

Access to justice

The Republic of Belarus is a **legal state**. A person, his rights, freedoms and guarantees of their implementation are the highest value and goal.

Everyone is equal before the law and has the right without any discrimination to equal protection of rights and legitimate interests.

According to Article 23 of the Constitution of the Republic of Belarus, restriction of the rights and freedoms of an individual is allowed only in cases provided for by law, in the interests of national security, public order, protection of morality, public health, rights and freedoms of other persons.

Article 60 of the Constitution guarantees to everyone the protection of his rights and freedoms by a competent, independent and impartial court. There are **no obstacles for citizens to apply to the court**.

Article 16 of the Civil Code of the Republic of Belarus stipulates that civil legal capacity is recognized equally for all citizens. The legal capacity of a citizen arises at the moment of his birth and ends with his death.

A citizen may be declared legally incompetent and limited in legal capacity by a court in the manner prescribed by civil procedural legislation.

There following grounds for declaring a citizen incompetent:

- the presence of a mental disorder (disease), as a result of which a citizen cannot understand the meaning of his actions or control them;
- being in an unconscious state, which excludes the possibility of understanding the meaning of their actions or directing them in connection with the disease.

One more basis for limiting the legal capacity of a citizen is the placement of the family in a difficult financial situation due to the abuse of alcohol, narcotic drugs, psychotropic substances, their analogues.

Citizens have the rights to receive information about the activities of the courts. To this end on the official websites of the courts as well as on the premises of the courts there is information on the **procedure for applying to the court**, on the basic rights and obligations of the participants in the process, the rules of conduct in a court session, the procedure for appealing court decisions, which contributes to **an increase in the level of legal awareness of the legal proceedings**.

Subprogram 2 "Accessible living environment for disabled and physically weakened persons" of the Government Program "Social Protection" for 2021-2025, provides a set of measures to create in the courts of general jurisdiction a **barrier-free environment along the entire route of movement of physically weakened persons and people with disabilities** during major repairs (modernization), reconstruction, and construction of buildings.

According to Article 6 of the Law of the Republic of Belarus on the Bar and Lawyer Activities in the Republic of Belarus, any individual and legal entity on the territory of the Republic of Belarus has the right **to seek legal assistance** from a lawyer of his choice. Legal assistance is provided by lawyers on a reimbursable basis.

On November 30, 2021, amendments to the abovementioned Law came into force and **expanded the categories and list of issues** on which legal assistance is provided **at the expense of the bar associations**:

– **participants and invalids of the Great Patriotic War** – in case of verbal consultation on issues not related to entrepreneurial activity;

– **pensioners staying (living) in social service institutions providing stationary social services** – in case of consultation on issues related to ensuring and protecting their rights and legitimate interests.

Every year, charitable events are held to mark the Day of Older Persons, and other public holidays, for example, **provision of free legal consultation, including through direct telephone lines**, to people of retirement age, as well as to the poor on issues related to the calculation of seniority upon retirement, employment, social support, inheritance and others.

The Republican Public Monitoring Commission under the Ministry of Justice of the Republic of Belarus conducted an inspection of the bodies and institutions executing punishment and other measures of criminal responsibility. As a result of the inspection, **no discrimination against older persons was revealed**. There were no complaints or statements from elderly persons held in institutions of the penitentiary system addressed to public monitoring commissions.

The Law of the Republic of Belarus on Mediation provides for an alternative to the judicial method of resolving disputes in civil, labor, family legal relations, as well as in criminal proceedings. At the same time, for the purposes of mediation, older people can act as parties along with other subjects. **The legislation of the Republic of Belarus does not contain restrictions on persons of retirement age.**