

Access to justice

Definition

1. What is the definition of the right of older persons to access justice in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

When determining the accessibility of justice, **old age is not taken** into account in the legislation of the country (<https://publicacia.net/archive/2017/4/4/18>).

Access to justice means a fair solution to the problem of justice; obtaining a fair decision includes the use of courts or non-judicial mechanisms; at the regional level, the right of older people to access justice is enshrined in article 31 of the Inter-American Convention on the Protection of the Rights of Older Persons and article 4 of the Protocol to the African Charter on Human and Peoples' Rights. The right to access to justice has not been specifically applied to the context of old age in the international human rights framework (Preserving Dignity, HelpAge International).

Scope of the right

2. What are the key normative elements of the right of older persons to access justice on an equal basis with others? Please provide references to existing standards on such elements as below, as well as any additional elements:

(a) The guarantee of older persons' legal capacity (legal standing and legal agency)

on an equal basis with others and not denied on the basis of age

The Constitution of the Russian Federation guarantees everyone the right to judicial protection (**excluding old age**), when considering legal capacity, incapacity, limited legal capacity - **old age is not determined**;

(b) Elimination of the influence of ageist stereotypes at any stage of judicial or nonjudicial proceedings, including the award of damages or compensation

Lawyer: Russian legislation is merciless to the elderly - neither advanced age nor health are circumstances mitigating responsibility

(<https://www.kommersant.ru/doc/3812359>;

According to the law (2008) courts must be transparent in their activities - however, there is no reference to old age (<https://rg.ru/2009/06/18/pensioner.html>);

(c) Access to timely legal proceedings, especially in situations of immediacy

No indication of old age;

(d) Accessibility of courtrooms, legal tribunals and other justice-related facilities to

all older persons

According to the decision of the Supreme Court - with the "participation of persons with disabilities, it must be organized in a courtroom accessible to them (the location of the courtroom on the ground floor street, the presence of an elevator in the courthouse, etc.) <https://rg.ru/2012/12/19/otkritost-dok.html>; there is **no indication of old age** in the document

<https://rg.ru/2012/12/19/otkritost-dok.html> ;

(e) Access to legal services, including legal assistance, legal aid, counselling and hotlines, on an equal basis with others

The Federal Legal Aid Act specifies an old age for these services in cases of World War 2 veterans and nursing home residents

<https://minjust.gov.ru/ru/pages/pravovaya-informaciya/besplatnaya-yuridicheskaya-pomosh/>;

it is problematic for other categories of older people to receive free legal assistance - there are not enough sources of such services - <https://rg.ru/2021/06/03/reg-sibfo/nuzhna-li-rossiianam-besplatnaia-gosudarstvennaia-pravovaia-pomoshch.html>;

(f) Access to alternative, non-judicial pathways to justice, including, but not limited to, one-stop community justice centres, paralegal support, ombuds procedures or specialist commissioners

Alternative forms: notary offices, legal clinics of universities, from November 2021 in all regions of the Russian Federation there is a single day for the provision of free legal assistance for the older generation, organized by the offices of the commissioners for human rights

(<https://notariat.ru/ru-ru/news/iuridicheskaja-pomoshch-pozhilym-liudiam>,

<https://kpfu.ru/law/struktura/strukturnye-podrazdeleniya/juridicheskaya-klinika/1-oktyabrya-ndash-den-okazaniya-besplatnoj-393841.html>,

https://ombudsmanrf.org/pravo/news/pravovoj_marafon_dlja_pensionerov/view/predstaviteli_up_olnomochennogo_po_pravam_cheloveka_v_moskovskoj_oblasti_zavershili_dekadu_pozhilogo_cheloveka);

Only a few NGOs promote public models of free legal aid for the elderly, including mediation (http://xn--90ahyjd1z3e.xn--p1ai/model_bup/, <https://nasiliu.net/elderly/>);

(g) Access to reasonable accommodation in all legal and administrative proceedings at any stage to facilitate older persons' effective role as direct or indirect participants in justice proceedings

old age is not specified;

(h) Adequate and appropriate training to all those working in the administration of justice and law enforcement, including the judiciary, police and prison staff, on the rights of older persons

Data not available; the topic of the human rights of the elderly in the country is tabula rasa.

(i) Accommodation of the needs of older prisoners, including necessary physical adaptations, protection against violence and extortion, appropriate educational and vocational opportunities, and support with reintegration into the community

There are no data on older prisoners, but it is reported that in many prisons there are no ramps and handrails, no attention is paid to the treatment of infectious diseases, there is a high mortality from late diagnosis, lack of access to civilian consultants, a limited range of medicines; elderly prisoners make up a significant proportion of patients in the penitentiary system

(<https://www.kommersant.ru/doc/4347452>); there is **no data on** the protection, upbringing and resocialization (including education) of older prisoners;

(j) Equal access of older prisoners to services, including physical, mental and cognitive health, dental, hygiene and hospice services, and social and other support services available to the general population

Prisoners are entitled to medical care and social security according to Russian law - **old age is not allocated.** However, upon the onset of the right to a pension, it is drawn up by the prisoner at the place of punishment;

In 2021, the Parliament adopted a draft on recognizing convicts as a socially unprotected category of citizens (<https://www.mskagency.ru/materials/3120129>);

All other types of support also do not contain indications of old age.

and

(k) Access to prompt remedies and redress when older persons' right to access justice is denied

No references found for old age

State obligations

3. What mechanisms or measures are necessary to ensure the enjoyment and to monitor implementation of the right of older persons to access justice, including State obligations to respect, promote, protect, and fulfill the right?

- accessible information about the rights of older people, the possibilities of protecting the rights
- increase in the number of organizations providing free legal assistance to individuals

(<https://cyberleninka.ru/article/n/dostupnost-k-pravosudiyu-v-rossiyskom-obschestve-problemy-i-protivorechiya>)

- financial accessibility of the elderly to justice
- digital justice for the elderly

(https://portal.tpu.ru/SHARED/e/EKTARAN/research/Tab/Article_Taran_2.pdf)

- training of justice workers to work with the elderly
- the use of conciliation procedures, the conclusion of settlement agreements

(https://cisr.pro/files/publ/Predlozhenia2011_TextBlock.pdf);

Special considerations

4. What special considerations or specific issues should be included in the right of older persons to access justice, including procedural and age-appropriate accommodations as well as responsibilities of non-State actors?

- technical equipment of courts (experts: courts are intended for healthy people)
- advising the elderly, checking their documents collected for the courts
- control over the legal proceedings of the elderly to eliminate bias caused by the social status of the elderly plaintiffs

(<https://cyberleninka.ru/article/n/dostupnost-k-pravosudiyu-v-rossiyskom-obschestve-problemy-i-protivorechiya>)

- promote public organizations for the legal protection of the elderly

(<https://cyberleninka.ru/article/n/dostupnost-k-pravosudiyu-v-rossiyskom-obschestve-problemy-i-protivorechiya>);

Implementation

5. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on the right to access justice for older persons?

The elderly are invisible to Russian justice – the age status of the elderly is hidden in the categories “population”, “persons”, “citizens”;

The Strategy of Actions in the Interests of the Senior Citizens in the Russian Federation until 2025 (2016) does not include the issues of accessibility of older people to justice.

Media: the misfortunes of an elderly person are treated with sympathy, but there are no real mechanisms for additional protection for them.

(<https://iz.ru/762162/ivan-petrov/starik-i-gore>).