about the justice system, but also for information on how to use digital tools for solving several problems, such as: the online submission of requests to have Portuguese citizenship, the online service to renew the citizen's card or to obtain the citizen card of a new-born, the online request to alternative dispute resolution's mechanisms, or the online procedure to renew the residence permit, among others. This website also publishes updates on ongoing initiatives, recruitment opportunities, workshops, and developments related to the digitalisation of justice. The content on this website is written in simple, everyday language to ensure accessibility for individuals from diverse backgrounds. However, the site's accessibility features, such as screen reader compatibility and alternative formats for users with disabilities, still require improvement.

⁷⁰ Direção Geral da Administração da Justiça (n.d.), [Guia Rápido - Acesso Webex](#), Lisboa, DGAJ.

2. Fundamental rights implications of the digitalisation of justice

2.1. Overview of use cases

The digitalisation of justice can refer to a wide diversity of tools and software, in different phases and areas of justice for multiple purposes. For this research, the selection of the five use cases is as follows:

- 1 - *Platform for Electronic Legal Aid*: an online tool, inside the Portal of Social Security, where individuals can request legal aid for their judicial cases, whether to support only court fees or also to pay the lawyer;
- 2 - *Software for automated anonymisation of judicial decisions*: a software to anonymise judicial decisions to be publicly available on the official websites;
- 3 - *Videoconference in Courts*: a tool to support the judicial proceedings and judgements of people involved in judicial cases in a different court where the case is being investigated or judged;
- 4 - *Magistratus*: a case management software exclusive for use by judges in their judicial acts and proceedings;
- 5 - *Platform RAL+*: a platform for alternative dispute resolution, serving as a case management platform for the Justice of the Peace and other alternative dispute resolution mechanisms; it is used by judges, court clerks, and individuals or their legal representatives to present complaints, initiate procedures, and track their cases.

The selection of these five use cases for fieldwork was based on four main criteria. The first criterion covered the different dimensions of justice by including use cases that span several areas of the justice system's intervention, such as access to justice, ADR, case management or instrumental justice. The second criterion considered the different stages of development of the digital tools, spanning a range of more than 20 years, from the initial phase to the pilot phase. The third criterion was based on different forms of development of the digital solutions, considering diverse partnerships (public-public or public-private) or made with internal IT resources, including academia or private companies. Finally, the fourth criterion included digital tools targeted to different users, such as judges, court staff, individuals, justice professionals (judges of peace and court staff) or other mixed users' tools (individuals and lawyers or all potential users).

The selection of professionals to interview was meant to display the diversity of dimensions involved, in accordance with the applicability of the digital tools and the user's experiences. Therefore, the defined 25 interviews had the following distribution: seven judges; six lawyers or legal professionals (including a senior administrative officer of the Bar Association); five IT technicians (including with coordination responsibilities); three judges of peace; two court clerks; and one prosecutor. Several of the professionals interviewed contributed with their judicial expertise to the technical development of

the digital tools. The five technicians interviewed included administrative staff of the Institute for Social Security and of DGAJ, besides IT professionals involved in the development of specific digital tools.

Table 1: Use cases and fundamental rights impacted (positively or negatively)

Fundamental rights impacted?	Use Cases				
	1 - Platform for Electronic Legal Aid	2 - Automated anonymisation of court decisions	3 - Videoconference in Courts	4 - Magistratus	5 - Platform RAL+ for Alternative Dispute Resolution
Article 47 - Right to an effective remedy and to a fair trial					
Positive impact/potential benefits	- It reduces bureaucracy, distance and time by providing an online tool to request legal aid - online requests for legal aid reduce the time it takes for Social Security to issue a decision to approve/deny legal aid.	- It supports the learning and interpretation of the judges to issue future judicial decisions - it supports potential litigants in the decision to go to court (or not), based on the knowledge of previous judicial decisions.	- Its use facilitates the participation of witnesses, contributing to a better judicial decision - It benefits from the possibility of all witnesses testifying, regardless of distance, health problems, income, etc.	- its use only facilitates the judge's procedural management of the case. Therefore, it can contribute to issuing a better judicial decision if the work flows with higher quality.	- It enhances the mechanisms to initiate a case in the Justice of Peace - it facilitates remote participation - it facilitates the work of the Judge of Peace - complaints, defendants and legal representatives can follow digitally any phase, including appealing from the decisions.
Adverse impact/potential risks	- Reduced digital skills, due to low education, age, among other, can limit the capacity to request legal aid - requests are made in the individual portal of Social Security - filling out the form demands legal knowledge - support of legal professionals to request legal aid provides access to personal data.	Not applicable, as it is public only after judicial cases have ended.	- There is the risk of equipment malfunction that may lead to disruptions in hearing and judgements, including delays and difficulty in analysing the testimony of witnesses.	Not applicable, as it is only a case management software for judges.	- Some technical limitations may reduce the capacity of parties to present documents or arguments that can be added by other previous mechanisms (paper or email) - reduced digital skills can limit the use of the platform.
The right to an effective remedy and to a fair trial was mentioned...	Frequently	Sometimes	Sometimes	Rarely	Frequently
Article 48 - Presumption of innocence and right of defence					
Positive impact/potential benefits	- Software to facilitate the request for legal aid by defendants, in case of financial deprivation, supporting the realisation of their rights.	- The access to prior judicial decisions is essential to define defendants' strategy, i.e., defence of their rights.	- It promotes the remote participation of witnesses, supporting defendants' rights.	Not applicable, as it is only a case management software for judges.	- It supports the case management flow for defendants, contributing to their rights and allowing them to follow all the phases and procedures.

Adverse impact/potential risks	- Risk of not meeting the incoming criteria to have the right to legal aid and, even so, not be able to go to court, have a legal representative, or pay court fees, limiting defendants' rights.	Not applicable, as it is software used after the final judicial decision.	- When videoconference is not working, it may limit the rights of defendants in the participation of witnesses to support their position.	Not applicable, as it is only a case management software for judges.	Not applicable, as it is a software for case management flow, accessible to defendants.
The right to Presumption of innocence and right of defence was mentioned	Frequently	Rarely	Sometimes	Rarely	Sometimes
Article 21 - Non-discrimination					
Positive impact/potential benefits	- It avoids discrimination as it supports the realisation of justice, according to defined criteria, to have access to justice, through legal aid - it reduces discrimination based on income, by providing legal aid.	Not applicable, as making anonymised judicial decisions publicly available is after the judicial case is closed	- It promotes participation in hearings or judgements for people with low income or/and living distant from the court (saving time and money) - it can be requested by legal representatives and individuals.	Not applicable, as it is a case management software for judges	- It promotes an additional easier channel to go for ADR mechanism, without any discrimination, saving time and reducing distance - it enables legal representatives to participate and support individuals
Adverse impact/potential risks	- People with low digital skills, mainly with low income and education or elderly, have limited digital skills and legal knowledge to fill the form - It requires legal expertise to fill out the form, providing access to personal data.	Not applicable, as making anonymised judicial decisions publicly available is after the judicial case is closed.	- Poor quality of equipment can interfere with the hearing of witnesses - Video can hinder a participation with less quality, without proper sound and vision of body language of witnesses.	Not applicable, as it is a case management software for judges.	- People with low digital skills, mainly those with low income and education or those who are elderly, have limited digital skills and legal knowledge to follow the contents/case in the online platform.
The right to Non-discrimination was mentioned...	Sometimes	Rarely	Rarely	Rarely	Sometimes
Article 7 - Respect for private and family life					
Positive impact/potential benefits	- Individuals can request legal aid without releasing their personal data besides what is already in the platform - Until the final decision, information is only treated digitally by Social Security technicians, following professional secrecy.	- The anonymisation of personal data in judicial decisions aims to guarantee the rights of personal life - this digital process enhances the right to privacy, as the judicial decision is public and can be consulted at courts.	- It is similar to being present physically in court because everybody can see the videoconference in the court, as the judgment is public by law (with exceptions).	- It keeps all the data and documents traceable through this digital platform, thus limiting the possibility of releasing information under judicial secrecy, including personal data.	- It promotes the digital management of all personal data, making it easier to trace in case of misuse.

Adverse impact/potential risks	- Providing lawyers or any other person with access to the individual portal of Social Security to support the elaboration of the request for legal aid gives them access to the personal data of the individuals.	- If the anonymisation of judicial decisions is not well done, especially with indirect information, it can lead to the identification of the involved individuals.	- Testifying through videoconference is similar to doing it in court, with no additional risks, as judgments are public by law.	Not applicable, as it is a case management software for judges, bound to professional and judicial secrecy.	- All the personal data in the platform is strictly necessary to support the case, with the access limited to the parties involved, according to each one's profiles.
The right to Respect for private and family life was mentioned	Frequently	Frequently	Sometimes	Rarely	Sometimes
Article 8 - Protection of personal data					
Positive impact/potential benefits	- Individuals can request legal aid without releasing their personal data besides what is already in the platform - Until the final decision, information is only treated digitally by Social Security technicians, who are bound by professional secrecy.	- The anonymisation of personal data in judicial decisions aims to guarantee the rights of private data - this enhances the right to privacy because the judicial decision is public and can be consulted at courts.	- The use of videoconference is similar to being present physically in court, as the judgment is public by law (with exceptions).	- All data and documents are traceable through this digital platform, limiting the possibility of releasing information under judicial secrecy, including personal data.	- It promotes the digital management of all personal data, making it easier to trace in case of misuse.
Adverse impact/potential risks	- Providing access to the individual portal of Social Security to lawyers or other professionals, to support the filling of the form to request legal aid, gives them access to personal data of the individuals.	- If the anonymisation of judicial decisions is not well done, especially with indirect information, it can lead to the identification of the involved individuals.	- Testifying through videoconference is similar to doing it in court, with no additional risks, as judgments are public by law.	- Not applicable, as it is a case management software for judges, bound by professional and judicial secrecy.	- All the personal data in the platform is strictly necessary to support the case, with the access limited to the parties involved, according to each one's profiles.
The right to Protection of personal data was mentioned	Frequently	Frequently	Sometimes	Rarely	Frequently

2.2. Use cases in detail

2.2.1. Platform for Electronic Legal Aid

The Portuguese Institute for Social Security is the designated entity to evaluate and decide over the requests to provide legal aid to individuals or non-profit associations that do not have the financial capacity to bear the costs associated with taking legal action and/or hiring a lawyer. Considering income, assets and permanent household expenses, a person can be assessed as objectively unable to afford the costs of legal

proceedings and be entitled to support in the context of the right to legal aid.⁷¹ Legal aid can be applied in all legal areas and cases such as dismissal, divorce by mutual consent, eviction or any crime, whether as complainant/victim or accused/defendant, in courts or any alternative dispute resolution mechanism (justice of peace, mediation or conciliation).^{72/73}

The Platform for Electronic Legal Aid, launched in February 2023, is part of a broader government initiative named “Simplex” that aimed at the simplification, modernisation and innovation of the public administration, enshrining ‘digital as a rule of action’ to improve the quality of public services. It is also part of a “modernisation of the judicial core information systems” initiative carried out by the Institute for Financial and Equipment Management of Justice (IGFEJ - *Instituto de Gestão Financeira e Equipamentos da Justiça*), with funding from the programmes Portugal2020 and PRR.^{74/75}

The Platform was developed by the IT services of the Institute for Social Security, without private companies involved, coordinated by its Legal Affairs and Litigation Office, in articulation with IGFEJ and the Bar Association. Additional contacts were also made with the Directorate General for the Administration of Justice (DGAJ - *Direção Geral da Administração da Justiça*) and the Directorate General for Justice Policy (DGPJ - *Direção Geral da Política de Justiça*). The aim was to create a genuine partnership between the justice sector and social security, involving legal experts from the Institute for Social Security, specialists/technicians from the entities mentioned above, and programmers and analysts from the IT services of the Institute for Social Security.

The platform is used nationwide and can be accessed anywhere with a digital connection. Until 2022, requests for legal aid by individuals who could not afford the costs of judicial or extrajudicial proceedings could be made in person at any office of the Institute for Social Security, by post or by e-mail. The exception goes to non-nationals without Social Security ID, who have to make the request through other channels. With

⁷¹ Portugal, [Lei n.º 34/2004 que aprova o regime de acesso ao direito e aos tribunais](#) (Law 34/2004 approving the system of access to law and courts), de 29 July 2004.

⁷² The explanations on legal aid, the criteria to request, the documents that must be included, what kind of support is provided or in what cases can be used, can be seen in the specific [website of Social Security](#).

⁷³ The legal aid can be made through: 1) Legal consultation with a lawyer to discuss a specific case in which your interests or rights are involved, as well as providing clarification and advice, including without going to court; and 2) Legal aid in the following forms: exemption of court fees and other costs of the legal or judicial proceedings; appointment and payment of compensation for a lawyer; payment of compensation for a defence lawyer; and assignment of a law enforcement agent. (See the [website of Social Security](#) dedicated to legal aid)

⁷⁴ Portugal, Government (2023), [Governo lança Apoio Judiciário Eletrónico](#) (Government launches Electronic Legal Aid), 28 February 2023.

⁷⁵ The projects developed by IGFEJ include the digital transformation of the information systems in different areas, such as Magistratus (Judges) and MP-Codex (Public Prosecution Service), court fees and legal aid or dematerialisation of communications with external agents ([REF. Projeto 47.6 – IGFEJ](#)).

the introduction of this Platform, individuals can also submit a request for legal aid online, via Social Security Direct (Segurança Social Direta), through their individual's reserved area on the Social Security website.⁷⁶ According to the Justice Digital Transformation report, approximately 30,000 applications for legal aid were submitted online between March and December 2023.⁷⁷

This new channel is intended to complement the existing ones, and no replacement is planned that would diminish the variety of possibilities available to individuals seeking legal aid, according to an interview with technicians from the Institute for Social Security. As referred by the same technicians, the tool was also implemented in a way that ensures interconnection and interoperability mechanisms between the Institute for Social Security, the courts and the Bar Association, allowing the communication of the respective status of the requests to the information systems that support the processing of cases in courts.

The Platform allows individuals to access a wide range of information as they complete the application for judicial protection (legal aid), where they can also view the status of their request. Internally, in the services of Social Security, since all applications are dematerialised, the system provides technicians access to a range of information that enables a quick evaluation and, in turn, a rapid decision regarding requests for legal aid. The entire process is developed digitally, including the notification of individuals about the decision. Claims can also be submitted through the platform, along with any additional information or documentation that Social Security may require to make a comprehensive assessment of the financial conditions of the individuals. Applications for legal aid submitted on paper are dematerialised and registered on the platform so that the request can be processed and analysed. Individuals who choose the non-digital channels are then informed by letter of the outcome of their application.

We'll keep all the channels [for requests of legal aid]. Of course, the one that will always be faster to have a decision will be via the platform, because being dematerialised and automated, several steps are bypassed as the individual fills the request. (Technical Expert)⁷⁸

During the process of screening, there is an internal interoperability mechanism, based on data exchange protocols, with other public entities, such as the Tax and Customs Authority (*Autoridade Tributária e Financeira*) or the Institute for Registries and Notaries

⁷⁶ Portugal, [Despacho N.º 2725/2022](#), que visa a desmaterialização do requerimento de pedido de apoio judiciário para pessoas singulares (Ordinance No. 2725/2022, which aims to dematerialise the requests of legal aid for individuals), 3 March 2022.

⁷⁷ Ministério da Justiça (2024), [Justice Digital Transformation: Two years of the Recovery and Resilience Plan Report](#).

⁷⁸ Vamos mantendo todos. Claro que aquele que será sempre mais rápido a ter uma decisão será via plataforma, porque sendo desmaterializado e automatizado, há uma série de passos que são consumidos à medida que o próprio requerente vai preenchendo o seu formulário. (Technical Expert).

(*Instituto de Registos e Notariado*), which allows Social Security to get the necessary complementary information. After the request is approved, in the form of payment of compensation for the public defender (lawyer), according to the values and acts inscribed in the existing regulation,^{79/80} the platform automatically selects one of the lawyers included in a list previously drawn up by the Bar Association. The appointment is then communicated to the court and the individual.

The five interviews that were made included different professionals (three lawyers, two professionals from Social Security and one legal professional of a victim support association), with a wide variety of competencies and roles, in the several phases of the conception and use of the platform, namely persons working in the Institute for Social Security, in an association that promotes the rights of women and children victims of violence, and in a regional Bar Association, as well as experienced lawyers working as designated lawyers by the Social Security within the legal aid system. They all have a legal background, although performing different roles.

Impact on justice professionals' work

The approval of legal aid to individuals is made by the Institute for Social Security, that informs the Bar Association and provides the individuals with a document to be delivered in court, to support the judicial case (to be initiated or already in course), indicating in which modality the legal aid was approved: to pay court fees or/and a legal professional (lawyer). Upon sustained request of the individuals, it is possible to change the designated lawyer based on arguments such as the distance from the place where the individuals live or the previous professional relationship with a lawyer already familiar with the case. According to the interview with technical experts, the platform does not use AI, and requests for legal aid are evaluated and decided by technicians of this institute.

Additionally, the online form opens up new possibilities for enhancing the decision-making process and facilitates the analysis and control of information. The Institute for Social Security has immediate access to the applicant's income and assets, which can improve the assessment of financial insufficiency and make the procedure faster, standardised and more transparent.

The interviews with three legal experts revealed the existence of lawyers and legal professionals working in civil society organisations that support individuals in filling out the forms to request legal aid. In the case of legal professionals in civil society organisations, support is provided to people with a lack of legal knowledge, low education or victims without the psychological capacity to make it by themselves.

⁷⁹ Portugal, [Portaria n.º 10/2008, regulamenta a lei do acesso ao direito](#), aprovada pela Lei n.º 34/2004 - Capítulo IV (Ordinance no. 10/2008, regulates the Law of Access to Justice, approved by Law no. 34/2004 - Chapter IV), 3 January 2008.

⁸⁰ Portugal, [Portaria n.º 26/2025/1, que estabelece a atualização da tabela de honorários de advogados](#) (Ordinance no. 26/2025/1, updating the table of lawyers' fees), 3 February 2025.

Support is provided to fill out the paper form, the available electronic form to be signed and sent by e-mail or handed in person, or, with access to the individual portal of Social Security, to fill out the form at the Platform for Electronic Legal Aid. This last case demands that individuals open the portal with their access codes and allow the professional to fill it out or give instructions to the individuals on how to fill it out (both cases were reported).

Three interviewees highlighted that lawyers or legal professionals often support individuals in their applications for legal aid, by helping them to fill in paper forms (to be delivered directly to the Social Security service) or helping them to apply online via the Platform itself. This last type of support demands that citizens make available their private access codes to the professionals, so they can fill in the online form or, at least, sitting next to each other to fill it out. One interviewee admitted to having recorded several individuals' access codes after requesting legal aid on their behalf on the platform, allowing the professional to access the portal of Social Security of the citizen at any time, where sensitive private data and family and professional information is available.

The need to request legal aid on behalf of individuals is much based on the general opinion of the interviewees that the form, whether in paper or digital form, is not easily understood and filled in by individuals, as in most cases there is a combination of reduced competencies in legal knowledge, basic bureaucratic understanding and/or limited digital skills.

The victims are not aware of an online platform at all, and very few technicians are also mindful of the existence of such a platform. (...) And a lot of work continues to be done on the basis, in fact, of applications for legal aid on paper, which are taken online from the website. These requirements are also difficult to fill out for anyone who is a layperson in law. (Lawyer)⁸¹

Consequently, a combination of factors contributes to the need for support from legal professionals to fill the request for legal aid. Finally, the lack of general knowledge about the existence of this tool also contributes to its low usage by individuals.

Training and support to use tool, as well as plans to monitor, improve or update the tool

According to one interview, the Institute for Social Security provided its professionals with nationwide training on using the platform conducted by its Legal Affairs and

⁸¹ As vítimas não têm conhecimento, de todo, de uma plataforma 'online', e muito poucos técnicos têm, também, conhecimento da existência desta plataforma. Isto é algo muito pouco divulgado aos cidadãos, que têm pouco conhecimento disto. E continua-se a trabalhar muito na base, efetivamente, dos requerimentos de proteção jurídica em papel, que são retirados 'online' do 'site'. Esses requerimentos também são de difícil preenchimento para qualquer pessoa que seja leiga em Direito. (Lawyer).

Litigation Office. The platform was built to be intuitive and user-friendly for technicians who are competent in evaluating requests.

None of the other interviewees were aware of any campaign to disseminate this platform or any training provided to individuals, professionals, civil society organisations or lawyers. Several had mentioned that most individuals are unaware of how legal aid works, and even fewer are aware of the existence of this digital tool within their reserved area on the Social Security portal. The interview with the technicians from the Institute for Social Security revealed that, besides the training already provided to them, there is no other training in course or planned for the future.

The monitoring of the platform is based on the reported problems, failures, or limitations received through the helpdesk or communicated by the Bar Association, among other partners, to the Institute for Social Security. Some enhancements have already been made, such as improving the language used and resolving other minor technical issues. No monitoring plan or assessment was mentioned during the interview with the technical experts. The remaining interviewees were unaware of any assessment or evaluation of the platform made by Social Security or by any other entity related to its technical functioning or to its potential impact on fundamental rights.

Fundamental rights risks related to use of the tool/system

Potential risks or negative impacts for fundamental rights are reduced due to the continuation of other channels to request legal aid, directly at the services of Social Security or by e-mail, as this tool was made to complement them.

The interviews with lawyers and legal professionals identified the main limitations of this platform as being the lack of digital skills, particularly serious for elderly people; the low level of education; the absence or reduced legal knowledge; and the language used in the form. The fact that the form is only in Portuguese was also mentioned by the legal professional working in a civil society organisation, as making it more difficult to request legal aid for non-nationals who cannot speak or read Portuguese. The described difficulties also arise when filling out the paper form (or the digital version to be sent by e-mail), as from the experience of interviewed legal professionals, the type of required information is the same. This often leads to mistakes when individuals fill in the form without the support of a legal professional, delaying the process of evaluating the request. The interviews to lawyers and legal professional referred to a particular part of the form as being difficult for lay persons to complete without legal knowledge, i.e. the part asking about the legal information of the case, the type of proceeding or the procedural phase in which the case is in court, or even in which court (or specialised jurisdiction) the case is running. There are also more general problems related to the form not being user-friendly, as one lawyer indicates.

The form is similar [in paper or digital form], what is not similar is the way of filling it, as I said, [the digital form] is more rigid. It's not intuitive. It often blocks, and people can't get to the end for submission. You give up in the middle, and people choose to fill in

[paper]... it is also possible to fill in online and then print. On the other hand, this way of filling in the platform and follow-up is good on the one hand, but on the other it is very impersonal. And we've lost track of these kinds of requests. Which means that for us, with all the experience we have with victims of domestic violence and the speed that is required in obtaining a useful answer, it is much more useful for us to send it by email to the technician that decides on these processes, which promptly gives us an answer. (Lawyer)⁸²

One interviewee, who works in a civil society organisation, believes that the digital tool was introduced to simplify and streamline the process of requesting legal aid. However, in practice, it has had a negative impact on their work, as the disadvantages heavily outweigh any perceived advantages, especially for victims of domestic violence, who often lack the necessary knowledge or resources. In cases of violence against women or children, according to the Statute of the Victim,⁸³ there is the legal presumption of financial insufficiency, providing automatic legal aid for the victims, with the process being considered as urgent. However, the victims, even when the public prosecution is already investigating the case, still have to make the request for legal aid, providing information that should be confidential. This interviewee adds that, in several cases, the notification of the decision of legal aid goes to the official address of the victim, while the victim is in a safe house and has inserted the new address in the application form. Therefore, in these cases, the aggressor, if still living at the victim's official address, receives the notification of legal aid and is made aware of the legal steps of the victim. This means that the internal procedures of Social Security, according to this interviewee, are not working correctly in these sensitive cases.

