

Access to Justice of Older Persons in the Czech Republic

Due to their potentially unsatisfactory financial situation, access to justice may be limited for older persons. Older persons may not dispose of enough financial resources to pay court fees or legal aid. This situation is solved by national rules granting **exemption from court fees and right to legal aid**. Older persons may therefore be liberated from court fees when initiating the procedure. Older persons may also require the free assistance of a lawyer (granted by Code of Civil Procedure No. 99/1963 Coll.).

In June 2019, the **possibility of debt relief in shorter time** has been granted for older persons. Usually, the insolvency procedure takes 5 years but older persons may use shorter option and may enjoy debt relief in 3 years. They may use this option only once in their lifetime as a protection against any misappropriation (Insolvency Act No. 182/2006 Coll.).

As an **alternative dispute resolution** (ADR), older persons may use mediation under Mediation Act No. 202/2012 Coll. or arbitration procedure, which is governed by Act on Arbitration Procedure (Law No. 216/1994 Coll.). There is also an expert committee for enhancing mediation, which regularly meets at the Czech Ministry of Justice. Provided it seems efficient, the court may order parties to meet mediator even during the civil proceedings.

If older persons have problems with communication before courts, they have **the right to the free assistance of an interpreter**. Older persons may also address the **Ombudsman (The Public Defender of Rights)** with their problems.

It is necessary to mention the factual access to court buildings in context with access to justice. Technical requirements ensuring the use of buildings by older persons are regulated in a special Decree (No. 398/2009 Coll.) which guarantees **barrier-free use of buildings**. This Decree also requires that court buildings must be equipped with horizontal tracks, staircases and parallel ramps or lifts.

New official websites of public authorities of the Czech Republic and upcoming database of judicial decisions have an **'easy-to-read' function for older persons**. The Czech Republic also prefers to create and test accessible online services in compliance with Act No. 99/2019 Coll. on the accessibility of websites and mobile applications (or the WCAG standard).

If elderly persons suffer with **mental or intellectual disability (e. g. dementia) and their legal capacity is debilitated**, they can use one of the measures regulated by the Act No. 89/2012 Coll., the Civil Code. Those measures include assistance in decision-making, representation by a household member and guardianship. **The supporters usually have a special position and rights in specific court proceedings** concerning the elderly people with disabilities. For example, supporter who provides an assistance in decision-making can invoke the invalidity of the act made by the person receiving the assistance before the court. He or she may also invoke all the rights of the concerned person in proceedings on permissibility of admission and further detention in health or social care facility.

Judges and judicial staff are educated on access to justice for older persons as part of the educational events of the Judicial Academy in the field of communication (eg. Workplace Communication seminar or how to better understand oneself and others), psychology or ethics. However all training events of the Judicial Academy are optional and thus no target group may be required to undertake specific training.