

HelpAge International statement to the 11th Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons, 29th March – 1st April 2021

Item 6. Focus Area: Access to Justice, Wednesday 31st March

HelpAge International would like to thank the panelists for their presentations and the Secretariat for the working document (A/AC.278/2021/CRP.4)¹.

The number of older people seeking and failing to get justice should not be underestimated.

The working document refers to the consultation HelpAge carried out with older people before the pandemic². In it 71 per cent of participants said they had a justice problem they wanted solved. And of those, over half (53%) had not found a solution. Given restrictions on justice systems generally and the discriminatory age-based restrictions many older people have been subjected to during the pandemic specifically, this justice gap is likely to have increased.

The working document also states that it is important to ensure that access to judicial and non-judicial proceedings and their outcomes are not influenced by ageist stereotypes.

It is evident from the experiences of the older people in our consultation that negative ageist stereotypes are indeed systemic and are affecting both proceedings and outcomes.

An older man in Rwanda said, 'The insurance company refused to pay because, according to them, my lawyer was asking too much for a very old person.'

He went on to say, 'I'm still waiting for the judgment. I believe they have spun out this procedure for two years, hoping that I could die before [it's resolved].'

The working document also recognises that 'none of the international human rights instruments and treaty bodies have specifically addressed the barriers facing older persons in accessing justice.'

¹ Substantive inputs on the focus area "Access to justice" Working document submitted by the Office of the High Commissioner for Human Rights, A/AC.278/2021/CRP.4, 8 March 2021

² HelpAge International, *Keeping our dignity: What older people say about their rights to access to justice, and to work and access to the labour market*, 2020

If we are to age with rights, we cannot allow this gap to continue. HelpAge supports the joint statement by national human rights institutions and civil society organisations, and the statement by the Global Alliance for the Rights of Older People, both of which call for the immediate drafting of a new convention to address this gap.

I'd like to conclude with a question for Mr Mitchell: How will articulating the right to access to justice in older age in a new convention help address the ageism within judicial and non-judicial proceedings?

Thank you.