A victim of domestic violence, sexual abuse or femicide who needs legal aid should only have to put a tick in an online box. For me, that would suffice, in which she put her name, social security and tax numbers, and added the statute of victim. That would be enough. The rest of the individuals, because there is no presumption of financial insufficiency, would have to fill in their data, but that means saying whether or not they are working, how much they earn and what kind of support they need. There can be no such formal

⁸² O formulário é similar, o que não é similar é a forma de preenchimento que, como disse, é mais rígida. Não é algo intuitivo. Muitas vezes, bloqueia, e as pessoas não conseguem chegar ao fim da concretização do pedido. Desiste-se a meio e as pessoas optam por preencher [em papel]... também é possível, preencher 'online' e depois imprimir. Por outro lado, esta via de preenchimento na plataforma e seguimento é bom por um lado, mas por outro é muito impessoal. E perdemos o rasto a este tipo de pedidos. O que significa que, para nós, com toda a experiência que temos com vítimas de violência doméstica e celeridade que se exige na obtenção de uma resposta útil, para nós é muito mais útil enviarmos e-mail à técnica que decide sobre estes processos e que prontamente nos dá uma resposta. (Lawyer)

⁸³ Portugal, [Lei n.º 130/2015, que aprova o Estatuto da Vítima, estabelecendo as normas relativas aos direitos, ao apoio e à proteção das vítimas da criminalidade](#) (Law no. 130/2015, which approves the Statute of the Victim, establishing rules on the rights, support and protection of victims of crime), 4 September 2015.

scrutiny of individuals. Why asking for information when the services already have all the information? (Lawyer)⁸⁴

The support of a legal professional is deemed very important in raising awareness of the right to legal aid and, secondly, correctly guiding individuals in all the necessary procedures to obtain legal aid. Consequently, four of the interviewees mention that the individuals should have legal support to make the requests, which they assume to be happening in reality. When providing support, these professionals have access to private data and information about the individuals and their families, such as social benefits, source of income, among others. The above referred lawyer, who admitted to completing the electronic form on behalf of several individuals and saving the access codes to the portal of Social Security on the computer, has access to the reserved area of those individuals, and could log in again without any restriction. The right to protection of private data and family life is at risk in these situations. To solve this problem, the interviewed lawyers referred that it would be important to include a specific access for the legal representative in the platform, who would be allowed to support the individuals during the process of requesting legal aid without having access to further personal and private information.

Another lawyer called attention to the limitation of rights that inmates can have to request legal aid through the online platform, due to the restriction of access to an internet connection and a computer. The access of inmates through other channels is also limited, as they always have to present the request in person or send it by e-mail, after filling, signing and digitising it.

One lawyer interviewed refers to the detection of cases of platform misuse. It underlined that there is some abuse by frequent users who submit multiple requests for legal aid. The platform does not limit the number of requests, as each submission relates to a single case, and there is no limitation in the law as to the number of requests a person can make. This interviewee mentions, in some of these requests made by frequent users, that the case has not substantiated legal arguments to proceed to court. In such cases, the lawyer may refuse to proceed with the legal action. After the lawyer refuses to proceed, the individual can make another request for legal aid for the same action, initiating a new process. As access to a lawyer is a fundamental right, the platform allows for the existence of frequent users. This is more difficult to occur when presenting requests for legal aid directly in the services of Social Security because its technicians can make a preliminary assessment.

⁸⁴ Uma vítima de violência doméstica, abuso sexual ou femicídio, que precisa de apoio judiciário devia entrar numa caixinha 'online'. Para mim bastaria isso, em que pusesse o seu nome, NISS e NIF, e juntava o estatuto de vítima. E era o suficiente. O resto dos cidadãos, porque não há presunção de insuficiência económica, teriam de preencher os seus dados, sim, mas isso significa dizer se está a trabalhar ou não, quanto ganha e que tipo de apoio precisa. Não se pode fazer um escrutínio formal, desta natureza, aos cidadãos. Para quê pedir esta informação quando os serviços têm já toda a informação? (Lawyer)

Aside from the right to have a lawyer and the right to have access to justice, few other rights are involved when analysing this platform, as this is a primary step in having access to a court. After the request for legal aid is approved, there is an effective right to a lawyer, an independent judge, a fair trial and public audience, and the realisation of justice. It means that the platform can be a swift instrument to facilitate the process of having legal aid. However, as collected from the five interviews, the individuals who need to request legal aid have, in general, several characteristics that make the use of this digital tool difficult, such as low levels of education, digital skills and legal knowledge. In this sense, as noted by the lawyers and legal professionals interviewed, the support of legal professionals is often necessary.

In sum, the Platform for Electronic Legal Aid raises several issues regarding fundamental rights, mainly related to the necessary skills to fill it. This platform is another tool to request legal aid, in addition to the previous ones, and so contributes positively to enhancing access to justice. The identified difficulties in using the platform, which limit its usefulness, do not endanger the right to legal aid, as it has been settled by law and is in place.

Mitigation measures/safeguards to avoid harming fundamental rights built into design of tool or as a result of stakeholder consultations, testing etc.

The interviewed technical experts were unaware of any mitigation measures, safeguards or assessments, nor was there a reference to a future plan to adopt them, regarding to the Institute for Social Security, which is the institution responsible for creating and implementing the platform. According to the same interviews, no evaluation of the platform's functioning or related to any potential impacts on fundamental rights was also foreseen. The platform requires continuous development to solve emerging problems or limitations, improve the features available or provide better and easier information to individuals to facilitate its filling. For instance, the language was already enhanced to make the reading and filing process more straightforward, as some difficulties were identified in understanding the contents, which are only available in Portuguese.

This recognised openness for improvements in the platform is based on received contributions and suggestions from individuals, legal professionals or any other person involved in the judicial system. According to this interview, the IT staff of the Institute for Social Security is qualified to adapt or update the platform when necessary. As an example, it is acknowledged to be necessary to include language for people with disabilities so that the tool can be accessible to all. However, there is no information on the addition of other languages, such as English, to allow immigrants to understand its contents better. One interviewed lawyer, who reported having experience in filling out online forms on behalf of individuals, mentioned that once they received a notification to participate in a survey to evaluate the user's satisfaction concerning the platform, which they did, using the private access codes of the client's Social Security.

Individuals can appeal a denial of legal aid, and the system allows for a temporary denial decision that requests the addition of any relevant information for a final decision. In this sense, it safeguards the right to remedy, and, in a last phase, the appeal can be made to the court after a final decision from Social Security. As mentioned before, there is no plan to replace the other channels for the submission of requests for legal aid. The platform is just another more inclusive channel that has the potential to increase its relevance. As defendants and complainants can present requests for legal aid, all individuals can benefit from its existence.

Fundamental rights benefits of the tool/system

All the interviewees were unanimous in considering that the major right at stake is the right to access to justice for people with diminished financial income, as the Platform adds a new channel to the existing ones (presented physically and sent by e-mail), which facilitates the request for legal aid by individuals. Through this new channel, requests can be made online, anywhere and in an easier way. Consequently, it reduces bureaucracy, as all the information is already inside the portal of Social Security or can be easily added; it reduces distance by avoiding going to the physical services of Social Security, saving also money related to the travel's expenses; and it reduces time, due to the previous arguments (less time is needed to make the request), but also because the decision of Social Security is faster when requests are made online. In case of denial, individuals can present the appeal on the platform, with all the notifications also being done digitally. It has, therefore, a positive contribution to the rights of individuals.

The primary fundamental right is the right of access to justice. For us, it is fundamental. The right to have fair access to a fair decision and to be able to understand every step of their relationship with justice. To ensure that people are not subject to justice but participate in it. (Lawyer)⁸⁵

Once an individual with proven lack of financial capacity has access to legal aid, the remaining fundamental rights related to justice can become a fact, making effective the right to a lawyer and, consequently, the possibility to go to court or other alternative solutions.

According to the majority of the interviewees, the Platform is also considered positive for reducing any form of discrimination based on the characteristics of the individuals. This digital tool is operated by public officials, bound to professional secrecy when evaluating the personal data of individuals, and allows for the collection of information on any access (digital footprint), making it easier to establish accountability. Hence,

⁸⁵ O principal direito fundamental é o direito de acesso à Justiça. Para nós, é fundamental. O direito a poder aceder em forma equitativa a uma decisão justa e a poder compreender todos os passos da sua relação com a Justiça. Fazer com que as pessoas não sejam sujeitas à Justiça, mas sejam participantes dessa mesma Justiça. (Lawyer).

individuals' private data is protected and only available to assess their financial capacity to meet the defined criteria for legal aid approval.

According to the interview with technical experts involved in the tool's development, the platform is dynamic and changeable, with the potential to evolve and improve. The current version has already been updated after some improvements were introduced.

We hope to remain sensitive to all indications of improvement. Whenever someone tells us that they think a particular option on the platform is not correct or could be improved, we will always be available to listen, reflect, and also (...) to propose improvements. We are continually making improvements. We've improved the language, for example. We have already been told that we use the expression 'x' in a given field, but if it were 'y' it would improve. We had already improved the text of the notices themselves. And we don't want to be arrogant enough to think that what we understand to be good is what is good for everyone. (...) What is available today is not the same as was available a year ago, or two years ago. (Technical Expert)⁸⁶

2.2.2. Software for automated anonymisation of judicial decisions

According to the national and international legal framework, judicial decisions can only be published after they have been duly anonymised, i.e. after the removal of any personal data or any data that could lead to the identification of the persons involved in the judicial process. Judicial decisions of the courts of second and third instances are published online in the Legal Documentary Databases after they have been anonymised.⁸⁷ The accuracy of fully automated anonymisation without human control is not fully developed. This means that sensitive information can still be published online unless the anonymisation is ensured by human efforts to obtain a fully anonymised judicial decision. Considering the risks of identification, the High Council of the Judiciary issued a recommendation on which decisions should be published and which should not.⁸⁸ In addition, following a complaint from an individual whose name had not been removed from a decision published online in Legal Documentary Databases, the High Council of the Judiciary has issued a proposal for a technical solution for anonymising judicial decisions, defining specific criteria to ensure that complete anonymisation is

⁸⁶ Esperamos continuar sensíveis a todas as indicações de melhorias. Sempre que alguém nos disser que acha que determinada opção na plataforma não está correta ou podia ser melhorada, queremos estar sempre disponíveis para ouvir, refletir, e também, (...) para propor as melhorias. Estamos continuamente a fazer melhorias. Já melhorámos a linguagem, por exemplo. Já nos disseram que usávamos a expressão 'x' no determinado campo, mas se fosse 'y' isso melhoraria. Já melhorámos o texto dos próprios ofícios. (...) O que está disponível hoje não é igual ao que estava disponível há um ano, ou há dois anos. (Technical Expert)

⁸⁷ IGFEJ. [Bases Jurídico-Documentais](#) (Legal Documentary Databases).

⁸⁸ Conselho Superior da Magistratura. [Procedimento nº 2016/GAVPM/3833 - Critérios de selecção, anonimização e publicação de Jurisprudência ECLI](#) (Procedure no. 2016/GAVPM/3833 - Criteria for the selection, anonymisation and publication of ECLI case law), 22 May 2020.

achieved.⁸⁹ Therefore, this tool aims to reduce this risk for all the individuals involved, whether they are complainants, victims or witnesses.

Court clerks only make the anonymisation of judicial decisions for higher courts (second and third instances). In these cases, the use of digital tools is always combined with further revision by court clerks before it's considered adequate to make the judicial decisions publicly available. The release of judicial decisions of first instance courts follows selected criteria. This is only done when the judicial decisions are considered relevant by the judge or the Judge President of the court or following specific requests such as those made by academics or researchers related to ongoing research or academic thesis.

The fieldwork focused on the two anonymisation tools identified as being at the most advanced stage of development. One tool was developed under the IRIS project, developed by the Supreme Court of Justice since 2020, with the Institute for Systems and Computer Engineering: Research and Development (INESC-ID - *Instituto de Engenharia de Sistemas e Computadores: Investigação e Desenvolvimento*).⁹⁰ The other tool was a pilot project for the anonymisation of decisions, as part of the GovTech strategy, developed since 2023 by the Institute for Financial Management and Equipment of Justice, with the High Council of the Administrative and Tax Courts and the Institute for Systems and Computer Engineering, Technology and Science (INESC-TEC - *Instituto de Engenharia de Sistemas e Computadores, Tecnologia e Ciência*).⁹¹ When the fieldwork started, this tool was in a pilot testing phase in the Central Administrative Court of the South (one of the two existing courts of second instance in this jurisdiction). Each of these tools was developed for use in different jurisdictions: the IRIS project tool for courts in common jurisdictions and the GovTech tool for administrative and tax courts. However, these two tools were intended to be extended to both jurisdictions. Public research centres developed the two software programmes without the involvement of private companies. The five interviews covered the different dimensions, including one judge, two court clerks of both jurisdictions and two IT professionals working on the IRIS solution. The IGFEJ did not answer our requests for an interview.

The pilot project for anonymising decisions as part of the GovTech strategy was designed to detect and replace personal information in judicial decisions that could directly identify an individual using AI and machine-learning processes. The main objectives were: to promote public access to all judicial decisions, in line with international

⁸⁹ Conselho Superior da Magistratura. Procedimento nº 2016/GAVPM/3833 - [Proposta de solução técnica para a anonimização das decisões judiciais a publicar na base de dados ECLI](#) (Procedure no. 2016/GAVPM/3833 - Proposal for a technical solution for anonymising judicial decisions), 04 November 2021.

⁹⁰ The [project IRIS](#) was co-funded by the Support System for the Digital Transformation of Public Administration, by COMPETE 2020, part of Portugal 2020, and by the European Social Fund.

⁹¹ This [project](#) was funded by the Recovery and Resilience Plan (PRR).

recommendations; to reduce the number of court clerks assigned to this task, allowing them to devote their full attention to other essential functions in courts; to increase transparency by facilitating the publication of all judicial decisions; and to ensure open access to judicial decisions.

As part of this research, the first two interviews with a judge and a court clerk revealed a different outcome for the software in its pilot phase in the administrative and tax courts. This tool was unable to properly achieve the defined objective of anonymising most of the personal data in judicial decisions, implying a careful revision of court clerks before it could be publicly released. Recently, it has been clarified with the leading actors of the Supreme Administrative Court that this tool will no longer be used. Instead, a working group has been set up by the High Council to restart the process of developing a high-quality anonymisation tool for judicial decisions.

(...) The tool is not yet in full function. It is being improved. Anonymisation is still done manually because the tool is not in its fullness. (...) It still has some vicissitudes when it comes to underscores, italics, and fonts, which it has not yet surpassed. (...) The process of anonymisation still lacks some human validation. To understand what data these are, what sensitive data can compromise information, and which should or should not be hidden, is still a human task. (Court Clerk)⁹²

The tool developed by the IRIS project is used by the Supreme Court of Justice and was made available to all courts of common jurisdiction in 2024, following the signing of a cooperation protocol between the Supreme Court of Justice and the High Council of the Judiciary. This tool is publicly available to anyone as it was released under an open-source license on GitHub.⁹³ The judicial district courts (courts of first instance) use this software in a limited scope, mainly to make available judicial decisions upon specific request, aware of its limitations essentially related to machine learning constraints. The use of the software needs complementary work by court clerks to ensure that all personal data is completely deleted. According to a judge interviewed, the tool developed by the IRIS Project started to incorporate artificial intelligence in the experimental phase, but the current version does not use it. As such, there are no training, validation or test data sets of the tool to be examined for possible biases that could lead to discrimination. The interviewee explains that the tool works with an algorithm that identifies and marks fields to be anonymised, but does not save data or learn from it. The process is carried out with each use, without the system retaining information about the user's previous decisions. However, the interviewee mentions

⁹² (...) a ferramenta ainda não está em plenas funções. É alvo de melhoramentos. A anonimização ainda é feita manualmente, porque a ferramenta não está na sua plenitude. (...) Ela tem algumas vicissitudes, no que toca a sublinhados, itálicos, tipos de letra, que ainda não ultrapassou. (...) O processo de anonimização, ainda assim, carece de alguma ponderação humana. Perceber que dados são estes, que dados sensíveis podem comprometer informação, o que deve ou não ser ocultado ainda é uma tarefa humana. (Court Clerk)

⁹³ The software was released in open source at [github](https://github.com).

that future implementations with artificial intelligence are being considered, enabling the tool to learn and refine anonymisation. If the tool uses artificial intelligence in the future, it will be necessary to examine the data sets to identify and mitigate potential biases that could lead to discrimination. To overcome the identified limitations, the High Council of the Judiciary recently created a working group with judges and IT professionals to improve this tool with learning and evolutionary capacity, i.e., with artificial intelligence, to be used in the future.

The interviews with the judges and IT staff revealed a perceived lack of effective coordination between the various bodies within the Ministry of Justice responsible for developing and supervising IT software and the judicial governance bodies with financial autonomy in both jurisdictions (high councils). This situation creates the potential for similar projects to coexist with different funding but similar goals, as both solutions are intended to be available for the two jurisdictions.

There is a very large disaggregation in terms of structures. What often happens is that we have several people thinking the same thing, then we have several institutions developing the same thing, that don't talk to each other, that don't know each other's work. And sometimes we have four anonymisers, five systems to process wiretaps, three systems to process documents, and then we're all doing the same thing, and in the end, if we all got together in one room, maybe we'd do better. (IT Professional)⁹⁴

Another obstacle a judge interviewed referred to is that IT professionals generally do not understand the 'business of justice'. The IT staff's lack of knowledge of legal and justice specificities results in a long learning curve, making it difficult to implement projects even when funding is available.

The interviewed judges, both from administrative and tax courts or common courts, stated that the tool itself does not directly support judicial decision-making in terms of legal interpretation or application of law to facts. Its function is solely to anonymise data in judicial decisions to protect privacy and facilitate its publication. However, by enabling faster and easier anonymisation, the tool indirectly supports judicial decision-making by facilitating swifter access to and dissemination of anonymised case law for research and reference by judges and other legal and judicial professionals.

Impact on justice professionals' work

The anonymisation tool for judicial decisions impacts the work of the court clerks responsible for carrying out this task and uploading the results to the required websites.

⁹⁴ Há uma desagregação muito grande em termos de estruturas. O que acontece, muitas vezes, é que temos várias pessoas a pensar o mesmo, depois, temos várias instituições a desenvolver o mesmo, que não falam umas com as outras, que não conhecem o trabalho umas das outras. E, por vezes, nós temos quatro anonimizadores, cinco sistemas para processar escutas, três sistemas para processar documentos, e, depois, andamos todos a fazer o mesmo, e, no fim, se nos juntássemos todos numa sala, se calhar, faríamos melhor. (IT Professional)

It offers potentially significant advantages over the previous manual process: it is much faster (reducing processing time from hours to minutes), more accurate (reducing the likelihood of human error), and easier to use. If the tool works smoothly and with high quality, it can significantly contribute to reducing the time spent on the task of anonymising judicial decisions.

The tool replaces manual work. If there is a judicial decision, for example, of a hundred pages, we must look for all the expressions that the judge put in by hand. This work is easier if a program does this automatically and with a high degree of reliability. Of course, we must always have human intervention. The programme is not 100% reliable. But reading an anonymised decision takes a lot less work than taking out the fields one by one. (IT Professional)⁹⁵

Interviewees emphasised that although the digital tool is a significant time saver, it is not a complete replacement for the manual process, as a final human review of the tool's suggestions is still very important. Nonetheless, using a digital tool to perform these tasks saves countless work hours and streamlines the process by shifting human intervention to a monitoring role.

Training and support to use tool, as well as plans to monitor, improve or update the tool

Both tools for anonymising judicial decisions required some training actions. The software used in the test phase in the administrative and tax court of second instance implied the training of some judicial assistants who would carry out the task by IGFEJ's technicians. As regards the IRIS project tool, the High Council of the Judiciary organised training sessions in the district courts for judicial assistants who were appointed to perform this task. Later, some training was also provided by judicial assistants who were already experienced in using the software.

The Council asked the district court to indicate an element to test the tool; and at the time it was my colleague. (...) I know of other colleagues, in other district courts, who tested; and others who even went to the Council, to a training in which the tool was presented, and there they also tested and gave suggestions. (Court Clerk)⁹⁶

⁹⁵ A ferramenta substitui o trabalho manual. Se eu tiver um acórdão, por exemplo, com cem páginas, eu tenho de andar à procura das expressões todas que o juiz colocou à mão. Este trabalho é facilitado se eu tiver um programa que me faz isso automaticamente, e se o programa me conseguir garantir um grau de fiabilidade elevado. É óbvio que nós temos, sempre, que ter intervenção humana. O programa não tem uma fiabilidade de 100%. Mas ler uma sentença anonimizada dá muito menos trabalho do que andar a tirar os campos, um a um. (IT Professional)

⁹⁶ O Conselho solicitou que a Comarca indicasse um elemento para testar a ferramenta e, na altura, foi a minha colega. Tenho conhecimento de outros colegas, em outras comarcas, que testaram; e outros que foram mesmo ao Conselho, a uma formação em que foi apresentada a ferramenta, e lá também testaram e deram sugestões. (Court Clerk)

The High Council of the Judiciary established, at the end of 2024, a new working group to monitor the functioning of the IRIS tool and to participate in its development and improvement. The main objectives of the working group are: to implement a learning system that allows the anonymiser to refine anonymisation based on user preferences; to ensure the quality of anonymised information, by recommending the use of the internal version of the anonymiser; and to ensure that communications to access the High Council of the Judiciary's servers are secure. According to one interviewed judge, this working group is considered to be crucial to the improvement of the anonymisation tool, ensuring that it meets its objectives of protecting personal data and facilitating access to case law.

The aim is to ensure that decisions do not compete with people's rights. Publications are always reviewed, then also by the Council, according to the defined criteria. (IT Professional)⁹⁷

Fundamental rights risks related to use of the tool/system

The purpose of the anonymisation tools for judicial decisions is to fulfil the fundamental right to the protection of personal data. Therefore, the main right affected by anonymising judicial decisions relates to the protection of personal data. This software can enhance this right by making judicial decisions publicly available with all the private and personal information that should be anonymised. There is a risk that, because of the malfunction of this digital tool or inefficient verification procedures by court clerks, there may be indirect data or information available that could lead to the identification of individuals.

One judge of the common courts emphasised that the anonymisation tool has a complex impact on fundamental rights. Positively, it contributes to protecting the privacy of individuals involved in judicial proceedings, potentially enhancing their right to privacy and data protection. It also promotes transparency and access to justice by facilitating the publication of anonymised decisions, potentially benefiting justice professionals, researchers and society in general. Negatively, excessive anonymisation could impede access to justice by obscuring crucial details in decisions, hindering the understanding of case precedents or future judicial research. The tool also raises concerns about data security and the potential misuse of anonymised data, particularly if the system's safeguards fail. One court clerk called attention to the companies' confidential data in the proceedings in which a person is involved, which can influence their competitiveness if made public with the information related to accounting, financial data or specific products being available to any company competing with them. The rights impacted include those of victims, complainants, defendants, witnesses, and potentially the public's right to access information.

⁹⁷ O objetivo é garantir que as decisões não competem com os direitos das pessoas. As publicações são sempre revistas, depois, também pelo Conselho, de acordo com estes critérios. (IT Professional)

This issue of anonymisation raises many other issues. It's a delicate matter. I think we have to find the balance between the disclosure of what is done in the courts, because public opinion also has to have this knowledge of what is done, what trends and guidelines, so there is no surprise effect of the decision. In this regard, it is positive, and for the uniformity of jurisprudence, both national and international. (Court Clerk)⁹⁸

One judge interviewed considers that excessive anonymisation presents a risk of hindering the public's ability to fully understand cases, potentially affecting the perception of fairness. The removal of contextually relevant details that are not strictly personal data might reduce the informative value of published decisions and create opportunities for misinterpretation. It is important to balance complete anonymisation with the need for sufficient information for understanding the case and its implications for future jurisprudence. One court clerk interviewed believes that there are cases where complete anonymisation could distort the meaning of the decision; and that the goal is to find a balance between data protection and public access to the information. Well-known public cases, for example, may have crucial details obscured despite anonymisation efforts. Therefore, challenges lie in determining the appropriate level of anonymisation to balance individual privacy with the public interest in transparency.

Excessive anonymisation could disproportionately affect certain groups if crucial contextual details are removed. For example, if information about a minority ethnic group is redacted, it could make it harder to detect patterns of discrimination within judicial decisions. However, this is not a direct effect of the tool itself but rather a potential consequence of how it is used. The risk, therefore, is not direct discrimination by the tool, but rather indirect discrimination through overzealous use, which results in the loss of crucial information. The tool does not inherently discriminate; its use could lead to indirect discrimination if not carefully managed. Minority ethnic groups were cited as an example where removing identifying information about their involvement in cases could make it more difficult to detect biases.

Regarding ethnicity, I don't think it's identified as a criterion for anonymisation. (...) If it is a general judgment, on any crime in which the actors are of a certain ethnicity, that will certainly appear. Only it would not appear if it is a very specific case or very publicly relevant, in which putting this element will easily be associated with a person. (...) publishing many decisions about certain types of crime, in which ethnicity appears as a relevant characteristic, it's relevant for research purposes. It will not appear if that

⁹⁸ Esta questão da anonimização levanta muitas outras questões. É uma matéria delicada. Acho que temos de encontrar o equilíbrio entre a divulgação do que é feito nos tribunais, porque a opinião pública também tem de ter esse conhecimento do que é feito, quais as tendências, orientações, não haver efeito surpresa da decisão. Nessa parte, é positivo, e pela uniformização da jurisprudência, nacional e internacional. (Court Clerk).

element is what makes it possible to identify that person in the specific case. (Court Clerk)⁹⁹

Although no formal fundamental rights impact assessment has been carried out, the High Council of the Judiciary is concerned about implementing measures and guidelines to mitigate any risks the tool may have in these respects.¹⁰⁰ The decision to publish a decision is based on three criteria: legal relevance of the judgment; public and jurisprudential interest; and decisions that set relevant precedents. The aim is to ensure that decisions do not conflict with people's rights and are always reviewed by the Council before being published in accordance with these criteria.

