

United Nations Open-Ended Working Group 11th Session (2020)

Name:

AGE member organisation:

Member state:

Focus Area: Access to Justice

Simplified questionnaire for AGE members

Introduction – Defining the right to access to justice

What do we mean by access to justice?

Access to justice means being able to get a fair solution to a justice problem you have.

Examples of justice problems include:

- disputes over land or property
- family disputes like divorce and inheritance
- problems at work such as being unfairly dismissed
- problems with money and debt, or as a consumer
- difficulties in accessing public services like healthcare or pensions that you are entitled to
- being the victim of violence, crime or discrimination

Getting a fair solution may involve using the courts but it may also involve other ways of resolving disputes outside the courts, for example through mediation. To have access to justice, people must be empowered and supported to take action when they have a justice problem. They must be able to access services that treat them fairly and respond to their needs, and they must get a fair solution at a reasonable time.

National legal and policy framework

- How is access to justice by older persons guaranteed under national law and policy? (Ex. Is there a specific law or policy? Does the national ageing policy/strategy refer to access to justice? Are there any age limits in the law prohibiting older people to equally access justice?)
- What judicial and non-judicial mechanisms are in place for older people to complain and seek redress for denial of their rights? (for example do older people who have suffered abuse have access to alternative dispute resolution, such as mediation?)

Availability, Accessibility, Equality and Accountability

- Do older people in your country face specific challenges in accessing justice? (for example, biased court decisions based on ageist stereotypes, lack of legal assistance, lack of knowledge of rights, long waiting times, lack of non-judicial mechanisms, lack of accessible courts, high costs of legal procedures, they cannot access justice without consent of family, because they are afraid, they are frail etc)
- Are there any policies/programmes aiming to improve older people's access to justice? (ex. Free legal assistance, awareness-raising, preferential treatment in proceedings etc)
- Are there any policies/programmes aiming to ensure the impartiality of the justice system and to avoid the negative effect of ageism? (ex. Training for justice professionals, etc)

Focus Area: Right to Work and Access the Labour Market

Simplified questionnaire for AGE members

National legal and policy framework

- Are there **direct barriers for older people to work or access the labour market that are of legal nature or laid down in collective conventions**? These could be: mandatory retirement ages, the right of an employer to terminate an employment contract past a certain age? Please be specific and name the relevant provision
- Are there any **indirect barriers in law or collective conventions** that structurally prevent older people from working or accessing the labour market (e.g. mandatory coverage of workers by health or accident insurance and inability to cover workers past a certain age)? Please be specific and name the relevant provision
- What **other barriers** are older workers facing to work or look for work? These could be ageism in hiring, lack of support from Public Employment Services, lack of access to training and life-long learning, lack of workplaces that allow for sustainable employment? Please outline.

Availability, Accessibility, Acceptability and Quality

- Are there any **programmes to ensure older people can stay in or access the labour market**, (specific support measures, training measures, incentives for staff diversity etc.)? Please describe.
- Are there any **programmes to make workplaces adaptive of people's needs** (minor disabilities, personal situation etc.)? Please describe.
- Are **Public Employment Services available and equipped** to serve the needs of older jobseekers? Please describe.

- Which **protections exist to ensure older workers enjoy just and favourable conditions of work** (wages, working conditions, promotion, training, non-discrimination etc.)?

Equality and non-discrimination

- Are there any barriers such as the ones described above that specifically disadvantage a certain subgroup of older people (such as women, workers with disabilities, foreigners, refugees, people with care responsibilities, LGBTIQ, Roma people, ...)

Remedies and Redress

- How can a worker complain or seek redress if her or his right to access the labour market is hampered? Are there age-specific barriers to seek redress?
- Is information about how to complain or seek redress provided to older workers? Do they have access to legal advice on this?