

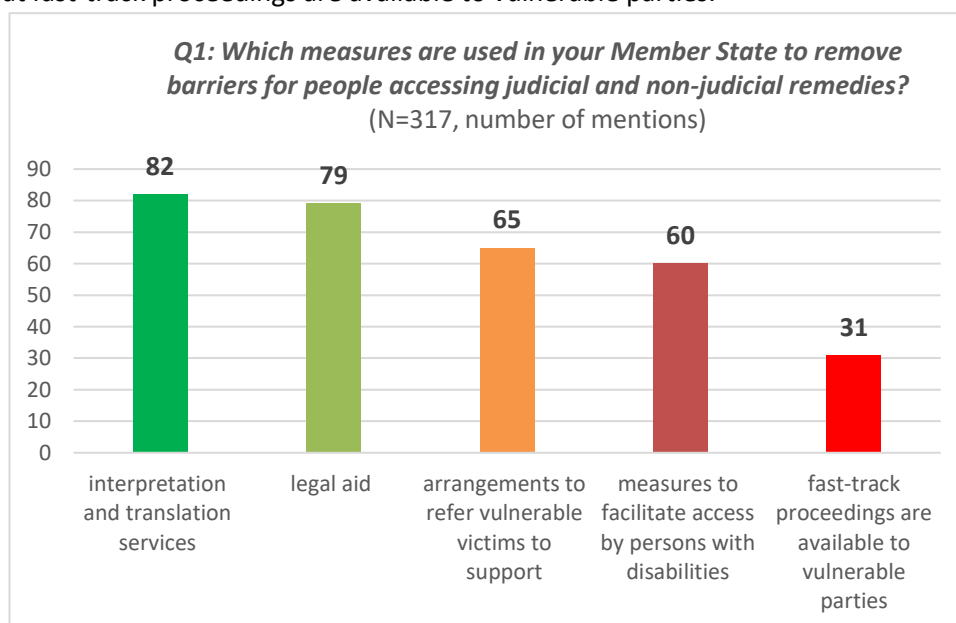


The below excerpts from the open-ended responses are inserted verbatim.

**Q1: Which measures are used in your Member State to remove language / cultural / physical / financial / other barriers for people accessing judicial and non-judicial remedies?**

For this question, the respondents could tick all the applicable choices – hence the overall number of responses exceeds the number of completed submissions (N=115).

The survey indicates that the most widely implemented measures to remove barriers for people accessing judicial and non-judicial remedies were: interpretation and translation services (82 respondents agreed), legal aid (79 agreed), arrangements to refer vulnerable victims to support (65 agreed), and measures to facilitate access by persons with disabilities (60 agreed). Very few (31) agreed that fast-track proceedings are available to vulnerable parties.



**Some illustrative comments by respondents:**

*“Despite progress in judicial remedies, there is still great room for progress in application of non-judicial remedies, particularly mediation which can be of interest for the victims. From the victims’ point of view, mediation process is an opportunity to play an active role in the redress of the crime, to freely express their positions, have a control over the outcome and to take stock of the offenders’ acknowledgment of the guilt.”*

*“[Our system] suffers [...] from unjustified delays in the delivery of justice, especially vulnerable social groups have ineffective access to justice due to high costs and insufficient institutions of free state legal aid. The interventions of the organizations and their voice are necessary to bring the problems of access to justice to a mass level and to provide vital solutions.”*

*“There are no specific measures for hate crime victims in place.”*

*“The biggest issue is disorganised system within which access is legally included, but is not accessible in reality.”*

*“Translation / interpretation, especially but not only from the less common languages, is usually extremely poor in quality, and translators are almost never expert in legal technicalities. Often they are also carriers of the same prejudices and stereotypes from which refugees are fleeing.”*

*“Persons who encounter law enforcement without documents, or working without papers are arrested and placed in prison.”*

