

## **Guiding questions for Focus Area: Access to Justice**

In Slovenia the cornerstone for national legal framework regarding the access to justice is laid within constitution. There are several relevant provisions granting also the general access to justice also for older persons, as the following ones:

### **Article 14 (Equality before the Law)**

*In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.*

*All are equal before the law.*

### **Article 15 (Exercise and Limitation of Rights)**

*Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.*

*The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.*

*Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.*

*Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.*

*No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.*

### **Article 22 (Equal Protection of Rights)**

*Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities, and bearers of public authority that decide on his rights, duties, or legal interests.*

In 2018, **Protection Against Discrimination Act** was adopted. This act is relevant for non-discrimination on the field of human rights and on the field of every aspect of life.

Furthermore, **Court Rules** in third paragraph of Article 223 grants that that any invitation to court hearings includes special notification that participants who are disabled or persons with special needs have the right to equal participation in the proceedings, and that such persons may notify the court prior to the proceedings that they will exercise the right to equal participation in the proceedings.. Upon that information court is obligated to organise the proceeding according to their needs (i.e. appropriate and easily accessible courtroom, hearing aids, audio - video hearings etc...).

Equalisation of Opportunities for Persons with Disabilities Act grants accessibility for all public building (including courts) and furthermore forbids any kind of discrimination on ground of disability in regard of participation in public services and in relation with public administration. The provision of latter act concerns also older people facing challenges of ageing.

Furthermore, Legal Aid Act also regulates the condition for free legal aid, which can be granted in case of vulnerable social situation. The purpose of free legal aid is to exercise the right to justice on the principle of equality, considering the social situation of a person who could not exercise that right without harm to his or her livelihood and the livelihood of his family.