

## **Guiding Questions for Focus Area: 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?**

The right of victims of repeated human rights violations is a basic and well-established human right that is now enshrined in universal and regional and even national human rights instruments and treaties. As a result, access to justice for the elderly is guaranteed in the national legal and political framework by legal instruments. The Constitutional Law of 18 January 1996 revising the Constitution of 2 July 1972, in its preamble, guarantees access to justice for a number of categories of people, including the elderly. It is therefore possible to state that at the legal level, access to justice for the elderly is guaranteed by the constitution (which is the supreme law of the state), but also by the penal code, or even the code of criminal procedure in force within the State.

With regard to the judicial and non-judicial mechanisms put in place to ensure that all older persons file a complaint and seek compensation for denial of their rights, the former, the courts (civil and criminal) and the courts, State institutions such as the National Commission for Human Rights and Freedoms (CNDHL), the Ministry of Justice (MINJUSTICE) and even the Ministry of Social Affairs (MINAS).

### **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 ?**

The measures that have been taken to ensure the availability of judicial and non-judicial mechanisms for older people in both urban and rural areas in the country include:

- Free justice,
- Free public services,
- The establishment of the courts in almost the whole extent of the national territory (at least one jurisdiction per department),
- The establishment of institutions such as the NCHRF, MINJUSTICE, MINAS.

However, there are other dispute resolution mechanisms such as the introduction of a Pre-Trial Appeal (RGP) with the competent services to bring to their attention the existence of a grievance against the targeted persons, with the aim of finding an amicable settlement, which would avoid any litigation.

### **Accessibility**

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

Measures taken to ensure the security of any justice system that is affordable, physically accessible to seniors, and adopted for their needs. It is their membership of a particular regime, which manifests concretely through the adoption of legal instruments relating to the protection of rights and access to justice for vulnerable persons, such as Law No. 2016/007 of July 12, 2016 on the Penal Code in Cameroon and Law No. 2 005/007 on the Code of Criminal Procedure, July 27, 2005.

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

On this question, we can mention:

- Preamble to the 1996 Constitution (which is an integral part of the Constitution under Article 65),
- Article 37 of the Constitution which states that "justice is rendered in the territory of the Republic in the name of the Cameroonian people". The same Preamble states that "the law guarantees everyone the right to justice".

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

- The lack of knowledge of the procedure by the parties concerned (the bodies to be seized),
- The cost of legal proceedings that is not always available to all.

As corrective measures, there exists within the State, an independent institution such as the CNDHL, which beyond its role of awareness, can also self-seize and diligate the appropriate procedure for the benefit of the elderly.

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

Good practices available to ensure equal access to justice for older persons include:

- Free justice,
- The application of the criminal law to all (according to Article 1 of the Criminal Code, the criminal law is binding on all).

## **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?**

As older people are citizens with rights like all others, there are no specific measures to grant them special status. Thus, the provisions adopted to ensure effective access to justice for older persons on an equal basis in all administrative and legal procedures are the same for all Cameroonian citizens.

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

There are indeed public policies on raising awareness about the discrimination experienced by older people in the justice system. Access to justice by the elderly is one of the important issues of concern to the public authorities. In order not to suffer them to suffer any kind of discrimination, certain policies are adopted with the aim of raising public awareness of equal access to justice, which is one of the principles laid down by the constitution law. The MINUSTICE plays this role through the organization of the days and conferences whose themes are related to the sensitization of one and the other on the fact that the justice applies equally to all the citizens, which is one characteristic of the rule of law. Besides, the NCHRF is very often interested in promoting the rights of the elderly, while ensuring the practice of fair justice.

## **Accountability**

### **9. How do you ensure justice systems functions 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.**

The functioning of the judiciary is in direct line with the principle of independence insofar as the three powers of the State (legislative, judicial and executive) are separated, in accordance with the requirements of the principle of the separation of powers, to which the Cameroonian state has been registered since the beginning of the 1990s.

The NCHRF receives any complaint about any violation of human rights, including those relating to discrimination against older persons. It then undertakes actions aimed at raising public awareness of the importance of taking the rights of this vulnerable category into account in the development process.