



Identification of possible gaps in the protection of the human rights of older persons and how best to address them

QUESTIONNAIRE

Background

The Open-ended Working Group on Ageing, in its [decision 13/1](#) adopted at the thirteenth session, requested the co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at the fourteenth session of the Working Group and to be presented for consideration by the General Assembly, in accordance with resolution [77/190](#), regarding the existing international framework of the human rights of older persons and possible gaps, and options on how best to address them.

The purpose of this questionnaire is meant to facilitate the consideration of the existing international framework of the human rights of older persons and the identification of possible gaps in the protection of the human rights of older persons and how best to address them.

The questionnaire will be sent to all States Members of the United Nations, observers in the General Assembly, A-status National Human Rights Institutions, non-governmental organizations with ECOSOC Status and previously accredited organizations to the Working Group, as well as United Nations Funds, Programmes, Specialized Agencies, and other UN Entities.

About the People's Defender of Colombia

The People's Defender is the institution of the Colombian State responsible for promoting the effectiveness of human rights for the inhabitants of the national territory and Colombians abroad, within the framework of the democratic, participatory, and pluralistic Social Rule of Law State, through the following integrated actions:

- Promoting, exercising, and disseminating human rights.
- Protecting and defending human rights and preventing their violations.





- Promoting compliance with international humanitarian law.
- Assisting, guiding, and advising in the exercise of their rights.
- Providing access to justice in cases stipulated by law.

The Questions

Identification of Gaps

1. For each of the topics that have been considered by the Open-ended Working Group since its eighth session, please state possible gaps your Government/organization has identified in the normative framework and practical implementation for the protection of the human rights of older persons. *(500 words each)*
 - a) Equality and non-discrimination
 - b) Violence, neglect and abuse
 - c) Long-term care and palliative care
 - d) Autonomy and independence
 - e) Protection et sécurité sociales (y compris protection sociale minimale)
 - f) Education, training, lifelong learning, and capacity-building
 - g) Right to Work and Access to the Labour Market
 - h) Access to justice
 - i) Contribution of Older Persons to Sustainable Development
 - j) Economic security
 - k) Right to Health and Access to Health Services
 - l) Social Inclusion
 - m) Accessibility, infrastructure, and habitat (transport, housing and access)¹
 - n) Participation in the public life and in decision-making processes²

a) Equality and non-discrimination:

Limitations and Loopholes:

¹ To be discussed at the 14th Open-Ended Working Group on Ageing

² To be discussed at the 14th Open-Ended Working Group on Ageing





In the current regulatory framework, there are gaps related to equality and non-discrimination of older people. Policies and laws often do not effectively address the specific forms of discrimination they face, such as age discrimination in access to health services or employment. In our country, we have seen cases in which older people are discriminated against in the workplace, which limits their employment opportunities and professional growth. This is a clear example of a gap in the protection of your rights.

The Universal Declaration of Human Rights (UDHR), promulgated by the United Nations General Assembly in 1948, establishes in articles 1 and 2 the right to equality and non-discrimination, respectively ³. It is also noted in article 26 of said declaration that establishes that "all people are treated equally before the law and have the right to the same legal protection without discrimination." ⁴ Despite being established in several international instruments, none of them recognize age as a discrimination factor; it is not explicitly named or expanded.

Despite the progress made in response to the Colombian State's response to the situation of old age, regulations, public policy and social services aimed at the elderly population, they still do not have the approaches, clarity of competencies, and will and the necessary budgets that allow progressively guaranteeing the human rights and fundamental freedoms of older people in Colombia; nor with specific strategies or actions that implement in a trans-sectoral and intersectional manner the provisions of regulations and public policy. This lack of correspondence translates into the lack of protection and violation of the human rights of older people in Colombia.

In the field of international law, the need to eradicate any form of discrimination is established, however, discrimination based on age does not receive recognition, understanding and is not listed as an independent form of discrimination. This is partly because age is not explicitly mentioned as a ground of discrimination in the main United Nations (UN) human rights instruments.

³ Article 1. All human beings are born free and equal in dignity and rights and, endowed as they are with reason and conscience, they must behave fraternally towards one another. Article 2. Everyone is entitled to all the rights and freedoms proclaimed in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. condition (UN, General Assembly, 1948, *Universal Declaration of Human Rights*).

⁴ UN, General Assembly, 1966, *International Covenant on Civil and Political Rights*.