All five professionals interviewed stated that they were not aware of any existing evaluation of the potential impacts on the fundamental rights of both tools for anonymisation.

Mitigation measures/safeguards to avoid harming fundamental rights built into design of tool or as a result of stakeholder consultations, testing etc.

The High Council of the Judiciary was the only institution that released guidelines for the anonymisation of judicial decisions. Among the measures defined to avoid any risk of violation of the fundamental rights, one can point out the following: working with the data protection officer to ensure compliance with the General Data Protection Regulation and other European guidelines, with the aim of avoiding the disclosure of sensitive information that could infringe the law; implementation of decision criteria for publication by all courts; anonymised judicial decisions must be reviewed by the High Council of the Judiciary in accordance with the established criteria, before making them publicly available; High Council can request courts not to publish decisions that can allow for identification, in order to protect individual's rights; existence of reporting and complaints channels on the website of the High Council of the Judiciary, allowing individuals to submit complaints about non-compliance with rights, namely the right to data protection; and, in order to publish a decision, indication of importance by the judge to obtain the approval of the presiding judge, who shall know the decision before the final publication.

⁹⁹ Na etnia, penso que não está identificada como um critério para anonimizar. (...) Se for um acórdão geral, sobre um crime qualquer em que os intervenientes sejam de uma determinada etnia, isso vai constar, certamente. Só não iria constar se fosse um caso muito específico, ou muito mediático, em que, colocando lá esse elemento, facilmente se associasse à pessoa. Então (...) sendo publicadas muitas decisões sobre determinados tipos de crime, ou que tenham pessoas dessa etnia como intervenientes, esse elemento vai aparecer, para efeitos de pesquisa. Só não aparecerá se aquele elemento for o que permita identificar aquela pessoa naquele caso concreto. (Court Clerk)

¹⁰⁰ Conselho Superior da Magistratura (2020), [Critérios de selecção, anonimização e publicação de Jurisprudência ECLI](#) (Criteria for selecting, anonymising and publishing ECLI case law), 22 May 2020.

On the Council's website, we have a complaint section for lawsuit, judge, or anything else. But we also have a section for the DPO. Therefore, the safeguarding of data protection is also guaranteed. (...) that people can send to the Council, via e-mail, with their complaints, with their information. (IT Professional)¹⁰¹

The High Council of the Judiciary also adopted the following measures to release the IRIS software to be used by common courts, whenever necessary: the final decision on what should be anonymised is always made by a professional, and not automatically by the system, i.e., the filter is always carried out by a human hand; the access to the version of the anonymiser made available is in a reserved area that is only available to judges, technical staff, judicial assistants and court clerks; and collaboration with the data protection officer, to avoid the risk of sensitive information being published. These mitigation measures were adopted for the common courts. As the software tested in the administrative and tax courts was discontinued, it was not made available for use by judicial professionals.

Fundamental rights benefits of the tool/system

The anonymisation tool aims to protect the rights of individuals by ensuring that anonymisation is carried out in a way that prevents identifying an individual. The positive impact on fundamental rights is linked to the fact that the tool can increase transparency and access to information, enabling people to become aware of court decisions more quickly. This is particularly important in the case of new offences or changes in the law, where the timely publication of decisions can inform individuals of their rights and obligations. Lawyers, judges, prosecutors and other legal professionals can also benefit from easier access to case law, enabling them to learn about the decisions of other courts and to support their own decisions. Therefore, a deeper knowledge of the content of judicial decisions contributes to improving the quality of justice, as access to a larger number of judicial decisions makes it possible to know the legal reasoning and the trend of decisions in similar cases.

The goal is to safeguard the rights of the individual. The goal is for the tool to anonymise so that no one can be identified. In this sense, from the outset, all rights are guaranteed. (...) What we have also asked the courts, on the issue of people's rights, in particular fundamental rights, is that those decisions that can, for some reason, be identified, shall not be published. (IT Professional)¹⁰²

¹⁰¹ No site do Conselho, se a senhora doutora consultar, temos uma parte de queixa, e pode ser uma queixa sobre um processo, sobre um juiz, sobre o que quer que seja. Mas nós temos também uma parte de DPO, e, portanto, está também garantida a salvaguarda da proteção de dados. (...) que as pessoas podem fazer chegar ao Conselho, via e-mail, com as suas queixas, com as suas informações. (IT Professional)

¹⁰² O objetivo é salvaguardar os direitos do cidadão. O objetivo é que a ferramenta anonimize, de forma a que não seja possível identificar ninguém. E, nesse sentido, à partida, estão garantidos todos os direitos. (...) O que nós temos, também, pedido às comarcas, na questão dos direitos das pessoas, em particular,

The balance between the public nature of hearings and judicial decisions and the right to the protection of private data is difficult to achieve. On the one hand, the anonymisation of sensitive information protects the privacy of individuals involved, which can contribute to a fairer process by reducing the risk of prejudice or stigmatisation, but, on the other hand, it can limit the understanding of the judicial decision and/or its public nature, because it is harder to know about who was involved in each judicial case.

2.2.3. Videoconference in Courts

Implemented in 2001¹⁰³, videoconferencing in national courts is a common nationwide practice in both internal and cross-border cases. It refers to the technology that allows simultaneous interaction between two or more locations by means of two-way video and audio transmission, facilitating communication and personal interaction. The use of videoconferencing in courts is foreseen in the Code of Civil Procedure¹⁰⁴. According to Article 502, witnesses residing outside the municipality in which the court is based can be heard by means of technological equipment that allows communication, through visual and audio means, in real time, from the court, the premises of the municipality or parish (where a protocol has been signed) or from another public building in the area of their residence. This means that the witness must be heard in a nearby court or, alternatively, in a public building that can secure the same guarantees established for in-person hearings (security, confidentiality, etc.).

The same Article also describes the procedure of videoconferencing. The court of the case establishes the date of the hearing, after inquiring about the other court or entity responsible for the public building where the witness is to be heard, and only then notifies the witness. On the day of the hearing, the witness has to present themselves to the court clerk, or to the public servant of the public service where the testimony is to be given, to certify identification. From that moment on, the hearing is carried out before the judge of the case and the parties' representatives, using technological equipment that allows visual and audio communication in real time. Furthermore, Article 502 also establishes that, without prejudice to the provisions of international or European instruments, witnesses residing abroad shall be questioned using technological equipment that allows them to communicate visually and audibly in real time, whenever the necessary technological means exist in their place of residence.

The Code of Civil Procedure, on Article 520(1), also establishes that when it is impossible or seriously difficult for the person who is due to testify to appear at the hearing in good time, the judge may order, with the agreement of the parties, that any clarifications that

nos direitos fundamentais, é que as decisões que possam, por algum motivo, ser alvo de identificação, evita-se a publicação. (IT Professional).

¹⁰³ RTP Online (2001), [Videoconferência nos Tribunais](#) (Videoconference in Courts), 3 January 2001.

¹⁰⁴ Portugal, [Lei 41/2013, que aprova o Código de Processo Civil](#) (Law 41/2013, approving the Code of Civil Procedure), 26 June 2013.

are indispensable to the proper decision of the case be provided through the use of a telephone or other means of direct communication between the court and the deponent, provided that the nature of the facts to be ascertained or clarified is compatible with the diligence. Article 456 of the Code of Civil Procedure establishes that the rules foreseen in Article 502 are also applicable to other parties (for instance, experts), if they reside outside of the municipality in which the court is based.

The Code of Criminal Procedure¹⁰⁵ also foresees similar rules regarding videoconferencing, by establishing that, exceptionally, the court can take statements from assistants - procedural party that has been a victim of a crime and has the power to intervene directly in the proceedings -, civil parties, witnesses, experts or technical consultants using technological means, when the person resides outside the municipality where the court is located; when there are no reasons to believe that their presence at the hearing is essential to the discovery of the truth; or if serious functional or personal difficulties or inconveniences are foreseeable in travelling.

The Law of the Organisation of the Judicial System¹⁰⁶ further states, in its Article 82-B, that incarcerated individuals may give evidence in any enquiry or judicial proceeding, regardless of the location of the court, in the prison where they are held, using technological equipment that allows visual and audio communication in real time. However, this option isn't possible in some situations, namely: when the individual assumes the legal and procedural status of defendant in the case in question; or when the individual's hearings take place in proceedings under the jurisdiction of the sentencing court. Article 82-B also states that on the day of the hearing, the incarcerated person shall identify themselves to the head of the prison's legal department. From that moment on, the hearing will only take place before the judge of the case or the public prosecutor and the lawyers. The incarcerated person may be assisted in person during the hearing by a legal representative.

This means that, in both civil and criminal proceedings, judicial parties such as witnesses, experts, and incarcerated people, among others, can participate via videoconference. According to the five interviewed professionals, namely two judges, two lawyers and one public prosecutor, videoconference is mostly used to hear witnesses, experts and incarcerated people. It is important to recognise that the use of videoconferencing in courts is meant to improve access to justice, not to replace physical proceedings. As one lawyer pointed out, videoconferencing may not be suitable for all situations in which it could be applied, and, in certain cases, such as criminal proceedings that involve severe penalties, its use should be discouraged. According to the interviewed public prosecutor, the use of videoconference is also used to promote meetings between the court, prison

¹⁰⁵ Portugal, [Decreto-Lei 78/87, que aprova o Código do Processo Penal. Revoga o Decreto-Lei 16489, de 15 de Fevereiro de 1929](#) (Decree-Law 78/87, approving the Code of Criminal Procedure. Revokes Decree-Law 16489 of 15 February 1929), 17 February 1987.

¹⁰⁶ Portugal, [Lei 62/2013, sobre a Lei da Organização do Sistema Judiciário](#) (Law 62/2013, on the Law on the Organisation of the Judicial System), 26 August 2013.

services and/or reinsertion services, including lawyers, within the Courts of Execution of Sentences (*Tribunais de Execução de Penas*).

According to two interviewed judges, there are two ways of establishing a videoconference in judicial proceedings between courts: via Voice over Internet Protocol (VOIP), using the courts' internet connection; or via Webex, using an IP network. Voice over Internet Protocol videoconference means that the individual to be heard will still have to physically travel to the nearest court or a public facility and give their testimony in specific equipped rooms. Webex, on the other hand, can be linked to every computer with a stable internet connection, from anywhere, meaning that the individual who is going to be heard can log in to a meeting and give their testimony from their home/workplace, whether in Portugal or abroad.

The fieldwork showed VOIP videoconference as the main way videoconferencing is established, but, during the COVID-19 outbreak, Webex was the preferred method during confinement and is still used upon request and with the approval of all the involved parties. Court clerks are responsible for operating the systems, with the support of IT staff when necessary. The functioning and maintenance of the equipment used for videoconference is the responsibility of DGAJ, while the implementation and maintenance of the necessary infrastructure for the functioning of the internet and the remaining equipment is the responsibility of IGFEJ. Each court has IT staff to provide technical support during the use of videoconference in case the equipment is not working properly and the assigned court clerk is unable to fix the problem.

Impact on justice professionals' work

All interviewees point to several advantages of videoconferencing for their work and the work of courts. According to them, videoconference was introduced to increase court efficiency in the by speeding up hearings and other procedures. Consequently, and according to the judges and public prosecutors interviewed, this tool also promotes more flexibility in the management of proceedings and public hearings, saving time for other tasks within the management of a case file. In general, it has positive impacts on professional practices, contributing to a swifter daily work and to the increase of productivity.

And to the extent that it saves time, it also creates conditions for higher-quality justice. I do technical meetings, three times a week, two of them are outside Coimbra (...) From the moment that these judicial proceedings, which took us all day, can be carried out here [at a distance], they usually end around three or four in the afternoon, it still allows to work on the cases, to do other things. (Public Prosecutor)¹⁰⁷

¹⁰⁷ E na medida em que poupa tempo, também cria condições para que haja uma justiça de maior qualidade. Eu faço conselhos técnicos, três vezes por semana, dois deles são fora de Coimbra, lá está, é Covilhã, Guarda ou Viseu. A partir do momento em que essas diligências, que nos tomavam o dia inteiro até à noite, possam ser realizadas aqui, normalmente, acabam por volta das três, quatro da tarde, ainda permite trabalhar nos processos, fazer outras coisas. (Public Prosecutor).

The interviewees highlighted another major advantage, which is the audio recording of the proceedings that the digital tool allows. The judicial proceedings are, in general, only audio recorded, although video recording is also possible by law (but used only for specific cases). The audio recording replaced the previous system of manually transcribing the judicial proceedings. Previously, court clerks would write down what the parties said, a process that some interviewees found unreliable and prone to errors. Audio recording provides a more accurate and trustworthy record, being available for future consultation by the parties and their representatives. In a recent study, made by the Permanent Observatory for Justice for the Directorate General of Justice Policies, it was possible to observe that, in some courts, the court clerks still record the sound using a microphone placed near the speakers, because the computer does not have a record system integrated. This same study, which reached similar conclusions related to this use case, concluded on the non-existence of speech-to-text technologies.¹⁰⁸ Since the use of videoconference streamlines certain procedures, it also contributes to the better management of judges' and public prosecutors' agendas, allowing for a higher number of proceedings to be conducted.

The five interviewees pointed out some disadvantages to the use of videoconference. The main consensual disadvantage identified is related to the obsolescence of the equipment and the poor quality of the connection between courts, resulting in impaired videoconference functionality. In the experience of the interviewees, the malfunctioning of the equipment often leads to several problems, with four to be highlighted: 1) the delay in the judicial proceedings, with impacts in the duration of the sessions and even their postponing; 2) the difficulty in seeing or hearing the individual at distance with consequences in the quality of the testimony and the latter hearing of the recorded audio for future proceedings or even appeals; 3) the problem of not being able to see and hear the individual well, limiting the capacity to assess the credibility of the testimony, especially in criminal cases or very sensitive cases with children; and 4) the difficulty in evaluating the body language and other physical moves or expressions of the individuals correctly to assess the credibility of the testimony.

It's not just what the person says, it's also their body language, if they're sweating, if they're not, if they're having a lot of tics, if they're not. (Lawyer)¹⁰⁹

The image or the sound problems end up slightly hindering the understanding of what the witness or the inmate is really saying. When hearing a witness, it is essential not only what he says, but also all his body posture and what he transmits, especially at the facial level. (...) Sometimes there are tics, there are ways that are noticed in people, and there, with the image quality that sometimes is somewhat reduced, it depends on the light, it

¹⁰⁸ Casaleiro, P., Gutierrez, V. Henriques, M., Gomes, C. (2025), Sala de Audiências do Futuro: da gestão às soluções tecnológicas e à capacidade funcional das salas (Courtrooms of the Future: from management to technological solutions and the functional capacity of courtrooms). Coimbra: OPJ/CES, 1-119.

¹⁰⁹ Não é apenas o que as pessoas dizem, é também a sua linguagem corporal, se estão a suar, se não estão, se estão com muitos tiques, ou se não estão. (Lawyer)

depends on everything and something else, right? I think that turns out to be a downside in videoconferencing. (Lawyer)¹¹⁰

Finally, another disadvantage identified is the diminished IT capacity of courts. According to the judges interviewed, courts have a reduced IT staff to support their daily activities, or in some cases, they do not have specialised IT professionals. Thus, the responsibility to fix the problem often falls to court clerks, who must perform multiple tasks simultaneously, such as ensuring the connection and functioning of the videoconference, while taking notes for the minutes of the hearing, proceeding, or judgment.

I recognise that nowadays, it's not just being a lawyer, it's also being a little bit of an IT specialist. And for court clerks, this is an unmistakable reality. (...) they are taking the minutes, there is a witness in the courtroom, they will call her to the room, they return; meanwhile, the next witness is already waiting by videoconference, you have to make the call in VoIP to the other court; then it can work, it may not, and then you have to go call the colleague of the other court: "Hey colleague, why is this not working?". (Lawyer)¹¹¹

Training and support to use tool, as well as plans to monitor, improve or update the tool

The interviewed judges and public prosecutor stated that, to their knowledge, the court clerks have not received any training on operating the system. The lawyers were unaware, too, but they do not work inside the court. In general, as it's a simple procedure, the interviewed court clerks confirm that they received case-by-case training from the IT staff to operate the communication system between courts. The use of videoconference is part of their regular duties. The IT staff, if available, only intervenes if a major problem arises from the use of the tool. The system is relatively simple and easy to operate, but its obsolescence has become a major problem, as noted by several interviewed professionals, especially judges who are now sceptical about its use due to the frequent disruptions in the normal course of proceedings.

Fundamental rights risks related to use of the tool/system

¹¹⁰ Os problemas de imagem ou os problemas de som acabam por atrapalhar um bocadinho a compreensão do que é que, realmente, a testemunha ou o recluso estará a dizer. Quando se ouve uma testemunha, é essencial não só o que ela diz, mas também toda a sua postura corporal e o que ela transmite, especialmente a nível facial. (...) Às vezes, há tiques, há jeitos que se notam nas pessoas, e ali, com a qualidade de imagem que, por vezes, é algo reduzida, depende da luz, depende de tudo e mais alguma coisa, não é? Eu acho que isso acaba por ser uma desvantagem na videoconferência. (Lawyer)

¹¹¹ Reconheço que, hoje em dia, não é só ser advogado, é também ser um bocadinho informático. E para os oficiais de justiça isso é uma realidade inequívoca. (...) estão a fazer a ata, está uma testemunha no tribunal, vão chamá-la à sala, regressam, entretanto, a próxima já é por videoconferência, já tem que estar a fazer a ligação no VoIP para o tribunal seja de aonde for, depois, pode dar, pode não dar, pode estar a funcionar, e, depois, tem que ir ligar à colega do outro tribunal: "Ó colega, porque é que não está a dar?". (Lawyer)

Although the interviewees agree that the use of videoconference and audio recording can have a positive impact on fundamental rights, they also pointed out that the tool can pose risks to these same fundamental rights. The frequent technical problems with videoconference can lead to delays and disruptions, potentially impacting the fairness and efficiency of the judicial process. At the same time, poor audio or video quality can hinder all parties' ability to fully participate and understand the proceedings, which can raise risks to the right to a fair trial. The obsolescence of the system and poor equipment quality can also pose a risk to effective legal representation, as bad connections or technical difficulties can impede a lawyer's ability to fully represent the client.

So if you're being heard while in prison, and the lawyer wants to tell you something and wants to give you advice, it's a little harder. And the lawyer has to be sitting there at the hearing, and the person is being heard from a distance. (...) It is not the same thing. (Lawyer)¹¹²

The fact that only a part of the person is visible can have an impact on the principle of immediacy since it makes it impossible for the judge, public prosecutor or lawyers to get a complete picture of the individual's body language. The system also does not easily allow for confronting the individual with evidence, nor for sharing evidence in their possession; in the latter case, it will be up to the party's lawyer to collect the evidence and submit it to the court. This can impact the process of discovering the truth and the individual's participation in justice, jeopardising not only the right to a fair trial but also the quality of the judge's decision.

According to the interviewees, ensuring that witnesses are in a private setting during videoconference is crucial to prevent coercion or undue influence. However, when there are technical problems, and one cannot be seen or heard properly, it increases the risk to the right to be heard in a fair and impartial judicial proceeding.

I still had one case or another in which the lawyers, and even colleagues, said that it was understood that this immediacy was lost, because the person was not there. But I think at some point, events overlap. And so, if we go that way, everything would be paralysed and nothing would be done. I think reality itself has been overlapping, and people have been realising: It's going to have to be like this, because if it's not, we're not going to be able to make any judgments. (Judge)¹¹³

¹¹² Portanto, se a pessoa está a ser ouvida, está na prisão, e o advogado quer-lhe dizer alguma coisa, quer aconselhar alguma coisa, é um bocado mais difícil. E o advogado tem de estar ali sentado na audiência, e a pessoa está a ser ouvida à distância. (...) Não é a mesma coisa. (Lawyer)

¹¹³ Ainda tive um caso ou outro em que os advogados, e até colegas, diziam que se entendia que se perdia aquela imediação, porque a pessoa não estava ali presente. Mas eu acho que, a dado momento, os acontecimentos sobrepõem-se. E, portanto, se vamos por aí, ficava tudo paralisado e não se fazia nada. Eu acho que a própria realidade se foi sobrepondo, e as pessoas foram percebendo: "Vai ter que ser assim, porque se não for, não vamos conseguir fazer nenhum julgamento." (Judge)

Finally, another risk identified by a lawyer relates to the right to privacy, given that unauthorised sharing of audio or video recording from hearings or proceedings raises privacy concerns; though, this is not something related to the system itself, but to malicious users who may commit a crime by making the files publicly available.

Mitigation measures/safeguards to avoid harming fundamental rights built into design of tool or as a result of stakeholder consultations, testing etc.

None of the five interviewees are aware of any measures or safeguards to mitigate any risk and to avoid harming fundamental rights. Videoconference is a digital tool that has become an integral part of daily professional practice, having been used for over 20 years. In this sense, despite the potential negative impacts, it was integrated into the judicial routine as a standard tool in the functioning of the justice system. The interviewees agree that all professionals and parties participating in a judicial case benefit from videoconference, even though, in the interviewees' opinion, they are generally aware of the possible risks to fundamental rights.

I think the use of videoconferencing does not add or take away. I consider that it is irrelevant, in that regard, for the purposes of guaranteeing the right of non-discrimination. (...) If there is prejudice or a discriminatory act, it will occur, regardless of whether it is by videoconference or in person. (Public Prosecutor)¹¹⁴

The efficient use of technological resources facilitates remote testimonies, letting courts allocate time more effectively, reducing waiting times for all parties involved, and making access to court more streamlined and less burdensome. Simultaneously, the dependence on the good functioning of videoconference relies heavily on the availability and reliability of the technology, which is frequently jeopardised by poor internet connectivity, inadequate devices, or technical malfunctions, thereby diminishing the rights of the participants. Some interviewees clarified that any complaint regarding procedures using videoconference can be presented and addressed by the courts through standard judicial claims or appeals if a party feels that their rights have been violated.

It's never happened to me, but the only thing they have to do is put it in the judicial case. They go to the judge and say that they felt restricted in this right. That's the kind of complaint that exists. You can go to the European Court; people's imaginations are very

¹¹⁴ Eu acho que o uso da videoconferência não acrescenta nem tira. Acho que é irrelevante, nesse aspeto, para efeitos da garantia do direito de não discriminação. (...) Se houver preconceito ou prejuízo, ou um ato discriminatório, ele ocorrerá, independentemente de ser por videoconferência ou presencial. (Public Prosecutor)

fertile, but there is no specific complaint mechanism [related to the use of videoconference]. (Judge)¹¹⁵

Fundamental rights benefits of the tool/system

The videoconference facilitates participation in justice, promoting an easy and swifter involvement of all parties, whether defendants, complainants, victims, experts, witnesses or legal and judicial professionals in the meetings, proceedings, hearings or judgements, whenever necessary. The interviewees believe that, if the tool is only used when necessary and always considering the needs and characteristics of the case, the benefits to fundamental rights can outweigh the risks, especially when it comes to the right of access to justice.

The main benefit identified facilitates the hearing of individuals who have difficulty attending in-person hearings due to location, health or other constraints, in whatever their quality. It also tackles the difficulty of participation of people with disabilities or health problems, incarcerated people, children or people with financial constraints, while reducing the need to travel long distances and, if applicable, guaranteeing the discretion and safeguarding public exposure in a public audience. The interviewees, especially the lawyers, admit that it is a good tool for witnesses, but have less acceptance for defendants, complainants, or victims, whose physical presence they consider crucial. The interviewed judges follow this opinion, as only with a sustained constraint they accept that these relevant parties are heard via videoconference.

As I say, it is very advantageous for people to testify in a court near their residence. In terms of time, in economic terms, I think so. For witnesses, it is very beneficial and facilitates access to justice. (Judge)¹¹⁶

Videoconferencing streamlines procedures and contributes to faster case resolution, benefiting the right to a swift decision. Recording testimonies prevents the need for repeated appeals and lengthy transcription processes, which can also contribute to a faster judicial decision with more quality.

I do not believe that a judge sees the independence conditioned because the person is in front or not. For me, as a lawyer, that's how I see it. I don't care if the person is there or

¹¹⁵ Nunca me aconteceu, mas a única coisa é exporem isso no processo. Dirigem-se ao juiz e dizem que se sentiram limitados nesse direito. É o tipo de reclamação que existe. Podem recorrer ao Tribunal Europeu, a imaginação das pessoas é muito fértil, mas não existe reclamação específica [relativa ao uso da videoconferência]. (Judge)

¹¹⁶ Como digo, é muito vantajoso para as pessoas deporem num tribunal perto da sua residência. Em termos de tempo, em termos económicos, acho que sim. Para as testemunhas, é muito benéfico e facilita o acesso à justiça. (Judge)

far away; I'm doing my part, the person is doing they part, and in that respect, nothing changes. (Lawyer)¹¹⁷

In the case of experts, there is an added benefit of using videoconference, providing greater flexibility in the scheduling of proceedings, since their reduced availability often causes scheduling delays. One lawyer states that the use of videoconference might be helpful for witnesses with specific difficulties or who can feel intimidated by appearing in person in court to participate in judicial proceedings, such as in cases of domestic violence, irregular immigrants or similar.

