

# Access to Justice

## National legal framework

*1. How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?*

Article 24 of Spain's Constitution establishes the right to access to justice. Moreover, Ombudsman (article 54) shall defend their rights through supervision of the Administration activity. Finally, older persons have, like the rest of citizens, the right to appeal to Constitutional Court if one of their rights are violated (article 53)

## Availability

*2. What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?*

Regional governments and local authorities have services for counselling older persons about their access to justice. And also there are alternative dispute settlement mechanisms in the different domains of public actions: urbanism, health, education, labour, etc..

## Accessibility

*3. What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accesible for older persons and adapted to their needs?*

The legislation (Organic Law on Judicial Power) establishes free access to the justice in case of economic insufficiency. Other measures are put in place for adaptation to older persons needs

*4. What are the existing provisions to guarantee legal assistance for older persons?*

Free access, physical and psychological adaptations, and many other measures guarantee legal assistance for older persons. Moreover, regional governments provides legal assistance for older persons in case of poverty or other personal circumstances which impair their legal protection.

*5. What are the specific challenges encountered by older persons in accessing justice and remedy in your country?*

Dependency by physical or mental illness is the main challenge encountered by older persons in accessing justice and remedy

*6. What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?*

Regional governments and local entities offer different services to older persons dealt with their effective access to justice and remedy

### **Equality and non-discrimination**

*7. What are the provisions adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?*

Advanced directives, continuing powers of attorney and other figures are at disposal of older persons in order to preserve their self-determination in hypothetical dependency situations which could impair their access to justice.

*8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system*

Justice system personnel are trained in many awareness-raising activities which allow them to address the negative impacts of ageism and age discrimination; these programmes are part of the comprehensive capacity building actions dealt with the attendance not only older persons but all frail and vulnerable groups: women, children, disabled people.....

### **Accountability**

*9. How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals*

Impartiality and independence of justice are on the basis of its regulation in our Constitution. Judges are ruled by General Council of Judicial Power and its selection system, through public exams, guarantees such impartiality and independence.

Nevertheless, there are not specific mechanism to address discrimination against older persons committed by justice system professionals. The general provision in that issue is established in art. 121 of Spain`s Constitution talking about judicial error or malfunction.