

The Special Rapporteur on the rights of persons with disabilities, Ms. Catalina Devandas, has recently prepared a report on “older persons with disabilities” (A/74/186), which she believes would be particularly relevant for the discussion on the focus area "Access to Justice" in the context of older persons.

She would like to bring it to the attention of the Open-ended Working Group for the purpose of strengthening the protection of the human rights of older persons, in particular its paragraphs 58-60, which relate to access to justice, and the related recommendation (para 72).

### **Access to justice**

58. States must ensure effective access to justice for older persons with disabilities. Access to effective remedies is critical to combating all forms of exploitation, violence or abuse against older persons with disabilities in the public and private spheres. States must eliminate all restrictions preventing older persons with disabilities from obtaining access to justice, including denial of legal standing and accessibility barriers. States are required to provide age- and gender-appropriate procedural accommodations to facilitate the effective participation of older persons with disabilities in all legal proceedings.

59. In addition, States must take all appropriate legislative, administrative, social, educational and other measures to protect older persons with disabilities from all forms of exploitation, violence and abuse, including their gender-based aspects. States have an obligation to prevent and investigate all acts of violence and abuse and to prosecute and, when convicted, punish the perpetrators, as well as to protect the rights and interests of the victims and survivors. All protection services must be age-, gender- and disability-sensitive.

60. National preventive mechanisms, national human rights institutions and independent mechanisms for the promotion, protection and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities should be expressly mandated to carry out regular monitoring of residential facilities, to initiate inquiries and investigations into exploitation, violence or abuse against older persons with disabilities and to assist them in obtaining access to legal remedies. National human rights institutions should also have a clear mandate to protect the rights of older persons and persons with disabilities more generally, including to protect them from multiple and intersecting forms of discrimination.

72. **The Special Rapporteur makes the following recommendations to States with the aim of assisting them in realizing the rights of older persons with disabilities:**

[...]

(i) **Guarantee access to justice and effective remedies for all older persons with disabilities, and ensure that adult protection services and programmes are inclusive of and accessible by older persons with disabilities;**