2.2.4. Magistratus

Introduced initially across all jurisdictions in 2017 (civil, criminal, and administrative), Magistratus is a case management software exclusively used by judges. The digital platform emerged from the need to facilitate judges' access to court proceedings, making their search and interaction faster and clearer by centralising the information present on the CITIUS and SITAF platforms¹¹⁸ - the two current information platforms of the common and administrative and tax courts. Magistratus can be used by judges in conjunction with these two existing systems.

Five judges were interviewed, two of them were directly involved in the development of the software, while another judge acted as a trainer for the other judges in the court where they worked. The remaining two judges were merely users with different levels of experience. The interviewed judges pertained to both jurisdictions (common and administrative and tax courts). Two of the judges were designated by the CSM and CSTAF to integrate an informal working group with technicians from IGFEJ to develop the Magistratus. Their role was to act as consultants, professionals who would define the necessities and test the software.

The IGFEJ undertook the conception and development of Magistratus without the involvement of private companies, as they considered that previous tools such as CITIUS and SITAF could no longer be updated and upgraded due to their obsolete language and other technical limitations. One interviewed judge added that while CITIUS was initially built by court clerks to address their working needs, Magistratus was developed to provide tools tailored to the specific needs of judges. If successfully implemented, it is possible that the Magistratus can evolve to incorporate the working needs of court clerks, potentially replacing CITIUS and SITAF completely; however, it is unclear whether this will happen and when. According to two judges, discussions were held in the

¹¹⁷ Não acredito que um juiz veja a sua independência condicionada porque a pessoa está à sua frente ou não está. Para mim, enquanto advogado, é assim que eu vejo a coisa. Tanto me faz que a pessoa esteja ali ou esteja longe, eu estou a fazer o meu papel, ela estará a fazer o papel dela, e, nesse aspeto, nada muda. (Lawyer)

¹¹⁸ IGFEJ (2023), [Manual do Utilizador do Magistratus](#) (Magistratus – User's Manual). Instituto de Gestão Financeira e Equipamentos da Justiça.

working groups about these possibilities of evolution, but to their knowledge, no plans were made.

Currently, the Public Prosecution Service is developing MP Codex, a software similar to Magistratus, specifically tailored to the working needs of public prosecutors, with the aim of replacing the use of CITIUS or SITAF for these professionals.

Magistratus aims, in this sense, to become the primary access point for judges in both common and administrative and tax courts. It incorporates most of the features from the previous systems, CITIUS and SITAF, along with advanced functionalities to facilitate research, such as case law searches, and to streamline the judicial process. Judges can add personal annotations to cases, perform advanced language searches on content (including images and scans), reference laws, create summaries, and use an agenda to access all proceedings (past, current and future). Additionally, the "My Dossier" feature allows judges to select and highlight key case elements, which can be exported for offline use. The platform is also expected to integrate AI components, such as machine learning tools, to further enhance research capabilities, as discussed in the previous working groups; however, no planning has been made to accomplish this goal.

The overarching goal is to simplify procedures and increase the agility and swiftness of the work of judges. As an electronic processing platform, it poses new challenges and risks, such as cybersecurity breaches, mainly because it is a web-based online software that permits judges to work remotely through VPN access. While CITIUS is accessed to drop or take documents, which are then worked in the judge's computer and uploaded again, Magistratus works directly with the database. All the steps and proceedings are permanently saved and registered, providing tools for monitoring the digital footprint of everything that is done. Despite Magistratus not using AI, some features, such as the search for judicial decisions tool or the elaboration of a summary of the judicial case, use robust search engines that can make the work of the judge easier and swifter. Since the implementation of the tool, the platform has undergone several updates and upgrades, incorporating various new features.

I can tell you that here, in the Administrative and Tax Court where I work, all people, in one way or another, still use SITAF partially or totally. There is no one who uses only Magistratus. There is a simultaneous use of the two programmes. (Judge)¹¹⁹

The two systems are running in parallel; we are already able today to work on the cases through CITIUS or Magistratus, because they have, in essence, the same database. (Judge)¹²⁰

¹¹⁹ Posso-lhe dizer que, aqui, no Tribunal Administrativo e Fiscal onde trabalho, todas as pessoas, de uma maneira ou de outra, ainda utilizam parcialmente ou totalmente o SITAF. Não há ninguém que utilize só o Magistratus. Há uma utilização simultânea dos dois programas. (Judge)

¹²⁰ Os dois sistemas estão a correr paralelamente. Nós conseguimos hoje já tramitar os processos pelo CITIUS ou pelo Magistratus, porque eles têm, no fundo, a mesma base de dados. (Judge).

Impact on justice professionals' work

The Magistratus is intended to facilitate the daily work of judges, promoting an easier and swifter use of the case management software, in comparison to CITIUS and SITAF, introducing new relevant features to respond to their procedural needs and creating helpful tools for search of case law of all judicial decisions, addition and organisation of evidence, among other digital improvements. All these innovations contribute to an enhanced work environment that may subsidise better judicial decisions. The Magistratus works with the same databases of CITIUS and SITAF, and it can be accessed remotely, allowing judges to work from any place at any time.

This tool allows us, for example, to make notes in the pleadings, and to make notes in the applications and documents. To that extent, it can help. Because if I do, as I take a new case, a new document, I'm already putting the most important notes: "Look, in this pleading, an extension of the request was requested". So when I go to trial, when I have to make the sentence, I see the notes, and I already have everything I need to make the judicial decision. It makes the job a lot easier, yes. (Judge)¹²¹.

According to the interviews, the initial launch of the Magistratus failed because it did not incorporate some essential tools for judges, particularly the Word editor tool, in which most judges had been using for years. In addition, some tasks also took a longer time to perform than compared with the necessary time in CITIUS and in SITAF. The initial failure was a great lesson for all the entities and professionals involved in its conception, as they are aware that its use can only be widely encouraged again once all the limitations are solved, which is expected to happen during 2025, according to one interviewee. The plan is to promote its use by all judges, until it will be possible to replace completely the use of CITIUS and SITAF. Three interviewed judges only admitted changing to Magistratus if the tool completely satisfies their working needs, allowing to save time and to work faster, achieving decisions with higher quality.

Some advantages of Magistratus highlighted by the interviewed judges include: the possibility to add visual evidences; a more intuitive and user-friendly layout; it has robust search tools to find any judicial decision in all Portuguese courts, which is an important feature to know similar cases and the legal basis that is being used; it has easier mechanisms to save the proceedings, in order to use them in other judicial cases; it allows the extraction of several documents into a single PDF file, which is easier to analyse; it makes automatic summaries of the judicial cases, with the identification of the legal question and the parties and the possibility to edit it; it has an agenda tool

¹²¹ Esta ferramenta permite, por exemplo, fazermos notas nos articulados, e fazermos notas nos requerimentos e nos documentos. Nessa medida, pode ajudar. Porque se eu fizer, à medida que vou pegando num novo requerimento, num novo articulado, já vou pondo as notas mais importantes: "Olhe, neste articulado foi requerida a ampliação do pedido. Neste despacho eu deferi o aditamento das testemunhas." Portanto, quando eu vou para fazer o julgamento, quando eu vou para fazer a sentença, eu vejo as notas, e já tenho ali tudo o que preciso para fazer o relatório da sentença. Facilita imenso o trabalho, sim. (Judge).

adapted to the working needs of judges, which is easier to manage; and it allows to introduce personal notes or comments in the documents and proceedings.

The interviewed also marked the existence of some disadvantages, such as: the platform doesn't have a Word editor, which makes more difficult to write sentences and other long pieces in the judicial case; it doesn't have a simple search tool by the name of the parties in the case; it does not allow to look at the agenda of the other judges, which is important to reserve the audience's rooms for hearings and judgments; it is difficult to see multiple proceedings simultaneously; it does not allow to access files of videoconferences that are recorded; and it doesn't allow to create folders related to each specific case. It has to be stressed that the disadvantages were mentioned based on the experience of the current Magistratus. According to one interviewee, some of the referred limitations were already solved, but not disseminated across the judges, because IGFEJ and the high councils will only promote the updated version of Magistratus when all the errors, limitations or improvements are fully tested and working well.

If Magistratus did offer the perfect formatting, I would not use SITAF; and if it offered me the other features, such as consulting the audience rooms in use, I would not open SITAF. (Judge)¹²²

Training and support to use tool, as well as plans to monitor, improve or update the tool

The training provided to judges was delivered by judges involved in the working group that was in charge of developing and implementing Magistratus. These judges trained selected judges in each court, so that they could support other judges in local training actions (peer training). After the initial implementation of Magistratus, which was done with several technical limitations, the training activities were stopped. The process was not fully developed and there was a limited success due to the above highlighted limitations. Information released by the Ministry of Justice in February 2022, after the enlargement of Magistratus to the first instance of the judicial courts, which started in May 2021, stated that around 300 judges were trained to operate with this digital tool but failed to do so, as the process was stopped.¹²³

According to the judge interviewees, only a reduced number uses Magistratus and, in general, the ones who do, use simultaneously Magistratus and CITIUS or SITAF. The planned training activities for 2025 to further implement the updated version of Magistratus were not yet defined. Still, two interviewed judges referred that a similar methodology would be adopted, namely the training of judges selected to be "focal points" in each court, to be able to provide training to their colleagues.

¹²² Se o Magistratus oferecesse a formatação perfeita, nem utilizaria o SITAF; e se me oferecesse as outras funcionalidades, como a consulta das salas da audiência, nem abriria o SITAF. (Judge).

¹²³ Ministério da Justiça (2022), [Plataformas tecnológicas Magistratus e MP Codex avançam nos tribunais](#) (Magistratus and MP Codex technology platforms make headway in the courts). 4 February 2022.

The interviewees emphasised that the Centre for Judicial Studies (CEJ - *Centro de Estudos Judiciários*) does not provide any training on the use of digital tools during the preparation of future judges and public prosecutors or as ongoing training for professionals working in courts. Therefore, because IGFEJ lacks the capacity to implement the new version of Magistratus in terms of human resources, the implementation of the new version poses a significant risk of failure due to the lack of capacity to provide the necessary training and support for the change in working practices. One of the interviewees mentioned that the Magistratus is not prone to training activities at CEJ, as it was built to be operational with practical cases in courts.

The Magistratus has to be [implemented] very well, the training has to be very good, and then the monitoring has to be professional and according to the needs, because it is obvious that if we are going to have a thousand or more starting to work only on a platform. (...) It is going to have mistakes; it is going to have problems. If we don't realise that in the first year or two, [where] there is more widespread implementation, we have to have a hyper-reinforced team for that, then we're not realising that this is as important for follow-up as training, as the application itself. The application can be very good, but if I did not understand it, it is not worth it. (Judge)¹²⁴

The Magistratus has a helpdesk tool to report problems that are managed by IGFEJ. The current helpdesk has only the capacity to solve problems raised by judges because there are only a small number of users. If the number of users increases, the capacity of the helpdesk must increase in conformity. The judges can also report problems to the Judge-President of any court, who can send the claim directly to the High Council and/or IGFEJ. The interviewees were unaware of the existence of surveys of satisfaction applied to users or any other evaluation made by IGFEJ related to the use of Magistratus, including potential impacts on fundamental rights. According to one interviewee, only the CSM applied an internal satisfaction survey to judges using Magistratus, which is not publicly available. Around 90% said they would not use the software without a good Word editor. No other results were detailed by the interviewee.

The interviewees designated to cooperate with IGFEJ in the development of the Magistratus were not aware of any intention or plan to have a follow-up monitoring of the implementation of the software, nor did they consider it as relevant, as long as there is technical IT capacity to solve any emerging difficulties. These judges referred to having regular contact with judges using Magistratus, in order to collect their suggestions and

¹²⁴ O Magistratus tem de estar muito bem, a formação tem que ser muito boa, e depois o acompanhamento tem de ser profissional e de acordo com as necessidades, porque é óbvio que se nós vamos ter mil e tal pessoas a começar a trabalhar só numa plataforma. (...) Vai ter erros; vai ter problemas. Se não percebermos que no primeiro ano ou dois anos seguintes, [em que] há uma implementação mais generalizada, temos de ter uma equipa híper reforçada para isso, então não estamos a perceber que isso é tão importante para o acompanhamento como a formação, como a própria aplicação. A aplicação pode ser muito boa, mas se eu não a compreendi, não vale a pena. (Judge).

opinions to improve it, which they share with the IT staff of IGFEJ in order to upgrade the software. This strategy of consulting judges working in courts, using Magistratus, has been very important in the process of improving the software and solving the identified problems and absences.

Fundamental rights risks related to use of the tool/system

All the interviewees consider Magistratus to be neutral in relation to fundamental rights, as it does not interfere with or limit any of the rights that may be at stake. In general, if Magistratus is a really helpful tool for the daily work of judges, it can benefit the parties involved in a judicial case.

We have training in data protection, never devoted to the way the courts work, nor to the instruments used by the courts. We don't have it [training in implications on fundamental rights]. We can ask the question, in a possible training on data protection or fundamental rights. (...) I do not know of any training that is dedicated to this. (Judge)¹²⁵

The software entails security protocols, as the previous digital tools running at courts, ensuring that access to personal or sensitive data is restricted to the judge, while the access of other professionals to the judicial case follows the legally defined proceedings. All the interviewees highlighted that, like any digital solution, and even if all the precautionary measures are taken and applied, there is always a risk of an illegal access through hacking. The access, nonetheless, shall be framed as a criminal action with the subsequent criminal investigation and prosecution.

It is in this sense that the main fundamental right that some interviewees identify as being slightly at risk is the protection of data, not directly by Magistratus, but due to cybersecurity problems. Magistratus is accessible online with personal codes, and judges can work in it anytime and anywhere (by VPN connection), which increases the risk of illegal hacking of their laptop computers provided by the Ministry of Justice. The desktop computers, on the other hand, are inside the court's internet protocol. But like several interviewees pointed out, cybersecurity is a global problem and not a specific weakness of Magistratus. Magistratus may evolve to allow access to other professionals, as happens with CITIUS and SITAF. According to one of the interviewees, during this phase, the software must be updated to reflect the definitions of different profiles and access restrictions, as outlined in the legal framework.

Two interviewees highlighted that Magistratus may violate the right to privacy of the judges as it is possible to collect the information related to their work on the platform,

¹²⁵ Temos formações de proteção de dados, nunca vocacionadas para a forma de trabalhar dos tribunais, nem para os instrumentos utilizados pelos tribunais. Não temos [formação sobre implicações nos direitos fundamentais]. Podemos colocar a questão, numa eventual formação que haja de proteção de dados ou de direitos fundamentais. Acredito que sim, não é? (...) Não conheço nenhuma formação que esteja vocacionada para isso. (Judge).

through the accountability of the digital footprint. It is, thus, possible to know when the judge worked in the platform, at what time the document was signed, among other movements, as every step is digitally recorded and accountable. As Magistratus raises and contributes to a higher transparency, it can also be misused in auditing processes of judges, reducing their freedom in organising the agenda and other daily activities that demand access to Magistratus.

There is a digital footprint of the user [judge]. This footprint is available for IGFEJ, who controls it. (Judge)¹²⁶

The main issue raised, especially by one judge, is related to the governance and management of the judicial database, which in Portugal is done by IGFEJ, that is, under the competency of the Ministry of Justice. On this issue, there has been public discussion about whether the governance and management of the database should be under the competency of the High Councils or remain under the Ministry of Justice. The CSM already assumed a position demanding that the judicial database must be under its competency to safeguard judicial independence, claiming its transfer with the necessary resources to manage it.^{127/128} Although there are no known cases of illegal access to the judicial database from the part of the Ministry of Justice or its institutions, judges claim that this database should be under the control of judicial bodies that ensure the independence of the courts.

(...) [the database of courts] cannot be controlled by the Ministry of Justice. Because it's not the Ministry of Justice (...), it is the High Council of the Judiciary, which is the constitutional and even legal entity responsible for the data. (Judge)¹²⁹

Mitigation measures/safeguards to avoid harming fundamental rights built into design of tool or as a result of stakeholder consultations, testing etc.

The interviewees were not aware of any assessment of possible impacts on fundamental rights made by IGFEJ or any other entity. As Magistratus is considered a case management digital tool that must follow the legal framework, including the restrictions of access and in line with the procedural flow of a judicial case, it is considered to be neutral.

¹²⁶ Há uma pegada digital do utilizador [juiz]. Essa pegada está na disponibilidade do IGFEJ que é quem controla isso. (Judge).

¹²⁷ Público (2014), [Juízes não aceitam que o Governo tenha acesso aos processos através do Citius](#) (Judges don't accept the government having access to cases through Citius), 3 October 2014.

¹²⁸ Correio da Manhã (2018), [Juízes querem gerir plataforma da Justiça](#) (Judges want to manage the Justice platform), 30 November 2018.

¹²⁹ (...) não pode ser o Ministério da Justiça a controlar isso [a base de dados dos tribunais]. Porque não pode ser o Ministério da Justiça, (...) mas sim o Conselho Superior de Magistratura a entidade constitucional e mesmo legal responsável pelos dados. (Judge).

The new updates are regularly tested by a pool of judges who collaborate regularly with the development of Magistratus. The planned monitoring is much based on the reporting of problems to the helpdesk, to the Judge-President of the court or directly to the involved judges in the implementation and training of judges. The updates and upgrades in Magistratus that might be necessary in the future will be the responsibility of the technicians of IGFEJ.

Fundamental rights benefits of the tool/system

The assessment of Magistratus from a fundamental rights perspective, as referred before, is not contemplated in the programme of the working group, as this tool is considered to be neutral. It is seen as a mere case management tool aimed to support the daily work of judges. As it was not possible to interview the IT technicians or the responsible coordinator of IGFEJ, the interviews with judges with different levels of experience and roles, showed a similar neutral position regarding the potential impact on fundamental rights. As judges, there is an obligation not to discriminate against any individual and to follow the laws and constitution that protect and safeguard any person. Therefore, Magistratus is only a useful digital tool to achieve a judicial decision of higher quality because they consider it to have the necessary judicial independence.

2.2.5. Platform for Alternative Dispute Resolution – Platform RAL+

RAL+ is a digital platform that aims to bring together all the alternative dispute resolution (ADR) mechanisms in a single tool. This platform was developed by a private company, hired by the Directorate General of Justice Policies (DGPJ), in cooperation with the Council of the Justice of Peace. In May 2023, a pilot phase of the Alternative Dispute Resolution platform (RAL+) was launched, covering all the Family and Labour Mediation Systems (*Sistemas de Mediação Familiar e Laboral*) and the Western Justice of the Peace (*Julgados de Paz do Oeste*). The project was later extended to nine other Justice of the Peace courts or aggregated Justice of the Peace courts. The platform should include, in the future, the arbitration centres for consumer disputes and, later, all the national Justice of the Peace courts. Article 10 of Decree-Law 26/2024¹³⁰, which created and regulated the Platform RAL+, provided for the extension to the arbitration centres and all other Justice of the Peace courts until 28 February 2025. Nevertheless, based on the experience gained from monitoring the development of the current experimental phase, the DGPJ evaluated as necessary the extension of the platform's implementation period, in order to achieve a system that best meets the needs of the various users and is in line with the different types of alternative dispute resolution mechanisms that benefit and/or will benefit from the use of the Platform RAL+.¹³¹ The new deadline for the extension was moved to 1 January 2026. Meanwhile, to improve the software, DGPJ

¹³⁰ Portugal, [Decreto-Lei 26/2024, que cria e regula a Plataforma RAL+](#) (Decree-Law 26/2024, which creates and regulates the RAL+ Platform), 3 April 2024.

¹³¹ Portugal, [Decreto-Lei n.º 18/2025, que procede à segunda alteração ao Decreto-Lei n.º 26/2024](#) (Decree-Law 18/2025, which proceeds the second change to Decree-Law n.º 26/2024), 18 March 2025.

launched a public tender in April 2025 to develop the Platform RAL+, known as RAL+ 2.0, in cooperation with IGFEJ, which is expected to be completed by the end of 2025.¹³² In accordance with Article 3(1) of Decree-Law 26/2024, this platform enables the consultation of case files and proceedings, as well as the execution of related legal acts. It also enables communication with other information systems related to proceedings and cases in ordinary courts (such as CITIUS), as well as the collection, processing, and management of statistical data and indicators.

The Platform RAL+ is not intended to replace any non-digital procedures, as individuals may continue to submit requests or complaints through other non-digital means, such as in person or by email. It is an added channel to the existing ones for any citizen who wishes to interact with the Justice of the Peace. However, it is an obligatory tool for judges of peace, clerks, mediators and lawyers, since Article 3(4) of Decree-Law 26/2024 stipulates that these users shall proceed with the acts referred to in Article 3(1) through the Platform RAL+, with the exception of parties who are not represented by a lawyer or an advocate.

Prior to the implementation of this digital platform, the Justice of the Peace courts and the Family and Labour Mediation System had their own document management platform. However, these previous tools were only used to register and store documents. At the same time, as they had been developed by different private companies, all these platforms were eventually abandoned due to the lack of funds to support the maintenance costs charged by those companies and the lack of internal capacity and know-how to maintain and develop them.

Five interviews were conducted for this use case, specifically with three judges of peace, one representative from DGPJ and one IT technician from DGPJ. According to the interviews with DGPJ, the introduction of RAL+ is a key moment in the process of digitising the ADR system. By allowing the digital submission of requests or complaints, the digital processing of the entire case, and the access to the case file for all parties involved (through different profiles with varying access rights), this platform represents an evolution compared to its predecessors. Its implementation should promote the digitisation of files, rationalise costs and workflows, ensure security of authentication and protection against fraud, open channels for agile interaction with the parties and their representatives, speed up conflict resolution and ensure interoperability between the relevant systems¹³³ as it communicates with the CITIUS platform.

The development of the tool faced specific constraints, many of which resulted from the defined option to hire a private company to design and develop the digital tool. The

¹³² DGPJ (2025), [Concurso para aquisição de serviços de desenvolvimento de software](#) (Tender for software development services), 1 April 2025.

¹³³ Portugal, XXIII Government (2023), [“Plataforma RAL + torna resolução de litígios fora dos tribunais mais acessível”](#) (RAL+ platform makes out-of-court dispute resolution more accessible), press release, 3 May 2023.

specifications for the software design were created by the DGPJ, with the support of the Institute for Financial Management and Judicial Equipment (IGFEJ). These specifications formed the basis of an international public tender for the development of the platform through a turnkey product. The low value of the tender relative to the complexity of the project may have limited competition, resulting in only one proposal being submitted from a Brazilian-based company operating also in Portugal. Secondly, the lack of prior experience in the justice sector from the private company, combined with pandemic-related restrictions during software development, hampered efforts to gain familiarity with the ADR system and resulted in an imperfect platform with critical bugs that impeded its timely expansion. Finally, the open technical specifications of the public tender allowed the use of Apex, a low-code technology that was not widely used in Portugal. This created a risk of vendor lock-in, as there was limited internal and national IT expertise and a diminished financial capacity to ensure the project's long-term sustainability.

The platform has been developed in a coding language that is used to a very limited extent in Portugal. It has nothing to do with whether the language is less or more secure; it has to do with the fact that there are few service providers using this technology, and we're almost in a situation called vendor lock-in, but it's a technology that allows us to develop a solution entirely in web format. (IT Technician)¹³⁴

As a result of these constraints, as reported above, the DGPJ is currently developing a new version of the platform RAL+ (RAL 2.0), using funds from the Recovery and Resilience Plan (PRR), to tackle the identified limitations and problems and to extend a better version of the tool for the remaining ADR mechanisms. However, the sustainability of the project is a constant concern for the DGPJ interviewed professionals, especially when this funding comes to an end, highlighting the need for public bodies to invest in specialised human resources (technical and legal) to enable the internal management of the platform.

I can get the best programmer in the world, but if he doesn't know the business rules, he won't be able to implement them. In order to do that, we have to invest in the future, not only in the question of internalisation, but that there is a minimum team. (...) There has to be continuity of teams that internalise both technological know-how and know-how in terms of business processes. (IT Technician)¹³⁵

¹³⁴ A plataforma foi desenvolvida numa linguagem que é muito pouco utilizada em Portugal. Não tem nada a ver com a característica de a linguagem ser menos ou mais segura, tem a ver com a questão de haver poucos fornecedores de serviços nesta tecnologia, e nós estamos quase numa situação que se chama de vendor lock-in, mas é uma tecnologia que nos permite desenvolver uma solução toda em formato web. (IT Technician).