As a result of the lack of recognition of the phenomenon of age discrimination in old age, there is a lack of clear guidance that indicates how States should develop specific approaches in their policies, plans and legislation on aging and old age, in relation to the elderly to promote equality and prevent discrimination, especially regarding older people.

Given the situation of inequality and discrimination that our country and the rest of the region presents against older people, a UN Convention that covers Human Rights is essential. The above would allow this population to have its rights recognized and guaranteed effectively and in accordance with its needs, particularly because this instrument establishes, on the one hand, normative standards and rights that are interpreted and expanded taking into account the particularities of old age, and even introduces rights not recognized in other instruments ⁵; and, on the other hand, it has public policy guidelines that guide how to implement the new UN International Convention aimed at guaranteeing each of the rights recognized therein.

b) Violence, neglect and abuse:

Limitations and Loopholes:

There is a lack of specific focus on protection against violence, neglect, and abuse of older people in many policy frameworks. Furthermore, the lack of robust data and effective reporting mechanisms makes it difficult to identify and address these issues.

The different forms of violence against older people, such as abandonment, neglect, physical, psychological, emotional abuse, sexual, financial, economic and property abuse, are increasing year after year and occur in all socioeconomic strata; and there are no specialized mechanisms or specific routes for this population.

Between January and July 2023, 5,290 older people in Colombia have been victims of interpersonal, family and couple violence, a situation that worries the Ombudsman's Office, even more so when domestic violence in

⁵For example, the Inter-American Convention for the Protection of the Human Rights of Older Persons introduces rights such as the following: the right to non-discrimination based on age, the right to dignity in old age, the right to care, right to independence and autonomy, among others.





this age group is increasing this year, where 224 more assessments for this type of violence are identified, compared to the same period in 2022. Additionally, as of August 2023, the Attorney General's Office has received 159 complaints for the crime of mistreatment due to carelessness, negligence, or abandonment in person over 60 years of age.

Another type of violence that afflicts old age in Colombia is structural violence, where out of every 100 older people only 17 accessed a pension and between January to December of last year 1,661 older people died due to nutritional deficiencies and anemia. Facts that are a clear example of structural violence against older people.

The previous violations are part of the accumulation of situations that develop throughout the course of life and that cause, in old age, older people to be exposed to situations such as discrimination, segregation and lack of protection.

It is important to highlight that these crimes are often not reported or denounced due to lack of awareness about the seriousness of the problem, ignorance of the reporting route or due to fear of possible retaliation by the aggressor. Additionally, elder neglect can manifest itself in different ways, including physical, emotional, and financial neglect. The convention could include standards for preventing and responding to violence and abuse and oversight mechanisms that serve as standards for state parties.

d) Autonomy and independence:

Limitations and Loopholes

The right to independence, as an autonomous right, is recognized internationally in the Convention on the Rights of Persons with Disabilities (article 19) as the right of people with disabilities to live an independent life, which is closely related with the right to autonomy. Thus, the Committee on the Rights of Persons with Disabilities, in general comment no. 5, pointed out that the right to live an independent life implies that «[...] people with disabilities have all the necessary means so that they can make choices and exercise control over their lives, and make all decisions that affect them. ».⁶

⁶The human rights of old age in Colombia (Regulatory Compendium). Colombian Ombudsman's Office



In Colombia, the development of this right regarding older people is developed in article 4 of Law 1251 of 2008, which establishes independence and self-realization as a guiding principle ⁷. National regulations regarding old age are based mainly on providing social assistance to older people, particularly those who are in a vulnerable situation. In general terms, old age is approached from a welfare approach, since the regulations consider older people only as beneficiaries, whether of subsidies, discounts, services, among others, through which their rights are intended to be guaranteed. To that extent, this approach in the legislation reinforces the stereotype that associates old age with vulnerability, especially because most of the legislation is aimed only at caring for older people in this situation.⁸

The above means that this right is oriented from a welfare perspective and not from the guarantee of rights considering the autonomy and independence of older people. Therefore, although there is a legislative development of the right to autonomy and independence of older people in Colombia, it is necessary that it be addressed more specifically in other rights and from a legal perspective.

