

NSINDAGIZA is a Rwandan NGO, promoting the rights and welfare of older persons in Rwanda, since July 2014.

Submission on Access to Justice.

11th Working Session of the Open-ended Working Group on Ageing, 2020.

Introduction:

Just like other people, older people are subjects of Human Rights. In Rwanda, policies, guidelines, laws and different measures to promote their access to justice are in place and the structures to ensure for their implementation, monitoring and evaluation are fully functional.

Age related issues:

In preparation for this paper, NSINDAGIZA Organization has conducted a series of consultations/dialogues with older people in order to know their views vis-à-vis to "Access to justice".

Below are some of their quotes:

"I invested all of my youth in the development of my country and I was able to contribute to the social security in order to ensure safety in my old age. I lost my job before the age of retirement and when I went to claim my pension after a while, I was told that it was too late and I could not have my pension. No one had told me that before, I tried to insist but to no avail. I was denied my rights hence limited to justice". Older person in Nyarugenge district

"I lost my leg in a traffic accident. I was taken to the hospital and spent all the money I had on treatment. When I went to the insurance company to claim, I was told that at the age of 65, I was expired and maybe I could get a little amount because of my age, as if it was a pity. I tried to go to the courts but everywhere I was told that that was how it was. I was denied my rights as a Human Being and it affected my whole family. As a result, two of my children were chased away from school due to lack of school fees". Elderly group member

These few examples represent a lot of age related issues: inequalities and age discriminations including in financial and insurance companies, health services, etc. This is a bad sign regarding access to justice for older people who are denied justice as is if they are not human beings with equal rights. The question is "What is the meaning of Justice for all?"

Availability and accessibility:

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?

Older people complain about not having enough information regarding their rights and access to justice. "I think that the real problem wasn't my age, rather not having anyone to advise me on this procedure."

59-year-old man.

Older people are limited in legal services and this results to violence, abuse and neglect by their families and the community. The UN and member states should avail legal services to older people in accordance with their specific concerns, including legal assistance and legal aid, on an equal basis with others.

Older people also face issues related to violence, abuse and neglect and no one cares as there is no binding law protecting them. In their words they say:

"We are denied our rights when it comes to the use of our property, because when an older person is sick and the treatment costs require selling of land, a house or any other property, we are told that it would be waste of resources. How can you say that we are all equal? There are those who are higher than others! Where can we take our complaints if there is no law related to the protection of older people?"

There are many other examples, leading to the conclusion for the UN to speed up a convention regulating specific measures to respond to specific needs/issues of older persons, so that the States are bound by those terms of a convention.