



## Senior Citizens Association of Zambia Submission to the 11<sup>th</sup> Working Session of the Open- Ended Working Group on Ageing on Access to Justice 2020

### Introduction

In August 2019 Senior Citizens Association of Zambia carried consultations on the right to justice, which would be discussed in the 11<sup>th</sup> United Nations Open Ended Working Group, with older men and women in two districts of Zambia namely Chilanga and Lusaka. There were 24 participants in this consultation, of these 13 were men and 11 were women. This submission covers issues raised by the participants.

### National Legal Frame

1. The Zambian government has a National Policy on Ageing and in the policy there provisions which would ensure older persons have easy access to justice. The policy talks of legal aid services to vulnerable older persons, facilitation of quick dispensation of justice on cases involving the older persons and ensuring court facilities are user friendly to the needs of older persons. However, this policy remains on paper only and is yet to be implemented and enacted.

### Availability

2. Issues of access to justice for older person is an emerging issue and it is only this year that the Human Rights Commission has prioritized the issue. Therefore there are no steps that have been taken to ensure availability of judicial and non-judicial mechanisms for older persons anywhere in the country. There are dispute settlement in the country but they are not specifically for older persons and they are not affordable.

### Accessibility

3. As earlier mentioned the issue is an emerging issue and hence nothing has been done to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older

persons. Most courtrooms and procedures are intimidating to an older person.

4. Legal Aid is available for every deserving person. It stipulated in the policy that legal aid should be available to older persons. However as earlier indicated this has not been implemented. To access this legal aid one is required to pay some fee and it is this fee which makes it inaccessible for vulnerable older persons. There are no provisions to guarantee legal assistance for older persons.
  
5. **Non-discrimination:** In the consultation carried out some of the participants expressed the court situation as being intimidating and felt that they could not express themselves freely. Further the language (English) used in higher courts was not understood by them and had to depend on interpreters whom they were not sure if their submissions were correctly interpreted. Therefore they felt that they were not getting justice. Some of the participants felt that the justice system does not treat those who are old fairly. They usually harassed by the police and especially if the case is against their peers. The system is also compromised against older persons who do not have the resources to influence the course of the course of the case.

**Economic Access:** The financial cost is a major barrier for older people trying to access justice. Some participants said the costs were too high for an older person with limited income. Some had no money to pay lawyers. Others said they could not pay corrupt officials and other costs involved, for example, transport or paperwork.

**Physical Access:** The distance to the nearest court in rural areas is a hindrance to justice. Older persons in rural and remote areas find it difficult to access justice as they cannot afford the frequent costs of transport going to the courts.

**Information Gap:** Most of older persons lack information on legal system procedures and have no access to information as they have no computer skills and even the computers.

6. There none

**Equality and Non-discrimination**

7. As earlier stated for Zambia the subject of access to justice for older persons is an emerging issue and so far there no provisions adopted to ensure effective access to justice for older persons.
8. The Justice system has not yet implemented what is in the National Ageing policy.

**Accountability:**

9. There is a Judicial Complaints Commission which handles complaints to do with the judicial system. However, there are no provisions dealing with older persons.