

# Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

## Focus area 2: Economic security for older persons COLOMBIA

### National legal and policy framework

#### 1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social, and cultural rights, in particular the right to an adequate standard of living?

- National Constitution of Colombia, articles 25, 27, 43, 44, 46, 47, 48, 49, 50, 51, 52 and 70.
- National Development Plan 2018 - 2022, Action line: Pact for equality.
- National Council for Economic and Social Policy “CONPES” 3918 / 2018, where 2030 agenda is incorporated into the national policies.
- Law 100 of 1993 where the Social Security System was created.
- Law 715 of 2001 decentralization policy.
- Law 789 of 2002 which establishes provisions for the national Social Protection System.
- Law 797 of 2003 which creates the Social Protection Program for older persons “Colombia Mayor”.
- Law 1091 of 2006 for health insurance for older persons.
- Law 1151 of 2007 which established Periodic Economical Benefits (BEPS) to for older persons.
- Law 1850 of 2017 which established measures of protection for older persons.
- Law 2040 of 2020 strengthen employment policies for older persons (Law for the “Last employment”).
- Law 2055 of 2020 which approves Colombia’s adherence to the *InterAmerican Convention for the protection of the Human Rights of older persons*.

#### 2. How is poverty defined in the national policy framework?

The national policy framework is defined in the 150 CONPES document of 2012. It describes the two official methodologies for measuring poverty: Monetary poverty and multidimensional poverty.

#### 3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

Older people living in poverty often have low educational levels, or high levels of illiteracy, which makes it difficult for them to access “well-paid” jobs, and limiting their possibilities to have savings, and/or accessing a pension. These characteristics lead to higher rates of economic dependency and obligates them to keep working until advanced ages, situation that

## Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

increases in the case of women. Additionally, a high proportion of older persons have difficulties owning household, increasing their economic shortage.

### 4. What data, statistics and research are available regarding older persons living in poverty?

		Monetary poverty		Extreme monetary poverty		Multidimensional Poverty	
Group	Age	# persons	% Incidence	# persons	% Incidence	# persons	% Incidence
Older people	65+	1.241.188	27,8%	364.227	6,3%	907.141	19,3%
National average	-	21.021.564	42,5%	7.470.265	15,3%	9.049.099	18,1%

Source: Monetary poverty: DANE, “Great Integrated Household Survey (GEIH) 2020”.

Multidimensional Poverty: DANE, “Quality of life Survey 2020”. Calculations: Social Prosperity Department- OAP

	65+	National
Occupied persons (thousands)	1951	19843
Global Participation Rate	24.7%	52.8%
Unemployed persons (thousands)	191	3,757
Unemployment rate	7.5%	15.9%
Laboral informality	80.3%	61.5%

Source: Monetary poverty: DANE, “Great Integrated Household Survey (GEIH) 2020”.

Multidimensional Poverty: DANE, “Quality of life Survey 2020”. Calculations: Social Prosperity Department- OAP

Deprivations Multidimensional Poverty Index - MPI	Only households 65+ (%)	Households with a member over 65+ (%)	National (%)
Illiteracy	16.7	19.7	8.4
Low level achievement	70.7	63.2	42.2
Health services barriers	1.2	2.1	2.2
Long term unemployment	72.1	35.3	14.2

## Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Critical overcrowding	-	2.7	7.9
Inadequate elimination of human waste	8.7	7.8	10.2
Schooling non-assistance	-	7.8	16.4
Inadequate exterior wall materials	1.9	1.7	2.5
Inadequate floor materials	6.5	5.4	6.3
Schooling lag	-	13.1	25.9
No access to an adequate water source	9.8	7.7	9.7
No health insurance	2.4	6.8	10.8
Informal work	75.9	76.7	74.2

Source: Monetary poverty: DANE, “*Great Integrated Household Survey (GEIH) 2020*”.

Multidimensional Poverty: DANE, “*Quality of life Survey 2020*”. Calculations: Social Prosperity Department- OAP

\* Households only made up of people over 65 years of age or older.

\*\* Households with at least 1 person 65 years of age or older.

### Progressive realization and the use of maximum available resources

#### 5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

The Social Protection Program for older persons “*Colombia Mayor*” was created with Law 797 of 2003, with the aim of increasing protection for this segment of the population through the delivery of monetary transfers for those who do not have a pension. Colombia Mayor grants a monthly monetary subsidy (\$80,000 COP) or in kind (basic social services through Welfare Centers for Older Persons and Day Centers) to older persons who do not have a pension and who are classified in the poorest levels of the “*National Survey of the Identification System for Potential Beneficiaries of Social Programs - SISBEN IV*”.

#### 6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

Macroeconomic policy has a profound impact on poverty and economic security. Factors like economic growth, inflation and redistributive policies affect the entire population, including older persons. In terms of fiscal spending, during the pandemic there was an expansion of public spending on cash transfers aimed at increasing the income of the poorest and most vulnerable households, through the “Colombia Mayor” program.

## **Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons**

### **7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?**

In addition to the Colombia Mayor program, other initiatives have been launched to guarantee the employment of older persons. For example, the "Labor Inclusion Strategy for the Elderly" was designed together with the "Adjustments Guide to the Route of Employability", in order to improve differential care for older persons. Since 2015, the *Complementary Social System of Periodic Benefits - BEPS* was implemented, benefiting people in retirement age who have not met the requirements to retire, allowing them to access the savings that they have made in the course of their lives, periodically or sporadically, complemented with a subsidy from the State.

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

### **8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?**

In 2020, the "*Law of the Last Employment*" was enacted, which aims to promote the employment of older adults who do not have a pension, promoting the autonomy and economic self-sufficiency of older persons, thus guaranteeing active, satisfactory, and healthy aging of the Colombian population.

### **Remedies and redress**

### **9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?**

The guardianship action ("Tutela") has been the most used jurisdictional mechanism in the Colombian constitutional justice system to guarantee the resolution of specific cases that seek to satisfy the basic or minimum needs of older persons, such as food, clothing, access to health, education, housing, pension, amongst others.