

## **Access to Justice**

“Buthaina” alliance for the Rights of elder Male and female

Sisterhood Is Global Institute (SIGI)

The proportion of elderly female and male (+60 years) is 5.5% of the total population of Jordan, males constituted 50.9% (285.63 thousand people) and females 49.1% (275.43 thousand people), and they are subject to the legislative framework , policies and programs applicable to all the population, A national strategy for the elderly (2018-2022) required a cooperation and coordination with multiple sectors.

The law rules, legal accountability and justice access consider important parameters in terms of human rights generally and elder persons rights particularly. Elder persons suffer from obstacles to accessing justice to claim and prosecute against their rights, elder females are still under obstacles particularly, as they may be under sexual offenses, with the possibility of impunity for perpetrators, such as sexual harassment, they may be subject to administrative detention of the pretext of protection accordingly to 1954 Law of Crime Prevention, a case of arresting 78-year-elder woman for 30 days in September 2019 was recorded

Strengthening law rules as well as the confidence of elder persons in the integrity of the judiciary is a core pillar for the stability and security of society and a prerequisite for achieving sustainable development, also It is a guarantee of equality and justice, where It will contribute for effective protection of rights and freedoms for all society categories, especially for the most vulnerable to marginalization and discrimination based on age and gender

### **The most important obstacles that face male and female elderly in order access to justice.**

According to the judicial reports of the Ministry of justice issued at 2016by the number of complainants of both genders form all ages in rights cases reached 106,421, (24775) out of them are females, (23.2%) of the overall of complainants, on the other hand the number of complainants of both genders in criminal cases was 78,019, of whom 16523 complainants are females, 21.1% of the total complainants.

### **Legal Obstacles**

The main females obstacles are the highlighted obstacles in discriminatory legislation, especially the elders, where the absence of legal provisions that enhance their legal and penal protection in some of legal and penal cases, females are suffering from obstacles in all justice access stages , either at procedural stage (such as filing a lawsuit or complaining at security centres, payment of

attorneys' fees or court fees) or in the executive stages, where if female succeed in obtaining judgments in their favour, the implementation remains difficult and complicated.

The main challenges that faces the criminal justice are the weak provision of legal aid to the less fortunate and unable to afford the legal fees, as females and the elderly, also the long-term litigation in civil and criminal cases, and the non activation of both the Bar Association and civil society institutions roles to provide legal aid to the poor elders.

The lack Public Prosecution roles in overseeing prisons and monitoring violations against inmates rights, and the non-availability of the prosecutor in the correction and rehabilitation centres, or the lack of mechanism for the periodic follow-up of any violations, and assisting foreigners ( non Arab)by providing specialized and direct translation, and establishing mechanisms to protect witnesses, defendants and victims, also to encouraged to use the provisions of international agreements when drafting regulations and pleadings.

### **Procedural Obstacles**

Many females, especially the elderly, have no access to justice systems when they start using the chain of justice, which is the link between laws and legislation and female claims for their rights and obtain it, unfortunately the rights may lost and spoiled in the early stages, justice chain start by a criminal cases occurred, in which he existence of a crime punishable by law and then contact the security centre (police), investigation and arrest of the perpetrator (summons or bail), and take the prosecution procedures, and then settle or adjudicate the case either conviction, compensation or innocence.

### **Social obstacles**

Social impediments are another aspect of women's weak access to justice, for they fear embarrassment in claiming these rights judicially, especially if the complainants are acquaintances or relatives, which continues the stereotype and male dominance that limit women's enjoyment of their rights and claim them in court. Often they are forced to dropped the case and concede to the benefit of other parties.

Also the elderly, especially females, are subjected to economic exploitation and coercion to sign documents, as well as questioning their eligibility to control their money and to impose quarantine and guardianship.

### **Awareness and Training Obstacles**

The weak female representation in various justice systems, such as judicial officers and judges, lack of training and awareness-raising for law enforcement personnel and institutions on justice for the elder persons and from a gender perspective will negatively affects the ability of females, and especially the elders to access justice. Empowering the elderly and increasing their knowledge of the legal aspects and ways of claiming their rights will contribute to filling another obstacle to their access to justice systems

### **Suggested solutions to overcome obstacles and challenges**

In order to overcome these obstacles we should set the legal protection and empowerment of elderly male and female , and the implementation of legislative and judicial reforms that take into consideration the elderly people gender and to exempt them from court fees, especially in cases of violence against them or cases of domestic violence, and to supply free legal services for them, and provide effective and active systems for the implementation of judicial rulings, taking into consideration the speed. In addition to encouraging them socially and family to demand their rights and not to be silent about any violation, they are undergoing through changing the stereotype and end of silence culture and social stigma that haunts the elderly people.

Intervention is needed to bridge the gap by ensuring opportunities, promoting participation, equality and overcoming obstacles, which requires steps by the government within its responsibility to exercise due diligence to ensure rights for all without delay or discrimination based on gender or age. Political will that recognizes the human rights of elderly persons must be translated into practice by allocating resources and initiatives to meet their needs, in particular on issues of poverty, health, education, employment and access to justice, the implementation of the National Strategy for elderly Persons, the adoption of a law on the rights of elderly persons and the contribution to International Convention on the Rights of elders

Legal awareness of legal texts and procedures should be disseminated.