¹³⁵ Eu posso ir buscar o melhor programador do mundo, mas se ele não souber as regras do negócio, ele não vai conseguir implementá-las. Para isso, é preciso apostar no futuro, não só na questão da internalização, mas que haja uma equipa mínima. (...) É preciso haver continuidade de equipas que internalizem quer um know-how tecnológico, quer um know-how a nível dos processos de negócio. (IT Technician)

Impact on justice professionals' work

The Platform RAL+ was designed not only as a case management tool but also as a communication channel between the parties involved. Its introduction has brought both benefits and challenges to the work routines of legal professionals.

On the positive side, the judges of peace interviewed highlighted two key advantages: the platform allows judges to work remotely and offers new functionalities, such as templates for notifications, requests, and decisions. However, despite the intention to simplify judicial tasks, one judge noted that the templates have some formatting issues and missing elements, making them less practical for everyday use.

At the same time, one judge of peace pointed out that, while the platform was introduced without fully replacing existing non-digital processes, the administrative staff now have to manage both physical and digital case files, contributing to their workload. Additionally, some users still rely on traditional methods such as email, post, or in-person visits, partly due to technical issues that are still being addressed. In these cases, administrative staff manually scan and upload documents to the digital case file in the platform, as everything must be uploaded. One interviewee mentioned that some individuals and lawyers continue to call the Justice of Peace courts for assistance in accessing their cases on the platform, even though this feature is intended to be available to them directly, while some Judges of Peace refer that there many people that still do not know about the existence of the platform itself, using the other channels.

This platform hasn't come to eliminate any tasks we've done before. The insecurity that exists in its implementation is so great that it is additional work (...) along with everything we have done before. It's here to add acts, not delete them. (...) Here, there are constraints on the access of lawyers, mediators, and citizens. What happens here is that most of the users come to the Justice of Peace and continue to present their initial requests in person, and my colleagues in the secretariat scan, to feed the platform, because otherwise they would not have [the files digitised]. (Judge of Peace)¹³⁶

When asked whether the tool could influence or assist judicial authorities in decision-making - beyond simply digitising or automating routine tasks - most interviewees saw no impact on judicial decisions. However, one judge of peace noted that the templates mentioned earlier can be used to issue a swifter decision.

¹³⁶ Esta plataforma não veio eliminar nenhuma tarefa que fizéssemos antes. A insegurança que existe na sua implementação é tanta que está a ser tratada (...) a par de tudo o que já fazíamos antes. Veio adicionar atos, não eliminar. (...) Aqui, há constrangimentos com os acessos dos advogados, dos mediadores, e do próprio cidadão. O que aqui acontece é que a maior parte dos utentes vêm ao Julgado de Paz e continuam a apresentar os seus requerimentos iniciais presencialmente, e as minhas colegas da secretaria é que digitalizam, fazem, para alimentar a plataforma, porque de outra forma não tinham [os processos digitalizados]. (Judge of Peace).

Training and support to use tool, as well as plans to monitor, improve or update the tool

According to the DGPJ interview and to one judge of peace, some entities were consulted during the development and implementation of the platform, such as representatives from the Council of Judges of Peace (*Conselho dos Julgados de Paz*) and Consumer Conflict Arbitration Centres, as well as mediators, conciliators and judges of peace, in different moments called by the DGPJ to support the private company.¹³⁷ However, no lawyers (including the Bar Association) or the Portuguese Association of Judges of Peace were consulted. One judge of peace, who participated in the consultation process, described their experience as primarily focused on suggesting corrections to the platform, developing templates for different proceedings, and assisting with the training of the judges of peace and administrative staff during the pilot phase. No interviewees mentioned any assessments of the platform's impact on fundamental rights.

Regarding training, as noted earlier, the judge of peace involved in the platform's development provided training to professionals who would use it during the pilot phase. According to two judges of peace, this training was conducted online.

There was an attempt (...) to have the company doing the training, but we felt that was not enough, so we started to do it ourselves. For example, we approached a judge of peace, we then asked the Council of Justices of Peace to cooperate and manage to assign the judge of peace to the project, which was fundamental. That judge of peace has taken over the training of all the professionals. (DGPJ Professional)¹³⁸

As previously mentioned, the DGPJ is currently developing a new version of the Platform RAL+ (RAL 2.0). This updated version is currently being promoted through a public tender by DGPJ, with funding from the Recovery and Resilience Plan (PRR), but there is no information available on the future training planned.

The three judges of peace interviewed confirmed that there are established channels for reporting issues. The DGPJ has implemented a ticket management system (helpdesk) to track and resolve reported problems, and users can also report issues via email. According to the interviewees most familiar with the platform, reported problems are being addressed and resolved.

¹³⁷ The [Council of Justices of Peace](#) is an independent body of plural composition, which is responsible for monitoring the installation and performance of these courts and, furthermore, for carrying out the acts of appointment, management and discipline of their judges. The [Consumer Conflict Arbitration Centres](#) are authorised and approved by the Ministry of Justice, who has de competency, through the DGPJ.

¹³⁸ Houve uma tentativa (...) de ser a empresa a dar a formação, mas nós achámos que aquilo era muito insuficiente, e passámos a dar nós. Por exemplo, nós recorremos a uma juíza de paz, pedimos colaboração ao Conselho para afetá-la ao projeto, e foi fundamental. Ela é que tem assumido as formações para todos os profissionais. (DGPJ Professional).

Fundamental rights risks related to use of the tool/system

Overall, interviewees believe the platform has the potential to help safeguard certain fundamental rights. However, they also highlighted several risks associated with its use, particularly concerning the right to access a court, the right to data protection, and the right to respect for private and family life.

Regarding the right to access a court, as noted by the three judges of peace, the platform may be difficult for individuals with limited digital skills or disabilities to interact with, potentially restricting their ability to use the tool effectively. Filing a case typically involves specific requirements, including submitting the correct documentation, completing forms accurately, and providing necessary details in a specified format. For some individuals, especially those with limited digital literacy or disabilities, meeting all these requirements independently may prove challenging. Without proper guidance, they may struggle to navigate the platform's processes, which could lead to incomplete or incorrect submissions. As a result, as one judge of peace pointed out, these individuals may be discouraged from proceeding with their case, potentially giving up on seeking justice altogether. While the platform aims to make access to justice more efficient, it could unintentionally create barriers for those who are less familiar with the required digital tools. Due to these identified difficulties, all the judges of peace highlighted the importance of maintaining all the channels open, as the Justice of Peace is meant to be a proximity and informal justice.

Additionally, some technical limitations could further impact this right. One IT Professional pointed out that the platform's authentication process, which relies on the Digital Mobile Key (*Chave Móvel Digital*) - a state-certified authentication and digital signature method - could be an obstacle, as many individuals have yet to adopt this system.¹³⁹ Another concern relates to file upload restrictions, as the platform does not allow files exceeding a limited size, which could limit users' ability to submit the necessary documents. Finally, one judge of peace stated that it is very important that the Justice of Peace continues to be easily accessible, not only in terms of proximity but mainly in what relates to the informality of low-cost litigation for small claims. Otherwise, individuals would not seek justice at all.

We are trying to force the citizen to use the only way to access the platform, which is the digital mobile key, and we are creating a barrier that is insurmountable. How many people have an active mobile key? (...) We are talking about 15 or 20% of the population, which means that we are primarily excluding 80% of the population from using the platform. (IT Professional)¹⁴⁰

¹³⁹ The [Digital Mobile Key](#) permits the access to multiple online public services by Portuguese citizens, with the Citizen Card, and immigrants, with the passport or Residence's Card or Permit.

¹⁴⁰ Tentamos impor ao cidadão a única forma de aceder à plataforma, a chave móvel, e estamos a criar uma barreira que é inultrapassável. Quantas pessoas têm chave móvel ativa? É uma questão de começarmos a pensar. Estamos a falar de 15 ou 20% da população, o quer dizer que, logo à cabeça, estamos a afastar 80% da população da utilização da plataforma. (IT Professional).

Obviously, there are always the info-excluded (...) In many of the cases that come before the Justice of Peace, people are outside the system and would never go to any court if there weren't Justice of Peace due to the costs that they have. (Judge of Peace)¹⁴¹

The use of the platform also raises important concerns regarding the right to data protection and respect for private and family life. One judge expressed concern about the potential for sensitive information to be inadvertently disclosed, especially when it comes to the confidentiality of mediation processes, if the platform is hacked, for instance. The DGPJ and IT Professionals confirmed that the platform's design complies with the General Data Protection Regulation (GDPR)¹⁴², which is intended to safeguard personal data and privacy. Still, a notable issue arises from how the platform is used in practice.

One judge of peace noted that in several cases, the legal representatives or the individuals upload information with sensitive data that is not necessary for the case itself. Thus, while the platform may be designed with data protection principles in mind, its use must be closely monitored to ensure that confidential information is not shared inappropriately or hacked. Ensuring that these safeguards are strictly adhered to is critical for maintaining both the right to privacy and trust in the system. One judge pointed out the risks associated with the use of digital signatures, which are linked to personal information. The judge explained that they must use the same digital signature for both official court documents and personal purposes, which creates a potential overlap of private and professional data. Additionally, there was an incident where judges' private desktop layouts were accessed by technical support to resolve platform issues, raising concerns about breaches of privacy and data security.

We often encounter the problem that mediators want to share with us information about what happened during mediation. They write it down, put it in notes, digitise it, and post it on the platform, where it remains accessible. As much as I try to intervene and say that they are violating the principle of confidentiality, I can't stop it. But it's not a problem with the platform, it's a procedural problem with the actors themselves. (DGPJ Professional)¹⁴³

¹⁴¹ Obviamente, que há sempre os infoexcluídos. (...) Porque muitos dos processos que dão entrada nos julgados de paz, é de pessoas que estão fora do sistema e que nunca recorreriam a qualquer tribunal se não existisse um Julgado de Paz com as custas que têm. (Judge of Peace).

¹⁴² [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC](#), OJ 2016 L 119/1 (General Data Protection Regulation).

¹⁴³ Temos, recorrentemente, o problema de os mediadores quererem partilhar connosco coisas que se passaram na mediação, e escrevem, põem em cota, digitalizam, põem na plataforma, e isto está na plataforma. Por mais que eu tente ter uma intervenção pedagógica e dizer que eles estão a violar o princípio da confidencialidade, eu não consigo impedir que isso aconteça. Mas não é um problema desta plataforma, é um problema de procedimento dos próprios atores. (DGPJ Professional).

We have a layout with “cards” that have the case files in the stages where they are. (...) Suddenly, a new “card” appears, saying: processes redistributed by the Council of Justice of Peace. And I: “what is this?”. And then I reported (...) They explained to me, very politely, that they [IT services of DGPJ] had been doing experiments with the layouts and that they had accessed [my profile]. But they assured me that it was the only time. (...) They entered my profile, and now they could not take back the experiments that they had done. (Judge of Peace)¹⁴⁴

Mitigation measures/safeguards to avoid harming fundamental rights built into design of tool or as a result of stakeholder consultations, testing etc.

The interviewees identified several risks that the use of the Platform RAL+ could pose to fundamental rights while also suggesting potential safeguards to mitigate these risks and prevent harm to those rights. Regarding the right of access to justice, the IT professional and two judges of peace pointed out certain limitations, particularly for individuals with limited digital skills or disabilities, who may face difficulties using the platform. Additionally, they noted some technical issues that could further hinder full access to the platform, related to the necessity of using the Digital Mobile Key and the nature and contents of the requirements necessary to fill it out.

As a mitigating factor, one judge of peace notes that the platform provides a tutorial designed to guide individuals through the process of submitting their complaints, which could help alleviate some of the challenges faced by those with less digital experience. On the other hand, as all the interviewees emphasised, since the platform does not replace any existing non-digital tasks or procedures, nor is its use mandatory for the individuals involved, alternative methods remain available for accessing ADR justice, namely in-service or through post or email.

As for limitations, I sincerely think that as long as this option to maintain the traditional way continues (...) and there is an official who ensures the assistance to the person, especially to the person with disabilities, the ability to welcome the person, to provide clarification, I think that the rights are not limited or in any way pinched. On the contrary, the possibilities of exercising my rights have been extended. If I'm in France, I'll take action. Maybe I wouldn't mail it or know how to do it. (Judge of Peace)¹⁴⁵

¹⁴⁴ Temos um ‘layout’ com os ‘cards’ com os processos nas fases em que estão, tenho o que tenho de tratar, os pendentes... de repente, aparece um ‘card’ novo a dizer: processos redistribuídos pelo CJP. O Conselho de Julgados de Paz. E eu: ‘o que é isto?’. E aí reporteí. (...) Lá me explicaram, com muita delicadeza, que tinham estado a fazer experiências nos ‘layouts’ e que tinham acedido, mas garantiram que tinha sido só dessa vez, ao meu ‘layout’, mexeram, e que depois não conseguiram tirar as experiências que fizeram. (Judge of Peace).

¹⁴⁵ Quanto a limitações, acho sinceramente que enquanto se mantiver esta escolha de manter a via tradicional (...) haver um funcionário que assegure o auxílio à pessoa, sobretudo à pessoa com deficiência, o poder acolher-se a pessoa, prestar esclarecimento, acho que os direitos não estão limitados nem de forma nenhuma beliscados. Alargaram-se, pelo contrário, as possibilidades de exercer os meus direitos.

Another risk identified was related to the right to protect private data and family life. One judge of peace contested the necessity of using the personal Digital Mobile Key to access and work on the platform, arguing that it should exist in a form that does not involve their personal Citizen Card. The IT Professional interviewed in relation to the data protection measures reassured that data is accessible based on the user's profile, meaning, for example, that parties do not have access to the same information as judges. This helps to mitigate some of the risks associated with data sharing. In addition, this professional informed that steps are being taken to improve further data encryption to enhance security.

We are implementing data access measures. (...) The only profile that can see everything is the platform administrator, who is the technological profile. And I can tell you that we are taking steps to create conditions so that the administrator can't even see all of it. We're encrypting data. (IT Professional)¹⁴⁶

Furthermore, it should also be noted that all the interviewees emphasised that there are specific mechanisms for complaining if a user wishes to do so. The user can lodge a complaint directly with the DGPJ or even with the judge of peace, who will refer it to the competent authority. In addition, if the issue is related to data protection, a complaint can also be submitted to the National Data Protection Commission.

Fundamental rights benefits of the tool/system

The Justice of Peace is more affordable¹⁴⁷ and does not require mandatory legal representation. So, respondents believe the main benefit of the platform, in comparison with the physical access or the use of email, is its ability to secure the right of access to justice by providing an additional channel for individuals and businesses to seek resolutions to their issues. While the platform may present challenges for individuals with limited digital skills, the availability of alternative channels helps mitigate this risk, ensuring that everyone can still access the Justice of Peace and other ADR mechanisms. This accessibility ultimately benefits both individuals and businesses by offering a flexible, cost-effective way to resolve disputes.

Se estiver em França, ponho uma ação. Se calhar, não mandaria por correio, nem saberia como fazer. (Judge of Peace).

¹⁴⁶ Nós estamos a implementar medidas no acesso aos dados. (...) O único perfil que tem capacidade para ver tudo é o de administrador da plataforma, que é o perfil tecnológico. E posso dizer que nós estamos a dar passos em termos de criar condições até para o administrador não ver. Estamos a encriptar dados. (IT Professional).

¹⁴⁷ The costs related with litigation in the Justice of Peace can be consulted at the [website of DGPJ](#), where it is explained as follows: "The use of the Justice of the Peace is subject to a one-off fee of €70, payable by the losing party. If the party does not win in full, this fee will be shared between the parties in the proportion set by the justice of the peace. If the case is concluded through an agreement reached between the parties in mediation, the amount payable is €50, divided between both parties. In the cases provided for by law, legal aid may be available in proceedings before the Justice of the Peace."

In addition, the platform enhances transparency by allowing users to access and consult their cases online from anywhere. This feature ensures that individuals and businesses can track the progress of their cases in real time, improving communication and reducing uncertainty. Finally, the platform facilitates remote participation for individuals and their representatives, as they have direct access to the full case file and legal proceedings. This accessibility improves participation in the process, regardless of location. In turn, it enables the judge to have a clearer and more comprehensive understanding of the case, potentially leading to more informed and accurate decisions. Thus, the platform not only makes access to justice more affordable, inclusive and transparent, but also has the potential to enhance the fairness and quality of decision-making.

Conclusions

The digitalisation of justice has already two decades of discussion and implementation in Portugal. Still, it was only after 2016 that it was possible to observe a new boost in the definition of a strategy and the adoption of an implementation plan for the following years. The research carried out on the digitalisation of justice, through the deep analysis of five use cases and desk research, among other sources, provided relevant information about multiple issues related to the state of the processes already implemented, in the phase of implementation or planned for the future.

The five selected use cases have differences in terms of usability, implementation phase and usefulness, making it difficult to establish conclusions that can be applied equally to all. Nevertheless, related to the process of digitalisation, it emerges from the reasoning of the interviewees, besides an overall support to further implement quality digital solutions, a major concern with the necessity to maintain different channels to access to justice, as there are individuals that would be excluded if they could only use digital tools, namely vulnerable populations such as older persons, people with low education and reduced digital skills, people with disabilities, children or migrants, among other. The different use cases were also developed by different entities with the involvement of several judicial governance bodies and other stakeholders, working in the area of justice. The analysis of the collected information, through the results of desk research and interviews, allows us to draw five main transversal conclusions.

The first conclusion draws on the need to have stability in the public policies for justice. From 2016 to 2024, the digitalisation of justice was a flagship in the policies of justice, with the main actions being implemented around this strategic framework. The appointment of a new government in April 2024 changed the focus to the simplification of regulation and legislation and to the improvement of the management of the judicial system. The projects of digitalisation of justice, under the European funding programmes, are still running and several modifications were made, especially with the purchase of new and updated equipment. There is, nevertheless, a discontinuity in the information publicly available related to the level of implementation and execution of the projects and measures linked to the digitalisation of justice. The previous websites associated with the strategy of digitalisation remain active but are outdated. Consequently, it is difficult to assess any developments, some of which were identified in the use cases. This is exacerbated by the difficult access to professionals working in the entities of the Ministry of Justice, who are responsible for several of the analysed digital tools. The recent fall of the government and the new elections that will take place on 18 May 2025 may have an impact on the ongoing processes and projects of digitalisation of justice, as currently there is uncertainty regarding public policies of justice.

The second conclusion refers to the polarised structure of management within the judicial system, especially the courts, which is distributed among several entities of the

Ministry of Justice and judicial governance bodies. From the side of the Ministry of Justice, the main ones are DGAJ, IGFEJ and DGPI. At the same time, in relation to the judicial bodies, the High Council of the Judiciary, the High Council of Administrative and Tax Courts and the Public Prosecution Service (which includes the High Council of Prosecution Services) are involved. Additionally, in specific cases, such as the Platform for Electronic Legal Aid, other entities, including the Institute for Social Security, also play a crucial role in developing digital tools. The analysis of the five use cases and the remaining information collected through desk research, key contacts with stakeholders and sustained previous research developed in our research centre clearly identifies the lack of articulation and coordination between the different entities and governance bodies. This was evident in the use case related to the software for automated anonymisation of judicial decisions, where different solutions were developed and abandoned, and new working groups were set up to produce, again, solutions for the same purpose, mobilising several entities of both the Ministry of Justice and High Councils to contribute to separate software. As mentioned during the interviews, this leads to different solutions competing within the same judicial system and is not an efficient use of European and national funding. Interviewees also highlighted a reduced level of cooperation between the main entities of the Ministry of Justice in spite of some overlapping and competing competencies in the development of digital solutions and the renovation of IT equipment.

The third conclusion reveals the insufficient resources in the judicial system to implement a dynamic and efficient digitalisation of justice. These limitations cross different dimensions, namely: the inadequacy and obsolescence of equipment in courts; the reduced number of IT qualified staff, whether in courts or in entities such as IGFEJ and DGAJ, to manage the daily needs or to create, develop and monitor the IT solutions; and the low digital skills of judicial professionals to operate in full the existing software and other digital tools, due to a lack of adequate training. *Magistratus* exemplifies a digital tool initiated in 2017 that still has not evolved to be widely used by judges and to replace *CITIUS* and *SITAF* in all that relates to the work of judges. According to the interviews, the software is not robust and attractive enough and there has been, so far, limited training to persuade the judges to adopt it. The use of videoconference, widely accepted by all professionals, generates sceptical reactions due to the disruptions during judicial proceedings and hearings caused by the poor functioning of the equipment and connections. These limitations can lead to discontinuities in software solutions or, at the very least, as in the case of *Magistratus*, a delay in their implementation because they are not satisfactory for users, thereby increasing mistrust and doubts about the success of digital justice solutions.

The fourth conclusion highlights a common practice of reduced involvement of professionals and entities with relevant competencies in the construction and implementation of digital tools, resulting in solutions that are not aligned with the interests or capacities of future users. The Platform for Electronic Legal Aid is a clear example of a digital tool, created by the Institute for Social Security, that enables

individuals to request financial support for legal action. The platform is located within the individual portal of Social Security, but its completion requires legal knowledge, a medium level of education, and digital skills, which often the individuals in need of requesting legal aid do not possess. While they can use the previous mechanisms to request legal aid, it has been reported that other professionals fill out the online form on behalf of individuals, accessing their personal portal on Social Security, where other personal and private data is stored. The limited collaboration with other entities of the Ministry of Justice, judicial bodies, or the Bar Association hindered the potential of the digital tool, which should be embedded and interoperable with the digital tools of the Bar Association and software such as CITIUS or SITAF. The interoperability would oblige an end to paper procedures or the transfer of information that should already be entirely digital. In addition, many individuals are still unaware of the existence of these solutions, such as platforms for requesting legal aid or initiating proceedings before the Judge of Peace.

Finally, the fifth conclusion relates to the absence of a culture of planning, monitoring, and evaluation of measures and policies adopted in the area of justice, in general, and specifically in terms of compliance with fundamental rights. All the use cases were developed, are being developed, or are being implemented without any evaluation of possible impacts on fundamental rights or their safeguards. The interviewees made some reasoning on the possible impacts of the digital tools, but the reference to fundamental rights was minimal. The interviewed professionals, directly or indirectly involved in the conception and/or development of these solutions, showed to be surprised by the questions, providing explanations sustained in the argument that the functioning of the judicial system (courts and judicial professionals) guarantees the realisation of the rights. It also emerged from the interviews that no evaluation is planned, whether for the fundamental rights perspective or the regular functioning of the digital tools. All improvements made to correct identified problems in the digital tools relied on problems reported through the helpdesk, direct contributions to the professionals involved in developing the digital tools or to the internal hierarchy who will transmit the information to the appropriate entity.

Transversal to these themes is the general acceptance of the benefits and inevitability of the digitalisation of justice, which aligns with developments in other areas of society, such as the private sector and public administration. Simultaneously, with the approval of digital transformation, there is a low level of awareness of the current situation and the paths digitalisation should take in the justice sector. This reasoning is even more evident when the questions shift to the possible impacts on the fundamental rights of individuals, where the interviewees argue that solutions must consider existing regulations and laws, thereby guaranteeing the realisation of these rights.

Another transversal theme that emerged is the use of artificial intelligence in the judicial system, which most interviewees considered inevitable but necessary to regulate, with defined limits on its widespread use. The analysed digital tools, with the exception of

one software for automatic anonymisation of judicial decisions, which was used with limited success, do not employ artificial intelligence. Following the recent European regulation, there are still some doubts about how to proceed and where to integrate software with artificial intelligence in the judicial system.

The path to a digitalisation of justice with quality is not easy. Although the dematerialisation (or digitisation) of justice is almost a complete reality in courts, much work still must be done to overcome the five main conclusions described above. The digitalisation of justice requires a more consolidated articulation in its governance organisation and the allocation of human, financial, and technological resources, including training, awareness, and the dissemination of available solutions, to meet the defined goals of major simplification, proximity, and swifter justice for anyone who needs a legal problem solved.

To ensure indispensable compliance with fundamental rights, the entities of the Ministry of Justice and the judicial governance bodies must understand fundamental rights, be aware of and have the knowledge to implement compliance across the various phases of a digital tool's conception and implementation. This demands the involvement of other cooperating entities, experts, and the perspectives and experiences of final users; and it requires the nomination of responsible entities for assessing fundamental rights when a digital tool is planned. The collected data and information, despite some efforts made in recent years to promote new forms of discussion, participation, and training, are still far from an adequate environment to set up new digital solutions that consider their potential impacts on fundamental rights.

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Methodology

The selection of use cases was conducted based on desk research, following the analysis of official documents and reports on the digitalisation of justice in recent years. Several publications highlighted multiple tools, software, and other digital instruments; some of them were already implemented, others were in the test phase, and others were in the development phase. The selection tried to have a balance between older digital tools (Videoconference), more recent tools that were implemented but are still in an improving period (Platform for Electronic Legal Aid and Magistratus), tools that are already working but remain on a test-phase (Platform RAL+) and, finally, tools that are in a development phase (software for anonymisation of judicial decisions).

