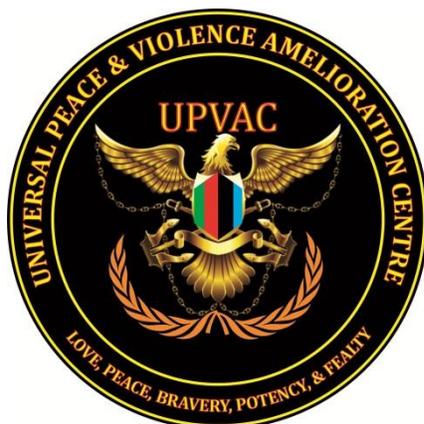


*Submission by:*

**UNIVERSAL PEACE AND VIOLENCE AMELIORATION CENTRE**  
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**SUBSTANTIVE CONTENT:**

**“ACCESS TO JUSTICE”**

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**THE CHAIR OF THE UNITED NATIONS GENERAL ASSEMBLY OPEN-ENDED  
WORKING GROUP FOR THE PURPOSE OF STRENGTHENING THE PROTECTION  
OF THE HUMAN RIGHTS OF OLDER PERSONS**

**ELEVENTH WORKING SESSION  
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## Preamble

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Access to Justice is a basic principle of the rule of law. For older persons, without it, they will be unable to have their voices heard, exercise their human rights, and challenge discrimination against them.

All human beings hold human rights equally; equal access to justice for all and delivery of such justice should be impartial and non-discriminatory.

Access to Justice is asserted in articles of the UDHR 1948, which states:

**Article 6:** *Everyone has the right to recognition everywhere as a person before the law.*

**Article 7:** *All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*

**Article 8:** *Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.*

**Article 10:** *Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.*

## National Legal Framework

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There is no specific national legal framework that guarantees access to justice by older persons in Nigeria:

### Judicial Mechanisms

- Supreme Court, Court of Appeal, High Court, and Trial Courts (Magistrates, Customary and Sharia)
- Law Enforcement Agencies

### Non-Judicial Mechanisms

- Legal Aid Council of Nigeria (LACON)
- National Human Rights Commission
- Traditional Rulers/leaders
- Paralegals (such as NGOs, CSOs)
- Tribunals

## Availability

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Ensuring availability of judicial and non-judicial mechanisms in Nigeria includes:

- i. Reforming the justice sector to build a system that is affordable, efficient, independent, transparent, professional and accountable, one that ensures that the rule of law and the observance of human rights and contributes to reclaiming the trust in the Justice system.
- ii. Providing an enabling environment for Non-Judicial mechanisms to function such as availability of ADR through traditional rulers and NGOs/CSOs.

## Accessibility

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Nigeria is taking steps towards reforming the justice system to make it more accessible, though there are no effective provisions guaranteeing legal assistance to older persons.

### *Challenges encountered by older persons in accessing justice*

- i. Lack of adequate awareness about human rights.
- ii. Lack of expertise and specialist services for older persons.
- iii. Lack of confidence in the legal system and inaccessibility of the legal justice system.
- iv. Cultural and Traditional practices (such as taboos)
- v. Illiteracy/ poor knowledge about tools that is available to access justice.
- vi. Financial constraints and delay in justice administration

### *Best Practices*

Few Nigerian states have prioritized the justice sector and have thereby ensured equal and effective access to justice and remedy for all. For example,

Lagos state Citizens' Mediation Centre Law 2007 formally established the Citizens' Mediation Centre (CMC) as a full-fledged agency under the Ministry of Justice. CMC was established in ensuring the quick and easy resolution of disputes to prevent further degeneration of relationships and crime in society.

Lagos Multi-Door Court House to deal with cases more speedily through mediation, arbitration, etc. and thereby reduces the workload on the courts.

Jigawa State Government established nine Community Law Centres pursuant to the Justice Sector Reform Commission Law of 2005. These centres serve as avenues for providing free legal and mediation services to the poor in the State.

Enugu State Community Paralegal and Village Mediation Programme (CPVMP) in five communities across two Local Government Areas to enable local solutions to disputes, increase human rights awareness, access to legal assistance or support, and contribute to the peace and harmony of rural communities.

Introduction of Telephone Hotline for receiving and dealing with complaints from users of the Customary Courts and improvement on user treatment.

## **Equality and non-discrimination**

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Provisions of access to justice for older persons are broadly achieved and supported through mechanisms such as national human rights institutions, legal aid institutions and justice ministries that promote justice, fairness and human dignity.

The Legal Aid Council of Nigeria (LACON) as a statutory entity under the Federal Ministry of Justice. LACON

- Administers Legal Aid Scheme which provides legal aid for citizens.
- Organizes and establishes Legal Aid Clinics, formulating the requisite standards, procedures and regulatory framework.
- Establishes panels of attorneys to execute legal aid duties in fulfillment of its mandate.
- Increases public awareness of the legal aid system in Nigeria.
- Administers Outreach Programme to ensure that the public and stakeholders are fully apprised of its available services and the procedural processes required.

## **Accountability**

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In ensuring independence and impartiality of justice system, there is need for monitoring and evaluation.

There is also need for the three arms of government, justice sector mandate agencies and CSOs/NGOs to meet to discuss and agree on concrete interventions for access to the justice sector by older persons. This will also help address any discrimination against older persons.