

Guiding Questions for Focus Area: Access to Justice

1. The Constitution provides for a due process of law (Article 31) and guarantees the right to trial (Article 32). If the right to administrative action is denied, the Appeals Examination System can be used under the Administrative Complaint Review Act. Although these regulations and procedures can be used by older persons, there is no specific law for the older persons. For Long-Term Care that can be used by persons aged 65 and over, there is a complaint system under the Long-Term Care Insurance Law (Article 176).

2. The “Japan Legal Support Center” has been functioning since 2006. Conventionally, law firms have been set up in areas where access to legal services is not easy, and full-time lawyers are stationed to provide general legal services.

For individual areas, such as consumer issues, the National Consumer Affairs Center Dispute Resolution Committee has been established as an ADR. However, there is no ADR based on age.

3. The Constitution provides that all criminal defendants can request a lawyer at public expense (Article 37). In the law, civil legal assistance is provided under the Comprehensive Legal Support Law. This system provides free legal counsel to those who have limited financial resources, and replaces attorneys' fees.

4. Older people with poor judgment skills can use the adult guardianship system. Under the Civil Code, if a person's judgment begins to fail, the family court will appoint a guardian and begin legal assistance. This is mainly designed for property management issues, and use to social services of the target person.

5. For older persons seeking judicial relief, there is scarce relevant information, and the legal process is complicated. The economic and time-consuming burden of arranging attorneys and trials is also a barrier.

Many older people have a negative attitude towards administrative and judicial solutions to legal issues, and they often do nothing when in despair.

6. Japan's Federation of Bar Associations has set up law firms to provide access to lawyers in low-population areas. There are 22 locations as of 2019. The Federation has established “Support centers for older persons and persons with disabilities” in all prefectures, and provides legal consultation, including telephone and outreach services.

Several NGOs are engaged in legal assistance when older persons file a petition for social services. At present, a number of trials have occurred over the illegality of lowering old-age pensions, and the Japan pensioner's union is helping older persons plaintiffs.

7. Same answer as no. 3.

8. We do not know because there is no public information.

9. Regarding the independence of the judicial system, the Constitution stipulates the appointment and retirement of judges (Article 79, Article 80), and stipulates the national examination of judges of the Supreme Court (Article 79). There is no monitoring mechanism to address any discrimination against older persons by members of the judicial system.