Simultaneously, the selection was made also taking into consideration the aims of each tool, with a variety of solutions, some for supporting case management (Magistratus and, partially, the Platform RAL+) and for facilitating the access to justice (Platform for Electronic Legal Aid and Platform RAL+), while other was more instrumental (Videoconference) and, finally, another mostly contributes for the transparency of justice and the setting up of jurisprudence and legal expectations (software for anonymisation of judicial decisions).

The selection of these five use cases for fieldwork was, therefore, based on four main criteria. The first criterion tried to cover the different dimensions of justice, by including: one use case related to the access to justice and to legal aid (Platform for Electronic Legal Aid); one use case related to a tool that is experienced by different professionals and individuals, for judicial proceedings and judgements (Videoconference); one use case related to an exclusive software for one profession, namely the judges (Magistratus); one use case for making publicly available the final judicial decisions, related to data protection (Software for anonymisation of judicial decisions); and one use case related to mechanisms of alternative dispute resolution (Platform RAL+).

The second criterion took into consideration the different stages of development of the digital tools: two use cases are already in use, one for more than twenty years (Videoconference) and the other for only two years (Platform for Electronic Legal Aid); one use case has been functioning since 2017, although still not fully implemented (Magistratus); one use case is in test-phase in select locations (Platform RAL+); and one use case is being developed (Software for anonymisation of judicial decisions).

The third criterion was based on different forms of creation and development of the digital solutions: two were technically developed by the IT staff of the Ministry of Justice (Videoconference and Magistratus); while another was developed by the IT staff of the Institute for Social Security (Platform for Electronic Legal Aid); one was created through the collaboration of research centres of public universities (Software for anonymisation

of judicial decisions); and a private company developed the last one after a public tender (Platform RAL+).

Finally, the fourth criterion included digital tools targeted to different users, such as: only judges (Magistratus); only individuals (Platform for Electronic Legal Aid); only court staff, following the guidelines defined by judges (Software for anonymisation of judicial decisions); justice professionals (judges of peace and court staff) and involved parties (individuals and lawyers) (Platform RAL+); and potentially all users involved in a court proceeding/judgement (Videoconference).

The selection of use cases follows the goal of identifying different actors to be interviewees, from judicial and legal professionals to representatives of judicial governance bodies and entities of the Ministry of Justice. It was considered important to have access to the entities of the Ministry of Justice, mainly DGAJ, IGFEJ and DGPIJ, but also ISS, all responsible for the implementation of the five selected use cases, namely DGPIJ with Platform RAL+, DGAJ with Videoconference, IGFEJ with Magistratus and software for anonymisation of judicial decisions and, finally, ISS with the Platform for Electronic Legal Aid. This last one was developed by Social Security in collaboration with the entities of the Ministry of Justice and the Bar Association. Unfortunately, despite multiple efforts and contacts, it was not possible to interview anyone from IGFEJ, the most relevant governmental entity concerning the digitalisation of justice. Thus, it was necessary to interview more judicial professionals; however, this requirement did not limit the collection of qualified information, as several of the judicial professionals were members of the High Councils and directly involved in developing some of the digital tools analysed.

The variety of interviews, according to each use case analysed, included judges (7), public prosecutors (1), court clerks (2), lawyers (6), IT staff of research centres involved in the creation of the digital tools (3), and also responsible from DGAJ (2) and Institute for Social Security (1, an interview with two technical experts). Therefore, the wide range of professional expertise and the diverse roles performed included mixed competencies, ensuring the diversity of contributions and observations, although they shared similar opinions on many issues. The interviews were conducted mainly through online platforms, following the availability of the interviewees, but five (out of the 25) were conducted face-to-face.

The main challenges that were felt during the empirical research can be summarised into three main categories: the first one refers to the gap between what was collected through the desk research and the reality of the current state of the selected digital tools, with the latter being far from what was described in the official reports or could be read in the websites (one of the initial selected use cases, the MP Codex, was supposed to be already in a test-phase, but was not even ready); the second was caused by the change in the governance structures of the entities under the Ministry of Justice, that made it difficult to reach those professionals working in the selected use cases, and

forced the reorientation to other judicial professionals involved in the development of the tools, causing several delays; and, finally, the third one relates to the difficulty to analyse the digital tools in a fundamental rights' perspective. In this last challenge, the discussed digital tools were considered as being mainly instrumental and managerial without recognised potential impacts in fundamental rights. Consequently, the collected data and information made evident the inexistence of monitoring, evaluation or assessment of the digital tools, in any phase of development, whether in terms of fundamental rights or even related to the functioning of the tool and the difficulties that it may raise to users.

Annex 1: Additional interviews – short analysis report

1) Methodology/brief overall assessment

The additional interviews to collect information, contributions, perspectives, and recommendations on the digitalisation of justice required a selection of professionals that would meet a diversity of criteria, namely: different professions with experience in diverse use cases; mixed profiles of professionals with associative or higher relevant functions' experiences; varying genders and ages; and a balance between more formal and informal professionals in terms of supporting individuals with greater vulnerabilities. The objectives were achieved through the selection of: two judges, one with competencies in digital technologies and the other with experience in the association of judges, as well as other professional contexts; two legal experts working in associations supporting vulnerable individuals in two different contexts (immigration and victims); and one lawyer/mediator with multiple professional and institutional experiences. Their experiences of the selected use cases were associated with the Platform for Electronic Legal Aid, Magistratus, Videoconference, and Platform RAL+. Only the Software for Anonymisation of Judicial Decisions could not be covered, as it is specific software of limited use by these professionals.

Three main goals guided the selection of these professionals: institutional experience, practical experience, and reasoning on the digitalisation of justice. They not only work within the justice system but also alongside it, supporting individuals' access to justice. Consequently, the contributions received not only helped confirm previous findings but also offered new insights.

The three main ideas that emerge from the interviews are as follows: the absence of any evaluation of impacts on fundamental rights in the design, development, and implementation of digital tools; the reduced involvement of professionals and beneficiaries of these tools in all phases of their development and implementation; and the limited suitability and accessibility of digital tools for individuals with vulnerabilities, despite their being designed to support access to justice. These ideas prompt a transversal proposal, put forward by one judge interviewed, who advocates that the digitalisation of justice must progress towards an effective “digital rule of law”, where digital solutions must respect fundamental rights. In this context, it is essential to clarify and organise the institutional framework responsible for managing, monitoring, and controlling the functioning of the justice system and its digital tools employed to provide justice to individuals.

2) Stakeholder consultations or fundamental rights impact assessments

The interviews with the two judges confirmed a conclusion that emerged in the previous research: no assessments regarding impacts on fundamental rights were planned or conducted concerning any digital tool they were aware of. The judges and the lawyer/mediator interviewed also concurred that some digital tools are inadequate for their professional needs, often because they and their peers were not properly involved in designing and developing the solutions. Consequently, the results are not satisfactory. The remaining interviews highlighted the unsuitability of several digital tools, such as the Platform for Electronic Legal Aid, which require legal and digital knowledge that some vulnerable groups do not possess. At the same time, the Platform for Electronic Legal Aid does not permit a legal representative to assist with the application for legal aid.

The videoconference, despite having raised specific issues, is perhaps the tool with the fewest problems identified by interviewees, as it has been used for over two decades and is primarily limited to facilitating participation in judicial proceedings. Magistratus has been undergoing a lengthy process of improvement in preparation for a second phase of implementation, following initial problems that led judges to be sceptical and refrain from using it. Platform RAL+ is described as creating additional work and being unsuitable for some professionals who should use it, such as mediators. One legal expert working in a civil society organisation highlighted another platform from the Commission for the Protection of Victims of Crimes (CPVC - *Comissão de Proteção de Vítimas de Crimes*), which allows victims of domestic violence or violent crimes to claim compensation. However, not many people are aware of its existence or their right to seek compensation as a victim. This platform has experienced issues since its inception and was not functioning correctly at the time of the interview, particularly regarding document uploads. Conversely, one judge referred to the case of the Constitutional Court, where the digitalisation process remains at an early stage and interoperability with other courts is a distant goal. Although some efforts are being made to address this issue, including collaboration with IGFEJ to find solutions, it is expected that the Constitutional Court will remain excluded from the digitalisation of the justice process for some time yet.

The two judges and the lawyer/mediator engaged in specific consultation processes during the development of digital tools, such as Magistratus and the platform RAL+. One of the judges involved in the initial phase of the creation of Magistratus, which suffered several delays due to technical issues, stated that, despite IGFEJ continuing its development with support from judges designated by the High Council of the Judiciary, after eight years, the software is not yet fully implemented. The other judge, as a

member of the professional association of judges, participated in several meetings at the Ministry of Justice to discuss, prepare documents, and develop concrete solutions. This experience was disappointing due to the political agenda that demands quick results, the participatory methodologies adopted, and the disconnect between IT staff practices and the judges' working needs. Ultimately, this judge realised that the participation of the judges' association was somewhat pointless. This judge believes that although government officials possess good intentions and aim to enhance the efficiency of the judicial system through digitalisation, these same officials were also under political pressure to achieve rapid results and justify expenditure on policies like the digitalisation of justice. The interviewee perceives that this pressure has cultivated an environment where government officials feel compelled to act swiftly, sometimes leading to decisions that do not fully integrate the insights of judicial professionals, such as hiring IT and engineering teams to develop platforms without adequately consulting the judicial professionals who will utilise them. This former member of the judges' association further explained that not all public services should be digitalised in the same manner, suggesting that the judicial system encompasses some complex and human-centred aspects that ought not to be entirely digitalised. Therefore, creating and developing digital tools to support judicial processes solely to boost efficiency poses the risk of compromising the quality of justice.

I don't think there was a profession that cannibalised the system, colonised it, and transformed it. I would say that if there was someone who did this with more intensity, it was the engineers, because the engineers build a tool thinking about the other tools with which they have already worked from banks, health centres, this and that. They were not always alert, and above all they did not want to be alert, to the very specific characteristics of the courts. (...) At some point, we may come to the conclusion that certain public activities cannot be digitised like others. This story that everything has to be digitised in the same way to be all "simplex" and automated can have limits. (Judge)¹⁴⁸

This finding was further corroborated by the lawyer/mediator regarding the platform RAL+. The lawyer/mediator mentioned that their peers were only called to advise on the platform at a point where the software was already developed. After looking at the final version, they realised that no contributions were considered and the end product had not been adapted to their professional needs. The two legal experts working in

¹⁴⁸ Não acho que tivesse havido uma profissão que canibalizou o sistema, e que o colonizou e que o transformou. Eu diria que se houve alguém que fez isso com mais intensidade foram os engenheiros, porque os engenheiros constroem uma ferramenta a pensar nas outras ferramentas com que já trabalharam dos bancos, dos centros de saúde, disto e daquilo. E nem sempre estavam alertas, e sobretudo não queriam estar alertas, para as características muito específicas dos tribunais. (...) Um dia, podemos chegar à conclusão que certas atividades públicas não podem ser digitalizadas como outras. Esta história de que tem que estar tudo digitalizado da mesma maneira para ser tudo "simplex" e automatizado pode ter limites. (Judge)

associations have never participated in consultation or evaluation processes related to the development and implementation of digital tools, despite working closely with the people who may need more support due to their social vulnerabilities (such as lack of legal knowledge or digital skills). A transversal concern of the five interviewees, which also arose from the initial interviews, relates to the lack of interoperability of many of these digital solutions, which requires the gathering of documents to be uploaded to public platforms repeatedly, instead of allowing the authorisation for automatic referral of documents and evidence. This eventually leads to a duplication of the workload, one of the problems previously pointed out by other actors in the judicial system.

Based on the interviews, three main steps must be taken to ensure successful digital solutions that uphold fundamental rights. These steps are: establishing multidisciplinary working teams that identify needs from the outset; developing suitable, swift, and straightforward solutions for professionals and potential users, integrating methodologies that guarantee the respect of fundamental rights; raising awareness of the existence of justice-related rights and how digital solutions can facilitate access to them, particularly for those with social vulnerabilities; providing digital solutions that enable, whenever appropriate, legal representatives to support users with limited digital skills; and promoting greater interoperability within public services to simplify and automate bureaucratic processes.

The proposed steps follow the evaluation of the selected use cases and other digital tools currently in use within the judicial system, which face several difficulties in realising their full potential and in improving the functioning of the justice system. Systems such as videoconference in courts and Magistratus continue to experience technical issues. According to the legal professionals of civil society organisations (CSOs), the awareness of the Platform for Electronic Legal Aid remains low, as people are unfamiliar with its existence or unsure how to use it properly. Additionally, professional users continue to encounter limitations, as illustrated by the ongoing challenges with Platform RAL+. Overall, the five interviews reinforce the results obtained in the previous phase of the research.

3) Benefits/disadvantages to work & support and training provided

Each digital tool has a distinct context and objectives, not only during the creation and implementation phases, but also in its function and regular use by all parties involved in the judicial system. Inherent to its creation are the ultimate goals of making the procedures easier, swifter, cheaper, more accountable, and less time-consuming for professionals and citizens. All the five interviews are in favour of a digital transformation of justice in line with these goals. Nevertheless, their experience with several digital

tools makes them sceptical regarding performance, primarily due to problems and limitations that derive from the way they were built. The concern with fundamental rights is raised when questioning their relevance, as there is a consensus that these digital tools, if and when applied to the judicial system, must be bound by laws and regulations.

Several interviewees discussed how implementing these digital tools affects work practices. The two judges interviewed noted that judges face numerous challenges in their daily work routine, as they are still far from taking advantage of digital tools. In their view, they still spend too much time on tasks and procedures that are not relevant to their primary function: decide and produce judicial decisions.

One judge noted, as an example of the activity of the association of judges, that a practical test comparing manual and digital signing of judicial records in Magistratus indicated that digitalisation often extended the process rather than making it more efficient. A task that once took minutes now requires significantly more time due to usability issues with the software in use. Additionally, in the past, judges would review physical drafts of court minutes, make corrections, and return them to the court clerks. Now, with digitalisation, judges are tasked with making these corrections themselves, which has led to delays and inefficiencies.

The same judge also emphasised how digital tools can hinder evidence analysis and decision drafting, particularly given current software limitations, outdated equipment, and unstable internet connections. In complex cases, such as those involving hundreds of pages of wiretaps, platforms like CITIUS become particularly problematic. Each page appears as an individual PDF with a long serial number, making it impractical to review efficiently and increasing the risk of errors that could compromise the fairness of decisions.

Another judge suggested that artificial intelligence could be employed in certain tasks, such as in cases of mass litigation in administrative courts, where highly similar cases could facilitate the production of judicial decisions, ensuring a final review by the judge before the decision is issued. The recent volume of cases related to the right to arrange a meeting with AIMA (Agency for Integration, Migration, and Asylum) regarding immigration issues serves as a perfect example of where artificial intelligence could significantly contribute to resolving the problem.

These examples show the importance of designing digital tools around the needs of their end users, rather than relying solely on the work of contracted IT and engineering teams responsible for developing the tools.

The two legal experts working in different CSOs that support people with vulnerabilities take the stance that the lack of awareness of the existence of digital tools, such as the Platform for Electronic Legal Aid, or even the lack of legal knowledge and digital skills to fill out forms or interact with public services, are significant issues. In this sense, despite the introduction of a new digital channel for requesting legal aid, the most vulnerable people still submit requests for legal aid in paper or with the support of these organisations, which interact with the Social Security services via email. Although they admit that using the digital platform can speed up the requests, the implementation of this digital channel has not significantly changed the way requests are submitted, meaning that people with vulnerabilities continue to require the support of these organisations to make the requests. Since the Platform for Electronic Legal Aid operates within the individual profiles on the Social Security Platform, legal experts working in CSOs do not have access to these profiles. As a result, they resort to alternative methods, such as submitting the request in paper form or using email channels.

The lawyer/mediator revealed, in relation to the Platform RAL+, that the benefits for professional use are limited because not only is the tool not adapted to professional needs, but also due to the excessive bureaucratisation of the procedures, which closely resemble judicial procedures and are far removed from the objectives that mediation should strive for. The platform, as referred to by this professional, is not “mediator-friendly” or even “mediation-friendly”. It is time-consuming, has inadequate features, and offers reduced flexibility compared to the needs of mediation. In this regard, the current version of the platform causes more disruption than benefits, despite the good intentions of the professionals involved in its creation and development, and the belief that a digital tool is necessary to harmonise procedures and enable digital registration of cases.

The training provided for using various digital tools is limited and lacks a structured, defined, and approved plan. Magistratus and RAL+ employ a snowball strategy, where some judges and judges of the peace offer training to their colleagues. In the case of Magistratus, during a preliminary stage, the trained judges adopt a peer-to-peer training approach, selecting judges in each court to deliver the necessary training that enables them to share their knowledge with the other judges in the court. Currently, as part of the initial training programme for judges and public prosecutors, there is a dedicated subject on information and communication technologies that focuses on digital applications and platforms that support and inform decision-making processes in courts. At the same time, this topic has also been addressed through ongoing professional development activities. However, this training lacks a practical focus on the digital tools used in the justice system, leaving trainees unfamiliar with how to use software such as CITIUS, Magistratus, or MP Codex when they are placed in courts after the initial training.

Right now, nobody can be a judge, a lawyer, a prosecutor, without having computer skills. Someone who enters the CEJ and is technologically illiterate will not be able to perform its duties. You must have minimal knowledge from the user's point of view. At CEJ, we had legal informatics, a little basic informatics course, which helped a little. But if the person doesn't start out on their own... (...). Both CEJ, the Council and the people themselves have to invest in this training. There are courses at the level of the Academy of European Law, I have been there several times, on artificial intelligence and digitalisation. UNESCO has been doing courses on this, recently did one on artificial intelligence. People often do not have time for this, nor do they look for it, but it is important to bet on these courses. (Judge)¹⁴⁹

Additionally, several other initiatives are underway to further enhance both initial and ongoing training in this area. These efforts are being carried out internally—with the establishment of a dedicated Working Group—and through collaboration with external partners. Notably, at the national level, this includes a joint Working Group comprising the Centre for Judicial Studies (CEJ), the High Councils of the Judiciary and Public Prosecution, and the Ministry of Justice via the IGFEJ. In relation to RAL+, a judge of peace has trained the remaining judges of peace through online sessions. Regarding the Platform for Electronic Legal Aid, as previously collected information indicated, training was provided to the technicians of Social Security who would engage directly with legal aid throughout the country. On another specific platform for requesting compensation for victims, one legal expert mentioned that they promoted internal training to ensure its correct usage in supporting victims. Nevertheless, the introduction of a new digital tool, in general, is not accompanied by a planned training programme that could ensure its successful implementation. This data reinforces the earlier findings on the training support offered, or, as noted by the lawyer/mediator, the digitalisation of justice must be followed by training and awareness initiatives.

4) Complaint mechanisms

The professionals interviewed are unaware of any complaint mechanism, apart from the existing “helpdesks” or, in specific cases, the possibility to appeal a decision or procedure that does not comply with the law or regulation, or that the individuals requesting it believe do not meet the expected outcomes or rights. Furthermore, as in the case of Magistratus, judges can inform their colleagues in the High Council of the

¹⁴⁹ Neste momento, ninguém consegue ser juiz, advogado, procurador, sem ter conhecimentos informáticos. Alguém que entre no CEJ e é analfabeto tecnológico, não vai conseguir exercer funções. Tem de ter conhecimentos mínimos na ótica do utilizador. No CEJ, tínhamos informática jurídica, um cursozinho básico de informática, que ajudou um pouco. Mas se a pessoa por si não começar... (...) A pessoa tem de ter conhecimentos. Quer o CEJ, quer o Conselho, quer as próprias pessoas têm de investir nessa formação. Há cursos a nível da Academia de Direito Europeu, já lá fui várias vezes, sobre inteligência artificial e digitalização. A UNESCO tem feito cursos sobre isso, ainda há pouco tempo fez um ‘mooc’ sobre inteligência artificial. As pessoas é que não têm, muitas vezes, tempo para isso, nem procuram, mas é importante apostar nesses cursos. (Judge)

Judiciary or even the Judge-President of their court. A legal expert also mentioned that, in requests involving the appointment of a lawyer through legal aid, it is not uncommon for the designated lawyer to request to be excused from the proceedings. In such cases, the Bar Association is expected to appoint a different lawyer. However, this procedure is often not adhered to, effectively requiring individuals to lodge an appeal to secure their right to legal representation.

When it happens, what we do, and even with some frequency, is to make a request to the Bar Association, to ask for the reversal of the archiving. Usually, it is only after this first request that we are given an order, a document that does not substantiate why, other than the allegation of infeasibility of action. It does not explain the specific reasons given by the lawyer in question. And they basically explain how to apply again for legal aid, as if we had not applied already. It's not useful. (...) In that case, we send a new, more in-depth request about the case, and the rights of the applicants, and yes, the submission of the new request. (Legal expert)¹⁵⁰

One legal expert working in a CSO reported that, despite the use of digital platforms (such as legal aid or compensation for victims), they are also accustomed to sending information or requests by email whenever it is available or feasible. In the case of a videoconference, if a technical problem arises, the court clerk attempts to resolve it or contacts the IT staff if the situation is more complicated.

Information from the additional interviews confirms the previous findings related to the existing complaint mechanisms in cases of technical failures, misuse, or disagreement with the outcome. It is again clear that people with social vulnerabilities and/or diminished educational and digital competencies require additional support, such as that provided by CSO working in various areas. This was already necessary before the introduction of some digital platforms; and it is again essential when these groups have to use these new tools to access their rights, which may include a basic understanding of what their rights are, filling out forms, or receiving assistance in understanding documents and “reading” the contents or decisions.

I don't think it's a facilitator. I think it can be a facilitator for people who are already very used to dealing with online forms. And even those people, for example, I am thinking here of the issues of the victims of crime, people are often in a situation of crisis. They often cannot have a very clear thought, because, of course, they are going through a situation that is often traumatic, with immense difficulties. Even someone who, outside

¹⁵⁰ Quando acontece, o que fazemos, e até com alguma frequência, é proceder a requerimento à Ordem dos Advogados, a pedir a reversão do arquivamento. Normalmente, só após esse primeiro requerimento é que nos é dado um despacho, um documento que não fundamenta o porquê, a não ser a alegação de inviabilidade de ação. Não explana os motivos específicos dados pelo advogado em questão. E explicam, basicamente, como proceder a novo pedido de apoio judiciário, como se não tivéssemos pedido já. Não é útil. (...) Nesse caso, enviamos novo requerimento, mais aprofundado, sobre o caso, e os direitos dos requerentes, e sim, apresentação do novo pedido. (Legal expert)

the traumatic event, has clarity of thought and who can and who is easy to deal with this type of bureaucracy online, from the moment he is in a crisis situation, also makes this dexterity difficult. (Legal expert)¹⁵¹

The information extracted from the new five interviews reinforces the conclusions achieved in the previous research, in what concerns the complaint mechanisms, that they are limited to helpdesk services or appeal proceedings.

5) Special measures in place for people who may not be able to access digital tools or services, or new tools/systems in development

There were no special measures identified to facilitate access to digital tools for people with specific needs. What is once again very clear is the relevant support provided by CSOs working in various areas for people with vulnerabilities, such as diminished knowledge of their rights and the law, basic educational and/or digital skills, or even those lacking access to digital tools. In this context, the insights shared by the two legal experts from the CSOs, who discussed their efforts to help individuals understand their rights, were particularly noteworthy. The support offered in some cases does not make use of digital platforms, as is evident with the Platform for Electronic Legal Aid, which requires access to the private profile. To avoid any intrusion into personal private information, the legal professionals prefer to use alternative channels, which may include postal or email communications.

There is also the issue of language used on certain platforms. For instance, the Platform for Electronic Legal Aid, which immigrants can use to fulfil their rights, is likely to present an added difficulty, as the content is available only in Portuguese. The assistance provided by CSOs also encompasses this area, specifically translating and aiding in understanding what is written and what information or documents must be provided.

One interviewed judge highlights that, in the case of videoconference, some limitations related to individuals heard from a distance can be problematic and may restrict the use of this channel, as it is preferable to hear the person in court. The reference was made to individuals with hearing or vision impairments, or elderly individuals who may have difficulties in understanding the context. This requires the judge to exercise sound

¹⁵¹ Não acho que seja facilitadora. Acho que pode ser facilitadora para pessoas que estejam já muito habituadas a lidar com formulários online. E mesmo essas pessoas, por exemplo, estou a pensar aqui nas questões das vítimas de crime, muitas vezes, as pessoas estão numa situação de crise. Elas não conseguem, frequentemente, ter um pensamento muito claro, porque, naturalmente, estão a passar por uma situação muitas vezes traumática, com imensas dificuldades. Mesmo alguém que, fora do evento traumático, tenha uma clareza de pensamento e que consiga, e que seja fácil lidar com este tipo de burocracia online, a partir do momento em que está numa situação de crise, isso dificulta também esta destreza. (Legal expert)

judgement in assessing the quality of the contribution and determining what is best to ensure the full cooperation of the individual.