**Q2: Is information provided in practice in your Member State on available remedies, and the steps**

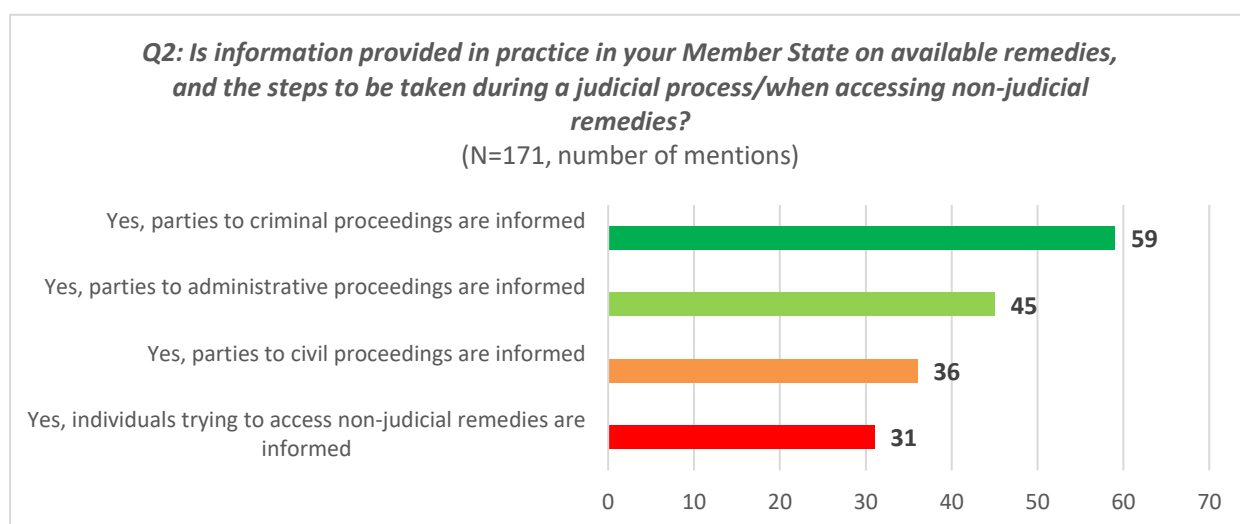
**to be taken during a judicial process/when accessing non-judicial remedies?** For this question, the respondents could check all the applicable choices – hence the overall number of responses exceeds the overall number of respondents (N=115).

Most respondents agreed that the parties of criminal proceedings (59) and administrative proceedings (45) are informed, but this is markedly less so the case with civil proceedings (36) and with individual persons trying to access non-judicial remedies (31).

**Some illustrative comments by respondents:**

*“For those involved, the system is often complicated, they are not properly informed by the acting institutions, therefore in many cases they are not aware of their options or they run into various problems. The provision of legal representation by the state is insignificant and not always adequate.”*

*“[There are] poor levels of information, mainly on the functioning of the courts or the existence of non-judicial remedies. On the other hand, there is still the economic barrier of resorting to the courts. The cost of going to court is perceived as considerable. Legal protection is only granted to those with low income levels, leaving out the middle class.”*



**Q3: Are digital tools used in your Member State to facilitate access to justice through judicial and non-judicial remedies?**

Here, even though slightly more respondents agreed (55 who agreed vs 46 who disagreed, N=101) that digital tools *are* used, several used the open-ended response option to mention that there are clearly visible “cracks in the system”. Several remarked that digital systems either “exist formally” or are “too complicated” or “inaccessible”, so not really ready to be applied in practice and in need of further development. Several respondents also pointed out that the Covid-19 pandemic in many cases highlighted weaknesses and deficiencies in the digital systems.

**Some illustrative comments by respondents:**

*“With the Covid-19 pandemic, cracks within justice systems have widened and intensified the need for newer approaches in addressing justice challenges like electronic procedural management of the judicial proceedings to the judicial bodies as well as the implementation of new working methodologies that improve the process efficiency. Interventions through the use of technology present an opportunity in overcoming some of these barriers.”*

*“The digital revolution has meant greater burdens for lawyers, who have practically replaced the court clerks, with higher costs for the client. The digital revolution [in our State] has facilitated some things but has undoubtedly increased the costs of the service.”*

*“There are no digital tools to facilitate access to justice.”*

*“Our institution does not use special digital tools for access to justice. Parties can address us via e-mail, via special form on our website, via phone but they can also come in person to our institution.”*

**Q4: Have arrangements been made in your Member State to facilitate access to justice by children through judicial and non-judicial remedies?**

Here, a clear majority of the respondents agreed (58 agreed vs 25 disagreed, N=83) that such arrangements are in place, however many (32) chose to not respond.

**Some illustrative comments by respondents:**

*“Generally, lack of comprehensive perspective on access to justice, especially in relation to children, who often cannot/do not want to use formal judicial remedies. More attention for non-judicial remedies, [plus] strong, effective, independent child rights monitoring is needed!”*

*“The Ombudsperson is strongly advocating for better position of girls and young women in our community as they are in more vulnerable position than boys and young men, and have specific problems.”*

*In our country “parents are responsible for protecting children's rights.”*

*“Children remain in a vulnerable position” in our country and “even those who have been here for years risk being returned once they turn 18.”*

*“The rights of children are rarelt [typo in the original] taken into account. It all depends on the “sensibility” of the judge and willingness to apply EU Child Protections regulations. Often said judges aren't even aware of EU directives.”*

*“There are more barriers for children than for adults.”*

**Q5: Are stakeholders, such as civil society organisations or equality bodies, able to bring cases on behalf or in support of victims?**

Here, again, a clear majority of the respondents agreed (57 agreed vs 35 disagreed, N=92) that cases can well be brought also on behalf or in support of the victim.

Vienna, 22.11. 2023