There is also an additional limitation with the Platform for Electronic Legal Aid. The request for legal aid is made by the individual in need, without the option for a legal representative to submit it through the platform, as is done in the private area of the Social Security website. The Platform RAL+, in contrast, allows the legal representative to present the case on behalf of the client. Although the platforms serve different purposes, both necessitate legal knowledge that the individual often lacks; therefore, both should permit legal support during their use.

The difference between whether it is a legal consultation or whether it is legal aid. For example, another question that we sometimes get so doubtful about is the first intervention, isn't it? Because it is only granted if it is the first intervention in the process. What is considered the first intervention? (...) Sometimes there are doubts in some situations. (...) We have sent several applications for legal aid with blank items, and there has been no problem. It seems to me that perhaps the form has to be changed because if that is not important, why is it there? To the point of not sending them back. (Legal expert)¹⁵²

The information gathered in this phase confirms the previous findings regarding the lack of special measures to address the specific needs of vulnerable individuals with particular requirements. Despite some of the analysed digital tools being used for case management, such as Magistratus, no measures are known to support judges who may have special needs. The same is true for the other digital tools available for various professionals and/or individuals, as there is no provision for the inclusion of other languages, accessibility for visually impaired individuals, or any other measures aimed at addressing specific needs.

In terms of best practices, a judge advances two main proposals to assist individuals who, for various reasons, lack access to digital tools or other means of obtaining justice. The first proposal is the establishment of digital contact points in all parishes to mitigate the “digital divide” in access to public services, including the judicial system. This would involve having a legal professional available to provide individuals with legal information

¹⁵² A diferença entre, às vezes, se é uma consulta jurídica ou se é um apoio judiciário. Por exemplo, outra pergunta que mesmo nós, às vezes, ficamos assim na dúvida é a primeira intervenção, não é? Porque só é concedido se for a primeira intervenção no processo. O que é que é considerada a primeira intervenção? (...) às vezes, há dúvidas em algumas situações. (...) Nós temos enviado vários pedidos de apoio judiciário com itens em branco, e também não tem havido problema, o que me parece que, se calhar, o formulário tem que ser alterado, porque se aquilo não é importante, não é? Ao ponto de não mandarem para trás. (Legal expert)

regarding their rights and how to enforce them. In Portugal, only a small number of parishes offer this legal service to individuals residing within their jurisdiction.¹⁵³

The second proposed measure is to introduce Itinerant Justice (*Justiça Itinerante*) in Portugal, as it exists in Brazil. According to the Brazilian National Council of Justice: “This mobile justice, which takes the services provided by the judiciary to the least accessible places and to the most deprived people, highlights the principle of cooperation between the administrative and judicial bodies in realising and universalising the right of access to justice.” The Services of Itinerant Justice (SEJI) aim to expand access to justice and provide legal aid, among other services, to those in conditions of economic, social, and geographical vulnerability. These services can bring together professionals from various public sectors, such as judges, tax professionals, social security professionals, and others, to travel to remote locations or even retirement homes, providing a wide range of services related to individuals’ rights.

The other judge contends that, irrespective of the advances in the digitalisation of justice, it is crucial to uphold physical access to judicial services, ensuring that individuals who lack digital skills or have other vulnerabilities can still avail themselves of these services. This judge also emphasises the necessity for judicial bodies, particularly the High Council of the Judiciary, to assume control over the management of the judicial system, as a safeguard that individual rights are effectively protected, free from restrictions imposed by political and financial constraints.

6) Positive impacts on fundamental rights (benefits)

Many digital tools are generally considered “neutral” regarding potential risks and direct impacts on fundamental rights, functioning more as case management or instrumental tools for the realisation of justice, without a direct relation to any form of discrimination or effects on several rights, such as equality of arms or defence rights. In fact, despite the several limitations previously described, the five interviews indicate a consensus on the positive impact of the analysed digital tools in promoting access to justice. These tools facilitate individuals' access to justice, either directly through new channels that allow requests for legal aid or initiate litigation in an ADR mechanism, in addition to the existing ones, or indirectly by providing tools and instruments that help to make better and swifter decisions (e.g. Magistratus or videoconferencing), aiming to avoid any possibility of exclusion. In other words, while the interviewees agreed that digital tools positively affect access to justice, they also emphasised the necessity of maintaining

¹⁵³ Bar Association / North Regional Council (2021), [Parecer 29/PP/2021-P sobre disponibilização de serviços jurídicos pelas Juntas de Freguesia](#) (Opinion 29/PP/2021-P on the provision of legal services by parishes), 21 December 2021.

traditional channels, such as in-person services or email, with no plans to discontinue them.

The right to a lawyer is also mentioned in the interviews that refer to the Platform for Electronic Legal Aid, as the platform serves as another channel for requesting access to a legal professional. Nevertheless, the lawyer/mediator notes that just because an individual has access to a platform for requesting legal aid, it does not mean they will fulfil their right to a lawyer. Only if the request is approved does the right to have a lawyer become a reality. The problem lies more with the criteria for that right than with the digital channel itself. One of the legal experts working in a CSO adds that using the digital platform may expedite a response to the request for legal aid, but it does not guarantee its approval. In this sense, the lawyer/mediator considers that promptness is also relevant to access to justice, allowing for justice to be delivered in a timely manner. Furthermore, it is noted that the platform itself does not advance cases; it simplifies follow-up for professionals, but it remains their responsibility to take the next steps, as is the case with Platform RAL+.

The videoconference is also viewed as having positive effects on the realisation of justice, facilitating individuals' participation and reducing the time and costs associated with travelling long distances to attend court. The interviews identify some difficulties but regard its use as contributing positively. Even when issues of confidentiality and appeals arise, they are easily addressed and adjusted, according to the lawyer/mediator.

Concerning the right to data protection, a legal professional highlighted the need for enhanced interoperability between various public databases, which is vital for assessing requests for legal aid. Judges also mentioned this issue in interviews, noting the potential advantages for professionals evaluating cases and individuals requesting legal aid or involved in litigation. This indicates that they recognise the benefits of improved interoperability among public services, even if it may involve an added risk of data leaks. They also acknowledge that there is always a risk of unauthorised access to private data, while stressing that such breaches should be addressed as a crime.

In general, the reasoning extracted from these five interviews supports the previous findings in considering the potential benefits of the digital tools for some fundamental rights. Overall, the interviewees believe that the digitalisation of the justice system, despite some limitations, can have positive impacts by introducing new possibilities of access to justice and improved working conditions.

7) Negative impacts on fundamental rights (risks)

According to the five interviewees, the identified negative impacts on fundamental rights are diminished primarily because digital tools do not exclude other means or

mechanisms for realising any fundamental right. However, the analysed digital tools may entail several risks, particularly concerning legal aid and ADR, which could directly or indirectly affect fundamental rights.

The most significantly impacted fundamental right is access to justice, with several limitations on the use of new digital tools, most closely correlated with the “digital divide” and the socioeconomic characteristics of individuals. If individuals lack educational capacity, knowledge of laws and rights, or have reduced or no digital skills, the risk of not being able to use digital tools increases enormously. The persistence of other channels for accessing justice, familiar to vulnerable groups, as well as awareness of the possibility of seeking different kinds of support, may mitigate this impact. One of the interviewed judges emphasised the potential risk of the “digital divide”, whereby individuals who, for various reasons, do not use or have access to digital devices, risk becoming even more excluded from accessing justice – further widening the gap in digital inclusion.

Regarding the limitation of access to justice, the right to legal representation may be addressed, as one of the platforms refers to the request for legal aid. If the request for legal aid is not approved, the right to legal representation may be adversely affected by the financial situation. However, as the lawyer/mediator noted, the main problem with legal aid is not related to the use of the digital platform for requesting it, but rather to the existing financial criteria that significantly restrict the right to legal representation, particularly for the low-middle and middle classes. As court fees are increasing, and the financial criteria stipulate that only truly impoverished individuals may qualify for legal aid, this means that the low-middle and middle classes must carefully weigh their options before deciding to go to court, as court fees may surpass their financial capacity.

For me, a priori, it is not digital platforms that enforce fundamental rights. It's not because a platform that I get access to justice. I will have access to justice if the costs of justice, for example, are lower. If the costs of context and bureaucratisation are lower, I will have a better and greater right of access to justice; if we actually have all the resources, instead of spending millions of the RRP on platforms that do not work; if we were to allocate them, for example, to human resources, which would allow a decision to be made in good time. It would ensure better access to justice if, instead of a platform, it had already amended a law introducing, for example, the pre-mediation briefing as mandatory. What I mean is that digital platforms have no way of enforcing fundamental rights and constitutional rights on their own. They can help; they can make it easier. (Lawyer/Mediator)¹⁵⁴

¹⁵⁴ Para mim, ‘a priori’ não são as plataformas que fazem cumprir os direitos fundamentais. Não é por ter uma plataforma que eu passo a ter acesso à Justiça. Terei acesso à Justiça se os custos da Justiça, por exemplo, forem menores. Se os custos de contexto e burocratização foram menores. Terei melhor e maior direito de acesso à Justiça se efetivamente tivermos todos recursos, em vez de gastarmos milhões do PRR

The right to have a fair and independent decision may be affected, according to one interviewed judge, if digital tools give rise to the existence of “black boxes.” For instance, in cases where search tools for similar judicial decisions, which Magistratus enables judges to utilise, are intended to assist a judge's work by gathering specific judicial decisions, if what is presented is founded on an error or misinterpretation of the law, that error is likely to recur multiple times. This highlights the reality that there are judicial decisions containing errors and misinterpretations of the law, and that the search tools, whether or not they employ AI, may be accountable for the recurrence of these mistakes, as judges may not double-check the results, given that they are based on final judicial decisions.

Another judge highlighted that the “crystallisation” of judicial decisions may occur rapidly with the increasing digitalisation of justice, especially with the use of AI. According to this position, the development of search tools and the possible inclusion of artificial intelligence in judicial platforms such as Magistratus may lead to a process where judges, pressured by the need to reduce the number of cases, are tempted to repeat decisions already made in other similar judicial cases uncritically or to rely on judicial decisions made by AI without adequate human review. This will reduce the evolution of jurisprudence, which is based on different interpretations of the law, sustained by the work of judges that should follow the evolution of society. If repetition prevails and AI tends to be based on the majority of previous decisions, the evolution of jurisprudence will not happen. This judge is in favour of a system where different judicial views emerge, with critical thinking, which may contribute to the evolution of jurisprudence and, consequently, to better judicial decisions.

The risk to the right to a fair trial and/or to a public audience may be affected when an individual's participation occurs via videoconference, primarily due to technical issues, as reported by all the interviewed professionals. As noted previously, all the interviewees support the use of videoconferences in judicial proceedings and decisions, particularly for witnesses and experts. However, the ongoing technical difficulties associated with videoconference present significant challenges, often jeopardising individual participation and the quality of their contributions to the judicial case. Furthermore, when certain digital tools, such as Magistratus or RAL+, experience technical malfunctions or improper functioning of features, this can hinder the

em plataformas que não funcionam. Se os alocássemos, por exemplo, a recursos humanos que permitissem que, em tempo útil, tivesse uma decisão. Exerceria melhor acesso à Justiça se, em vez de uma plataforma, já tivesse alterado uma lei que introduzisse, por exemplo, a sessão informativa de pré-mediação como obrigatória. O que quero dizer é que as plataformas, o digital, não têm por si só nenhuma forma de fazer cumprir os direitos fundamentais e os direitos constitucionais. Podem ajudar, podem facilitar. (Lawyer/Mediator)

performance of professionals and, consequently, compromise both the process and the quality of judicial decision-making.

The analysis of the evidence, when it is mainly documentary, involves the way we establish the proven and unproven facts, and how we base the decision on the facts, implies a very direct and immediate contact with the documents. I can give you an example: if I'm making a drug trial, I need the volume of wiretaps, the volume of searches, the volume of drug tests, and the volume of surveillance. (...) All this implies a combination of evidentiary elements that, later, in the judgement, have to be well defined. It is impossible to do this in a digital process. What I'm saying is that, in many cases, these files have five hundred pages of wiretaps, six hundred pages of this or that, and in a digital process, as we have it in CITIUS, each page is a PDF with a serial number with I don't know how many numbers. No judge will have hours to open document by document (...) What's the judge going to do? He will pretend that he has seen it because, as you have to write that you have seen it, under penalty of the decision not being well founded and being annulled, he will find a more rounded, evasive reasoning and with a greater risk of error. (Judge)¹⁵⁵

The two judges interviewed highlighted the issue of the entity responsible for managing the judicial database as a potential critical problem for fundamental rights. Currently, the judicial database, containing all information about judicial cases, is managed and maintained by the Ministry of Justice through its institutes, particularly IGFEJ. However, both judges believe that management should be under the competency of the High Councils, primarily the High Council of Judiciary. The problem is not only the potential access to private and sensitive data in a political context where the Government may decide to increase its control over the judicial system but also because judges are the gatekeepers of the law, safeguarding fundamental rights. Consequently, in their view, the High Councils should manage the judicial database and implement the necessary measures to enhance the quality of justice, free from the political constraints that can frequently arise. One of the judges uses a curious metaphor to describe the situation:

¹⁵⁵ A análise da prova, quando ela é sobretudo documental, da forma como nós estabelecemos os factos provados e não provados, e como fundamentamos a decisão da matéria de facto, ela implica um contacto muito direto e imediato com os documentos. Posso dar um exemplo, se eu estiver a fazer um julgamento de tráfico de drogas, preciso do volume das escutas telefónicas, do volume das buscas, do volume dos exames periciais à droga, do volume das vigilâncias. (...) Tudo isto implica uma conjugação de elementos probatórios que, depois, na sentença têm que ser bem definidos. Num processo digital é impossível fazer isto. Porque aquilo que eu estou a dizer é que, em muitos casos, estes dossiers têm quinhentas páginas de escutas, seiscentas páginas disto ou daquilo, e num processo digital, como nós o temos no CITIUS, cada página dessas é um PDF com um número de série com não sei quantos números. Nenhum juiz vai ter horas para abrir, documento a documento (...) E o que é que o juiz vai fazer? Vai fingir que viu, porque como tem que escrever que viu, sob pena da decisão não estar bem fundamentada e ser anulada, vai encontrar uma fundamentação mais redonda, mais evasiva e com um maior risco de erro. (Judge)

Justice is a condominium without an administrator. Everyone is on their own floor, running their own affairs. There are condominium meetings, but they're a bit pointless, and then there's no one to take decisions and take responsibility. (Judge)¹⁵⁶

Overall, these five interviews validate the findings from previous research, emphasising the necessity for reforms in the organisation and management of the judicial system, as well as in the laws and rulings that facilitate access to justice and the complete realisation of justice.

8) Mitigation/measures to address risk of digital tools to fundamental rights

The results of the five interviews confirm the absence of measures to mitigate the risks posed by digital tools, which aligns with the lack of evaluation or monitoring of these tools regarding their potential impact on fundamental rights. While some digital tools are deemed neutral, being used solely as case management systems, others pose risks to fundamental rights, as noted in the previous points. The interviews highlight the significance of maintaining alternative channels, beyond the introduced digital tools, to ensure access to justice, request legal aid, or participate in judicial proceedings. In this regard, the primary right at stake pertains to access to justice, alongside the rights to defence, to a lawyer, and to a fair and public judgement.

Moreover, there is a shared concern regarding the necessity of ensuring that the most vulnerable individuals, who lack educational or digital competencies, receive the essential support needed to fulfil their fundamental rights. The legal experts engaged in CSOs provide this support and deem it crucial. Nevertheless, apart from the availability of non-digital avenues for accessing courts, the five interviewees were not aware of any specific measures currently implemented to address the potential risks to fundamental rights posed by digital tools.

9) Other issues

The monitoring and oversight of the selected use cases are limited to technical issues handled by the entities responsible for creating and implementing the digital tools, primarily those under the purview of the Ministry of Justice. Consequently, they take on the role of a “helpdesk” and monitor their operation, ensuring that the basic technical requirements are met. No interviewee indicated any other existing mechanism aimed at evaluating and monitoring these digital tools concerning their potential impacts on

¹⁵⁶ A justiça é um condomínio sem administrador. Cada pessoa está no seu andar a mandar nas suas coisas. Há umas reuniões de condóminos, mas uma coisa meio inútil, e, depois, não há alguém que tome as decisões e seja responsável. (Judge)

fundamental rights. The judges advocate the view that the High Council of Judiciary should possess greater competencies regarding monitoring, oversight, or management.

The use of artificial intelligence is not recognised as being implemented by the five interviewees regarding the selected digital tools, as well as other digital tools they are familiar with in the judicial system. The discussion is ongoing in Portugal. The High Council of Administrative and Tax Courts (CSTAF) has a preliminary version of what will be an ethical code, and the High Council of Judiciary has a working group (GATEP) tasked with studying the possibilities of using AI in courts, among other responsibilities. The latest Newsletter released by GATEP is focused on the use and impacts of AI in courts, illustrating the concern and interest in developing and adapting AI technologies for the benefit of the judicial system. This document follows other events and discussions promoted by the High Council of Judiciary or the Supreme Court of Justice on the subject, such as the Colloquium “Courts and Artificial Intelligence” that took place in 2023.¹⁵⁷

As of now, to the public's knowledge, there are only two software applications using AI that are linked to the judicial system as a whole, as mentioned in the previous study: the Practical Guide to Justice and the Platform for Nationality Applications. These digital tools have a limited scope and do not interfere with the judicial decision-making process. The software for anonymising judicial decisions was also intended to use AI throughout the process. However, the solutions, as previously described, were discontinued due to unsatisfactory results, which resulted in the restart of efforts to build new digital solutions to achieve the same purpose, incorporating AI technology.

Recently, there was a media case concerning the possible use of AI in the making of a judicial decision by judges of the Court of Appeal of Lisbon (*Tribunal da Relação de Lisboa*), which was publicly denounced by the lawyers involved and is currently under investigation by the High Council of Judiciary. According to one lawyer representing one of the parties, the decision cites legislation and case law that does not exist. The lawyers further added that they “have never seen it before, as in this case, (...) for a text presented as a judicial decision citing legal articles that do not exist, nor have they ever existed, and to praise case law that does not exist” and that “the judicial decision goes beyond the imaginable”. The High Council of Judiciary announced that a disciplinary procedure has been initiated due to allegations of artificial intelligence use. The High Council aims through this procedure “not only to identify a possible disciplinary offence,

¹⁵⁷ Supreme Court of Justice (2023), [Tribunais e Inteligência Artificial: uma odisséia no Século XXI](#) (Courts and Artificial Intelligence: an odyssey in the 21st Century), 11 May 2023.

as is the subject of the complaint, but also to establish recommendations on the use of artificial intelligence tools in the courts and by judges.”¹⁵⁸

Both judges, despite their differences, accept the future integration of AI into the judicial system, viewing it as an inevitable process. However, the potential consequences must be thoroughly assessed and tested before being implemented in limited proceedings to assist the judges’ work. Other requirements for the effective functioning of digital platforms include interoperability among various public service databases and the creation of diverse user profiles, tailored to the needs and nature of participation in judicial cases.

All five interviewees stand for the evolution of digital tools, which must be well balanced with the protection of fundamental rights, a task that is not always easy to achieve. As the lawyer/mediator highlighted, the digital tools themselves do not specifically comply with fundamental rights. They can facilitate judicial processes, provided they function properly. However, what is most relevant is that the criteria defined for their creation seem to be mainly technical, based on approved laws and regulations. This professional adds that the selected criteria are the elements that can most significantly interfere with individuals’ fulfilment of fundamental rights.

¹⁵⁸ Público (2025), [Alegado uso de IA em acórdão da Relação alvo de processo de averiguação](#) (Alleged use of AI in Court judgment subject to enquiry process), 11 February 2025.

Annex 2: Mapping of use cases

Use case #1	
Name of use case:	Platform for Electronic Legal Aid
Link to official website, if available, and brief description of what sources were consulted/are available about this system/tool (include brief references and links):	<u>Official website</u> and <u>Decree no. 2725/2022, of 3 March</u> . Other sources include the http://eportugal.gov.pt/ and http://portugal.gov.pt/ website, the <u>Justice Digital Transformation: Two years of the Recovery and Resilience Plan report</u> and the <u>Modernisation of the Justice Sector in Portugal OECD's report</u> .
Type of tool/system:	☒ Digital tool/system that facilitates individuals' access to information and/or their engagement with justice systems. ☐ Digital tool/system that facilitates reporting a crime or issuing a complaint. ☐ Digital tool/system used to support judicial authorities in decision-making. ☐ Digital tool/system supporting the work of courts, prosecution or law enforcement more generally (e.g. such as for the anonymisation and pseudonymisation of judicial decisions; a transcription tool for recording of proceedings; a tool to help with legal analysis (e.g. of case law and big data sources). ☐ Electronic filing and exchange of documents, or electronic communication system. ☐ Real-time distance communication service or tool, such as video-conferencing. ☐ Other (please specify):
Digital tool/system(s) used in:	☒ Civil justice ☒ Criminal justice ☒ Administrative justice
In application since (month/year):	02/2022
Brief information on scope of use (e.g. in use nationwide; interoperable across various justice authorities/branches of justice) or applied only in one particular setting or jurisdiction?):	In use nationwide and interoperable across various justice authorities and jurisdictions.
Provided/certified by public authorities	☒ Yes ☐ No
Brief description: (Mention the purpose of the system and include a brief description of the technology used and whether the private sector was involved in the development of the	Up until 2022, requests for legal aid, for individuals who could not afford the costs of judicial or extrajudicial proceedings, could be made in person at any office of the Institute for Social Security, by post or by e-mail. With the introduction of Electronic Legal Aid, individuals can now submit the application form for legal aid online, via <u>Segurança Social Direta</u> (Social Security Direct), through each individuals' reserved area of the

<i>tool, and if so, was it a 'general-purpose tool' or custom-made/adopted for specific use in the justice sphere? If possible, include a brief explanation of what kind of non-digital system it is aimed at replacing/has replaced, if applicable.)</i>	Social Security website. The tool was also implemented ensuring interconnection and interoperability mechanisms between the Institute for Social Security, the courts and the Bar Association, allowing for the communication of the respective status to the information systems that support the processing of cases in courts. According to the Justice Digital Transformation report, around 30,000 applications for legal aid had been submitted online between March and December 2023.
Does the tool use artificial intelligence (AI) (to also be briefly elaborated in the section above on type of technology):	☐ Yes ☒ No ☐ Do not know
Brief preliminary assessment of who uses/interacts with the system/tool (i) in a professional capacity? (for example judges, lawyers, prosecutors) (ii) as a service receiver? (for example individuals seeking information about justice)	(i) Professional capacity: Judges, court clerks, lawyers and officials of the social security. (ii) Service receiver: Individuals with economic difficulties in need for legal aid.
Brief preliminary assessment of (i) which stakeholders (i.e. service receivers or others?) would be impacted? (ii) which of their fundamental rights could be potentially impacted (positively and negatively)?	(i) Briefly describe (few sentences) and tick all that apply: ☒ Complainants ☒ Victims ☒ Defendants ☐ Other (specify): (ii) Briefly describe (few sentences) and tick all that apply: ☒ Article 47 (right to an effective remedy and to a fair trial) ☒ Article 48 (presumption of innocence and rights of defence) ☒ Article 21 (non-discrimination) ☐ Article 7 (respect for private and family life) ☐ Article 8 (protection of personal data) ☒ Other (specify): Legal aid is given to those who are economically insecure and can be applied in cases such as dismissal, divorce by mutual consent, eviction or attachment. Allowing individuals to submit legal aid online, in a swifter and simpler way, strengthens access to justice and equal opportunities for people living, for example, in remote locations, where offices of Social Security don't exist. In addition, the online application opens new possibilities for improving the decision-making process and facilitates the

	analysis and control of the information. The Institute for Social Security has immediate access to the applicant's income and assets, which can improve the assessment of legal aid and makes the procedure faster, more standardised and more transparent.
Is the system used/intended to be used in a cross-border setting?	☐ Yes ☒ No ☐ Do not know/unclear
Case law about the system/tool, if applicable (e.g. were there any judicial challenges of its use)?	N/A
Feasibility of researching this use case (e.g. finding 5 professionals to interview in line with FRA criteria)?	It is feasible to interview officials from Social Security, court clerks, lawyers, including the members of the Bar Association, and individuals who had access to legal aid or, at least, submitted the application online. It's also possible to contact technicians of IGFEJ, which is the entity of the Ministry of Justice responsible for its implementation.
Relevance (any links to current policy and legislative developments about digitalisation of justice in your country and/or in the EU?):	The Platform for Electronic Legal Aid is part of a wider government initiative named " <u>Simplex</u> " that aims at the simplification, modernisation and innovation of the public administration, enshrining 'digital as a rule of action' in order to improve the quality of public services. It's also part of a "modernisation of the judicial IS core" initiative being currently carried out by the <i>Instituto de Gestão Financeira e Equipamentos da Justiça</i> (IGFEJ - Institute for Financial and Equipment Management of Justice). See the <u>Justice Digital Transformation: Two years of the Recovery and Resilience Plan</u> report for further information.
Proposed for final selection by contractor:	☒ Yes ☐ No

Use case #2	
Name of use case:	Automated anonymisation of judicial decisions
Link to official website, if available, and brief description of what sources were consulted/are available about this system/tool (include brief references and links):	<u>GovTech website</u> Apart from the official website, sources consulted on this tool include the <u>Justice Digital Transformation: Two years of the Recovery and Resilience Plan report</u>, IGFEJ's official website (<u>here</u> and <u>here</u>) and the <u>XXIII Portuguese Government's Official Website</u>.
Type of tool/system:	☐ Digital tool/system that facilitates individuals' access to information and/or their engagement with justice systems. ☐ Digital tool/system that facilitates reporting a crime or issuing a complaint. ☐ Digital tool/system used to support judicial authorities in decision-making. ☒ Digital tool/system supporting the work of courts, prosecution or law enforcement more generally (e.g. such as for the anonymisation and pseudonymisation of judicial decisions; a transcription tool for recording of proceedings; a tool to help with legal analysis (e.g. of case law and big data sources). ☐ Electronic filing and exchange of documents, or electronic communication system. ☐ Real-time distance communication service or tool, such as video-conferencing. ☐ Other (please specify):
Digital tool/system(s) used in:	X Civil justice X Criminal justice X Administrative justice
In application since (month/year):	07/2023
Brief information on scope of use (e.g. in use nationwide; interoperable across various justice authorities/ branches of justice) or applied only in one particular setting or jurisdiction?):	The project is currently in its pilot testing phase, applied only in the Central Administrative Court of the South (second instance courts). However, after the testing phase, the solution is planned to be implemented for all courts (administrative and judicial), in every jurisdiction, available for any judge in the Magistratus interface (a platform for consulting and processing cases and visualising court documents).
Provided/certified by public authorities	X Yes ☐ No

Brief description: <i>(Mention the purpose of the system and include a brief description of the technology used and whether the private sector was involved in the development of the tool, and if so, was it a 'general-purpose tool' or custom-made/adopted for specific use in the justice sphere? If possible, include a brief explanation of what kind of non-digital system it is aimed at replacing/has replaced, if applicable.)</i>	In accordance with the legislation and regulations set at national and international levels, court decisions can only be made public after they have been properly anonymised, that is, once personal data has been deleted. Until this moment, the anonymisation of judicial decisions was an entirely manual process made by court staff, including judges. It is a time-consuming and costly endeavour that made it impossible to publicise every judicial decision. The Automated anonymisation of judicial decisions project was developed by <i>Instituto de Gestão Financeira e Equipamentos da Justiça</i> (IGFEJ - Institute for Financial and Equipment Management of Justice), in partnership with the High Council of the Judiciary, the High Council of the Administrative and Tax Courts (through the Supreme Administrative Court) and <i>Instituto de Engenharia de Sistemas e Computadores, Tecnologia e Ciência</i> (INESC-TEC - Institute for Systems and Computer Engineering, Technology and Science), and uses predictive models, based on machine learning and artificial intelligence, which detect and replace personal information that can directly identify someone. The purpose of the project is to reduce the number of court clerks assigned to this task, allowing: to court clerks to dedicate fully to other essential tasks in courts; to increase transparency by facilitating the publicity of all judicial decisions; and to guarantee free access to judicial decisions by various stakeholders, academia and civil society. In addition, this tool will also have other features available to support the regular work of judges through advanced search engines and summaries to assist in the decision-making process and analysis of the existing case law. The project expects to contribute to the coherence of jurisprudence and the study of the interpretation and application of the law, on the one hand, and, on the other, to the analyse of the impacts of legislative options on justice policies.
Does the tool use artificial intelligence (AI) <i>(to also be briefly elaborated in the section above on type of technology)</i>:	X Yes ☐ No ☐ Do not know
Brief preliminary assessment of who uses/interacts with the system/tool (i) in a professional capacity? (for example judges, lawyers, prosecutors) (ii) as a service receiver? (for example individuals seeking information about justice)	(i) Professional capacity: Judges and court staff will directly use/interact with the tool. The tool is planned to be integrated into the Magistratus interface. (ii) Service receiver: After the process of anonymisation, judicial decisions are made public online on the <u>Legal-Documentary Databases</u> (<i>Bases Jurídico-Documentais</i>), where anyone with a particular interest can find and consult them. The database is of particular relevance, beyond the legal and judicial professions, for academics and journalists, since part of the project aims at facilitating analysis by the scientific and academic community and made court decisions public to anyone. The future website for court decisions will be: http://decisoes.tribunais.org.pt/

Brief preliminary assessment of (i) which stakeholders (i.e. service receivers or others?) would be impacted? (ii) which of their fundamental rights could be potentially impacted (positively and negatively)? Please consider in particular those rights mentioned in section 1.4 of these guidelines <i>(and select as many as applicable)</i>:	(i) Briefly describe (few sentences) and tick all that apply: ☐ Complainants ☒ Victims ☒ Defendants ☒ Other (specify): Legal and judicial professionals, academics and journalists (ii) Briefly describe (few sentences) and tick all that apply: ☐ Article 47 (right to an effective remedy and to a fair trial) ☐ Article 48 (presumption of innocence and rights of defence) ☒ Article 21 (non-discrimination) ☒ Article 7 (respect for private and family life) ☒ Article 8 (protection of personal data) ☐ Other (specify): Even with the anonymisation of personal data, it's not possible to fully avoid the possibility of re-identification through the context of the decision and the underlying case. Although re-identification may not always present a major privacy concern, there are a number of possible risks, such as: data scraping, profiling of users and various forms of malicious use of information about data subjects, or discrimination against them based on the data collected. Currently, the accuracy of fully automated anonymisation/pseudonymisation without human control is not fully developed, which means that human-administered control sensitive information may still be published online.
Is the system used/intended to be used in a cross-border setting?	☐ Yes ☒ No ☐ Do not know/unclear
Case law about the system/tool, if applicable (e.g. were there any judicial challenges of its use)?	N/A The High Council of the Judiciary issued a recommendation (<u>Procedure n.º 2016/GAVPM/3833 [Criteria for selecting, anonymising and publishing ECLI case law]</u>), on what kind of sentences should or shouldn't be published. Following a complaint lodged by a individuals, whose name was not removed from a sentence published online in the IGFEJ database (DGSI), as well as in the ECLI database, the Council also issued a <u>proposed technical solution for anonymising court decisions</u>. Overall, when it comes to data protection, Portugal follows the General Data Protection Regulation (GDPR) of the European Union

Feasibility of researching this use case (<i>e.g. finding 5 professionals to interview in line with FRA criteria</i>)?	It is feasible to interview judges and court clerks working at the three Courts where the tool is being currently implemented in (Supreme Administrative Court, and the North and South Central Administrative Courts), as well as technicians of IGFEJ, which is the entity of the Ministry of Justice responsible for its implementation. It may also be possible to reach the researchers of INESC-TEC, which built the tool.
Relevance (<i>any links to current policy and legislative developments about digitalisation of justice in your country and/or in the EU?</i>):	The automated anonymisation of judicial decisions is part of a wider government strategy, the <u>GovTech Strategy for Justice</u> that aims to strengthen the modernisation, simplification and digital transformation efforts that have been undertaken in the Justice sector in Portugal. The strategy focuses specifically on the development of emerging technologies and artificial intelligence. See the <u>Justice Digital Transformation: Two years of the Recovery and Resilience Plan</u> report for further information on the overall Strategy and the project.
Proposed for final selection by contractor:	X Yes ☐ No

Use case #3	
Name of use case:	Videoconference in Courts
Link to official website, if available, and brief description of what sources were consulted/are available about this system/tool <i>(include brief references and links)</i> :	No official website. Sources: <u>"As novas teleconferências"</u> (The new videoconference), <u>Code of Civil Procedure</u> (Code of Civil Procedure) <u>e-justice</u> (e-Justice website), <u>e-portugal</u> (e-Portugal website) and <u>Justice Digital Transformation: Two years of the Recovery and Resilience Plan</u> .
Type of tool/system:	☐ Digital tool/system that facilitates individuals' access to information and/or their engagement with justice systems. ☐ Digital tool/system that facilitates reporting a crime or issuing a complaint. ☐ Digital tool/system used to support judicial authorities in decision-making. ☐ Digital tool/system supporting the work of courts, prosecution or law enforcement more generally (e.g. such as for the anonymisation and pseudonymisation of judicial decisions; a transcription tool for recording of proceedings; a tool to help with legal analysis (e.g. of case law and big data sources). ☐ Electronic filing and exchange of documents, or electronic communication system. ☒ Real-time distance communication service or tool, such as video-conferencing. ☐ Other (please specify):
Digital tool/system(s) used in:	X Civil justice X Criminal justice X Administrative justice
In application since (month/year):	03/2001
Brief information on scope of use <i>(e.g. in use nationwide; interoperable across various justice authorities/ branches of justice) or applied only in one particular setting or jurisdiction?</i> :	Videoconferencing in Portuguese courts has been implemented since 2001 (source), and is currently in use nationwide, by every court and in both the common and administrative and tax jurisdictions.
Provided/certified by public authorities	X Yes ☐ No
Brief description: <i>(Mention the purpose of the system and include a brief description of the technology used and whether the private sector was involved in the development of the</i>	Videoconference refers to the technology that allows simultaneous interaction between two or more locations by means of two-way video and audio transmission, facilitating communication and personal interaction between locations. In the context of court proceedings, it allows parties, their representatives and/or witnesses to appear and/or give evidence in court from other locations in the same territory as

<i>tool, and if so, was it a 'general-purpose tool' or custom-made/adopted for specific use in the justice sphere? If possible, include a brief explanation of what kind of non-digital system it is aimed at replacing/has replaced, if applicable.)</i>	the court, in different territorial units of the same state or abroad. In Portugal, the taking of evidence by videoconference is a common practice for many years, in both internal and cross border cases. Inquiry by technological means (that is, videoconference) is allowed by provisions of Article 502.^o of the Code of Civil Procedure. Number 1 of this Article refers that "Witnesses residing outside the municipality where the court or tribunal is located are (...) heard using technological equipment that allows them to communicate visually and audibly in real time from the court or tribunal, from a municipal or parish facility, when protocol is in place, or from another public building in the area where they live." Since the approval of <u>Law no. 40-A/2016, of 22 December</u>, there are two ways of establishing a videoconference in court proceedings, in Portugal: between courts, via Voice over Internet Protocol (VoIP), utilising the courts' Intranet; or via Webex, using an IP network. VoIP videoconference means witnesses and experts still have to physically travel to the nearest court or a municipal or parish facility and give their testimony in specially equipped rooms. The connection is made between the court/facility where the witness is and the court where the case is being tried. Webex, on the other hand, can be linked to every computer with a stable internet connection, from anywhere in the world, meaning witnesses or experts can log in to a meeting and give their testimony from home, whether that is in Portugal or abroad. VoIP is still the main way videoconferencing is established, but since the COVID-19 outbreak, Webex has become the preferred method and is being installed in most courts' computers around the country.
Does the tool use artificial intelligence (AI) (to also be briefly elaborated in the section above on type of technology):	☐ Yes X No ☐ Do not know
Brief preliminary assessment of who uses/interacts with the system/tool (i) in a professional capacity? (for example judges, lawyers, prosecutors) (ii) as a service receiver? (for example individuals seeking information about justice)	(i) Professional capacity: Court clerks are responsible for operating the system. Judges and Public Prosecutors use videoconference to hear witnesses or experts during trials. (ii) Service receiver: Expert witnesses and individuals living abroad (including their lawyers), in remote locations or away from the court where the case is being tried.
Brief preliminary assessment of	

(i) which stakeholders (i.e. service receivers or others?) would be impacted? (ii) which of their fundamental rights could be potentially impacted (positively and negatively)?	(i) Briefly describe (few sentences) and tick all that apply: X Complainants X Victims X Defendants X Other (specify): Experts and lawyers (ii) Briefly describe (few sentences) and tick all that apply: X Article 47 (right to an effective remedy and to a fair trial) ☐ Article 48 (presumption of innocence and rights of defence) X Article 21 (non-discrimination) ☐ Article 7 (respect for private and family life) X Article 8 (protection of personal data) ☐ Other (specify): Videoconferencing helps solve the distance problem between the court, the parties, their representatives and any witnesses by overcoming the impossibility of one or more people taking part in the proceedings, which is especially advantageous for witnesses. It's also beneficial in case of parties or witnesses that aren't located in the area where the main case is being tried or in the case of expert witnesses, whose lack of availability often causes scheduling delays. The use of videoconferencing can also provide greater flexibility in the scheduling of proceedings, as well as in the reception of witnesses with certain physical or mental conditions or witnesses who might feel intimidated by appearing in person in court, thus improving access to justice. Despite this, the use of videoconference may not be suitable for all circumstances in which people need to appear and/or give evidence in court and is even discouraged in the case of more severe penalties such as, for example, imprisonment. There are also some concerns related to the right to a fair trial and protection of personal data, especially considering some of the services used by courts (like Webex), which are private-owned and run.
Is the system used/intended to be used in a cross-border setting?	X Yes ☐ No ☐ Do not know/unclear
Case law about the system/tool, if applicable (e.g. were there any judicial challenges of its use)?	N/A
Feasibility of researching this use case (e.g. finding 5 professionals to interview in line with FRA criteria)?	Possibility to interview any judges, prosecutors and court clerks working at any Portuguese court, considering videoconferencing, as it's routinely used in every court and both jurisdictions. It's also possible to interview people who have given testimony via videoconference to gauge their experiences from a service-user perspective or any representatives (lawyers or any other) that are familiarised

	with its use. IGFEJ, the institute responsible for providing the hardware necessary to make videoconferencing work in courts, can also be interviewees.
Relevance (<i>any links to current policy and legislative developments about digitalisation of justice in your country and/or in the EU?</i>):	Besides witness testimony and expert hearing, videoconferencing has recently been used to establish the Remote Service Platform (PAD – <i>Plataforma de Atendimento à Distância</i>), that made it possible to carry out authentic acts, such as buying and selling properties or divorces, by videoconference. See the <u>Justice Digital Transformation: Two years of the Recovery and Resilience Plan</u> report for further information.
Proposed for final selection by contractor:	☐ Yes ☐ No

Use case #4	
Name of use case:	Magistratus
Link to official website, if available, and brief description of what sources were consulted/are available about this system/tool (include brief references and links):	Ministry of Justice websites (here) IGFEJ website (here) Justice Digital Transformation: Two years of the Recovery and Resilience Plan report Modernisation of the Justice Sector in Portugal OCDE's report.
Type of tool/system:	☐ Digital tool/system that facilitates individuals' access to information and/or their engagement with justice systems. ☐ Digital tool/system that facilitates reporting a crime or issuing a complaint. ☐ Digital tool/system used to support judicial authorities in decision-making. ☒ Digital tool/system supporting the work of courts, prosecution or law enforcement more generally (e.g. such as for the anonymisation and pseudonymisation of judicial decisions; a transcription tool for recording of proceedings; a tool to help with legal analysis (e.g. of case law and big data sources). ☒ Electronic filing and exchange of documents, or electronic communication system. ☐ Real-time distance communication service or tool, such as video-conferencing. ☐ Other (please specify):
Digital tool/system(s) used in:	☒ Civil justice ☒ Criminal justice ☒ Administrative justice
In application since (month/year):	11/2022
Brief information on scope of use (e.g. in use nationwide; interoperable across various justice authorities/ branches of justice) or applied only in one particular setting or jurisdiction?):	A new platform is being introduced for judges across all jurisdictions (civil, criminal, and administrative) nationwide to manage case processing. It is set to replace CITIUS and SITAF and is currently used in conjunction with these systems. This platform supports an almost entirely electronic procedure and is a key part of the courts' comprehensive digital ecosystem.
Provided/certified by public authorities	☒ Yes ☐ No
Brief description: (Mention the purpose of the system and include a brief description of the technology used and whether the private sector was	Magistratus is planned to be the primary access point for judges in both judicial and administrative and fiscal courts. This new platform incorporates most of the features from the previous systems, CITIUS and SITAF, along with advanced functionalities like AI-powered search and encrypted notes. It automates tasks and introduces tools to facilitate research, such as case

involved in the development of the tool, and if so, was it a 'general-purpose tool' or custom-made/adopted for specific use in the justice sphere? If possible, include a brief explanation of what kind of non-digital system it is aimed at replacing/has replaced, if applicable.)	law searches, streamlining the judicial process. Judges can add personal annotations to cases, perform advanced natural language searches on content (including images and scans), reference laws, create summaries, and use an agenda to access all proceedings (past, current and future). Additionally, the "my dossier" feature allows judges to select and highlight key case elements, which can be exported for offline work. The platform is also expected to integrate AI components, such as machine learning tools, to further enhance research capabilities.
Does the tool use artificial intelligence (AI) (to also be briefly elaborated in the section above on type of technology):	X Yes ☐ No ☐ Do not know
Brief preliminary assessment of who uses/interacts with the system/tool (i) in a professional capacity? (for example judges, lawyers, prosecutors) (ii) as a service receiver? (for example individuals seeking information about justice)	(i) Professional capacity: judges (ii) Service receiver:
Brief preliminary assessment of (i) which stakeholders (i.e. service receivers or others?) would be impacted? (ii) which of their fundamental rights could be potentially impacted (positively and negatively)?	(i) Briefly describe (few sentences) and tick all that apply: x Complainants x Victims x Defendants x Other (specify): judges (ii) Briefly describe (few sentences) and tick all that apply: x Article 47 (right to an effective remedy and to a fair trial) x Article 48 (presumption of innocence and rights of defence) x Article 21 (non-discrimination) The introduction of AI tools, namely for searching similar cases, needs to be carefully evaluated in order to avoid unconscious biases. ☐ Article 7 (respect for private and family life) x Article 8 (protection of personal data) ☐ Other (specify): Magistratus, as the electronic processing platform for judges, will transform the experience of all involved in the justice system. This transformation entails enhancing the efficiency of judicial processes and improving individuals' engagement throughout legal proceedings. For instance, the transition to digital formats will replace conventional paper-based systems. The overarching goal is to simplify procedures and increase the

	agility and swiftness of the justice system. Careful measures must be implemented to address any potential drawbacks, particularly ensuring accessibility to case files remains equitable, especially for vulnerable groups. Magistratus may deepen the digital divide. Without measures to mitigate potential disadvantages, this shift could make access to case files more difficult, especially for vulnerable groups. As an electronic processing platform, it poses new challenges and risks, such as cybersecurity breaches.
Is the system used/intended to be used in a cross-border setting?	☐ Yes ☐ No ☒ Do not know/unclear
Case law about the system/tool, if applicable (<i>e.g. were there any judicial challenges of its use</i>)?	NA
Feasibility of researching this use case (<i>e.g. finding 5 professionals to interview in line with FRA criteria</i>)?	The platform is used only by judges. Workshops, interviews and training sessions were organised to involve judges in the design of Magistratus. <i>Instituto de Gestão Financeira e Equipamentos da Justiça</i> (IGFEJ - Institute for Financial and Equipment Management of Justice) experts can also be valuable interviewees. Therefore, an easy access to these professionals is possible, also due to the long-term relationship with both High Councils of Judges and Administrative and Tax Courts.
Relevance (<i>any links to current policy and legislative developments about digitalisation of justice in your country and/or in the EU?</i>):	Initiative under the Justiça + programme, funded by the Recovery and Resilience Plan, to boost the digitalisation of justice.
Proposed for final selection by contractor:	☒ Yes ☐ No

Use case #5	
Name of use case:	Platform RAL+: Alternative Dispute Resolution (Plataforma RAL+: <i>Resolução Alternativa de Litígios</i>)
Link to official website, if available, and brief description of what sources were consulted/are available about this system/tool (include brief references and links):	https://ralmais.dgpj.justica.gov.pt Ministry of Justice websites (here)
Type of tool/system:	☒ Digital tool/system that facilitates individuals' access to information and/or their engagement with justice systems. ☐ Digital tool/system that facilitates reporting a crime or issuing a complaint. ☐ Digital tool/system used to support judicial authorities in decision-making. ☐ Digital tool/system supporting the work of courts, prosecution or law enforcement more generally (e.g. such as for the anonymisation and pseudonymisation of judicial decisions; a transcription tool for recording of proceedings; a tool to help with legal analysis (e.g. of case law and big data sources). ☒ Electronic filing and exchange of documents, or electronic communication system. ☐ Real-time distance communication service or tool, such as video-conferencing. ☐ Other (please specify):
Digital tool/system(s) used in:	☒ Civil justice ☐ Criminal justice ☐ Administrative justice
In application since (month/year):	05/2023
Brief information on scope of use (e.g. in use nationwide; interoperable across various justice authorities/ branches of justice) or applied only in one particular setting or jurisdiction?):	In May 2023, the RAL+ platform was launched. This platform allows individuals to: • Request information about Alternative Dispute Resolution (ADR) operations • Seek family or labour mediation • Check the status of their case • View session schedules • Download and submit documents • Receive notifications Currently, the platform is in a pilot phase and is accessible only to the Justices of the Peace Courts in Oeste, Vila Nova de Poiares, Sintra, Santo Tirso, and the municipalities of Alvaiázere, Ansião, Figueiró dos Vinhos, Pedrógão Grande, and Penela. The plan is to roll out the system to all Justices of the

	Peace courts by September 1, 2024. Public access to all consumer dispute arbitration centres in the public consumer arbitration network was expected to begin on October 1, 2024, but it was delayed.
Provided/certified by public authorities	X Yes ☐ No
Brief description: <i>(Mention the purpose of the system and include a brief description of the technology used and whether the private sector was involved in the development of the tool, and if so, was it a 'general-purpose tool' or custom-made/adopted for specific use in the justice sphere? If possible, include a brief explanation of what kind of non-digital system it is aimed at replacing/has replaced, if applicable.)</i>	Anyone can use the RAL+ platform to request family mediation, labour mediation or to initiate proceedings in a justice of the peace court. The platform can also be used by the parties themselves, without a lawyer. In order to submit a request on the RAL+ platform, a person must authenticate with their Individuals Card or Digital Mobile Key. The system provides a form to be filled in and a guide to formulate the request. The applicant can also submit documents. The aim is to make alternative dispute resolution more accessible to people. It is an alternative to requests that can be made on paper or in person.
Does the tool use artificial intelligence (AI) (to also be briefly elaborated in the section above on type of technology):	☐ Yes X No ☐ Do not know
Brief preliminary assessment of who uses/interacts with the system/tool (i) in a professional capacity? (for example judges, lawyers, prosecutors) (ii) as a service receiver? (for example individuals seeking information about justice)	(i) Professional capacity: lawyers, judges from the justice of peace courts, staff from the justice of peace courts and from the family mediation, labour mediation (ii) Service receiver: any individuals that requests family mediation, labour mediation or initiates proceedings in a justice of the peace court
Brief preliminary assessment of (i) which stakeholders (i.e. service receivers or others?) would be impacted? (ii) which of their fundamental rights could be potentially impacted (positively and negatively)?	(i) Briefly describe (few sentences) and tick all that apply: x Complainants ☐ Victims ☐ Defendants ☐ Other (specify): (ii) Briefly describe (few sentences) and tick all that apply: x Article 47 (right to an effective remedy and to a fair trial) ☐ Article 48 (presumption of innocence and rights of defence) ☐ Article 21 (non-discrimination)

	☐ Article 7 (respect for private and family life) ☒ Article 8 (protection of personal data) ☐ Other (specify): RAL+ has the potential to increase access to ADR, but it also has the potential to increase the digital divide. People may face difficulty in initiating legal proceedings online, namely in meeting the necessary requirements. As an electronic processing platform, it poses new challenges and risks, such as cybersecurity breaches.
Is the system used/intended to be used in a cross-border setting?	☐ Yes ☒ No ☐ Do not know/unclear
Case law about the system/tool, if applicable (<i>e.g. were there any judicial challenges of its use</i>)?	NA
Feasibility of researching this use case (<i>e.g. finding 5 professionals to interview in line with FRA criteria</i>)?	The platform was developed under <i>Direção Geral da Política de Justiça</i> (DG PJ – Directorate General of Justice Politics), and thus their experts are potential interviewees. Also some judges from the justice of peace courts were involved in the design of the platform and can also be interviewees. The platform is being used in the Justices of the Peace Courts of Oeste, Vila Nova de Poiares, Sintra, Santo Tirso, and the municipalities of Alvaiázere, Ansião, Figueiró dos Vinhos, Pedrógão Grande, and Penela. The staff of these courts can also be interviewees.
Relevance (<i>any links to current policy and legislative developments about digitalisation of justice in your country and/or in the EU?</i>):	Initiative under the Justiça + programme, to boost the digitalisation of justice.
Proposed for final selection by contractor:	☒ Yes ☐ No