Despite the above, there are no explicit standards on autonomy and independence in old age in international human rights law. It is necessary that it be recognized and applied for older people, since the previous Convention recognizes the right, but for older people with disabilities, recognition is necessary so that a series of actions or measures are established that must be guaranteed to all people. older people to ensure their independence. This would be ideal with an international UN Convention, so that it can guide and specify what States should do to guarantee the rights of older people.

e) social protection and social security:

Limitations and Loopholes:

⁷Article 4 **Independence and self-realization**. The elderly have the right to decide freely, responsibly and consciously about their participation in the social development of the country. They will be provided with the necessary guarantees to benefit from and access the labor, economic, political, educational, cultural, spiritual and recreational opportunities of society, as well as the improvement of their skills and competencies.

⁸Ombudsman Report. Towards a paradigm shift regarding old age in Colombia: from welfare to the guarantee of rights. Colombian Ombudsman's Office.





In accordance with General Comment no. 19 (right to social security) of the ESCR Committee (2008), "the right to social security includes the right to obtain and maintain social benefits, whether in cash or in kind, without discrimination, in order to obtain protection , in particular against: a) lack of income from work due to illness, disability, maternity, work accident, old age or death of a family member; b) excessive health care expenditures; c) insufficient family support, particularly for children and dependent relatives"⁹

In international matters, this right has been discussed on multiple occasions. "Article 9 of the International Covenant on Economic, Social and Cultural Rights protects the right of everyone to social security, including social insurance. This right is also recognized in article 22 of the Universal Declaration of Human Rights. Although it is an autonomous right, the right to social security is also essential for the realization of the right to an adequate standard of living, guaranteed in article 11 of the Covenant."¹⁰

Article 48 of the Political Constitution of Colombia provides for social security as an inalienable right of every person ¹¹. Likewise, Law 100 of 1993, which creates the Comprehensive Social Security System in Colombia, defines Comprehensive Social Security as "the set of institutions, norms and procedures, available to the person and the community to enjoy a quality of life." , through the progressive fulfillment of the plans and programs that the State and society develop to provide comprehensive coverage of contingencies, especially those that impair the health and economic capacity, of the inhabitants of the national territory, in order to achieve the individual well-being and community integration ¹². Despite the above, gaps continue to exist in the provision of social security and minimum levels of social protection for older people in the country.

According to the figures reported in the information system of the Resource Administrator of the Social Security Regime -ADRES, in Colombia as of December 2021, there were a total of **7,202,888 people aged 60 and over**

⁹UN, Committee on Economic, Social and Cultural Rights, 2008, General Comment no. 19 (right to social security) (E/C.12/GC/19), para. 2.

¹⁰E/2012/51. Report of the United Nations High Commissioner for Human Rights

¹¹Article 48. Political Constitution of Colombia. Social Security is a mandatory public service that will be provided under the direction, coordination and control of the State, subject to the principles of efficiency, universality and solidarity, in the terms established by Law. All inhabitants are guaranteed the inalienable right to Social Security. The State, with the participation of individuals, will progressively expand the coverage of Social Security, which will include the provision of services in the manner determined by the Law. Social Security may be provided by public or private entities, in accordance with the law. . The resources of the Social Security institutions may not be allocated or used for purposes other than their own. The law will define the means so that the resources allocated to pensions maintain their constant purchasing power.

¹²Congress of the Republic of Colombia, Law 100 of 1993, preamble.





affiliated with the Social Security System. Social Health Security. Of them, 3,618,423 are affiliated with the subsidized regime (50.23%) and 3,584,465 are affiliated with the contributory regime (49.76%). (ADRES, 2021). Although the level of affiliation is quite high, the problem in the country lies in the quality of the service understood as availability, accessibility, opportunity, and relevance. This poor provision of service is evident in the number of complaints and protections for the protection of this right.

In Colombia, the right to social protection and social security is related to the right of older people to access the health service of the Social Health Security System, economic insecurity, and the pension system in Colombia. This leads to the need for more robust guidelines in the development of law, this could be achieved with a UN Convention. In this way, the right to social security of older people could be guaranteed, from different areas and in a more intersectoral manner, considering the legislative development of this right, not only at the national level, but also at the international level.

f) Education, training, lifelong learning and capacity building:

Limitations and Loopholes:

The lack of education and training opportunities for older people in the current regulatory framework is a problem that has not been addressed by any international instrument. Older people often have limitations in accessing learning opportunities.

In Colombia the right to education is recognized in article 67 of the Political Constitution. ¹³Law 1251 of 2008, which establishes that older people must be provided with the necessary guarantees to benefit from and access educational opportunities, as well as ongoing training ¹⁴. This law states that the National Aging and Old Age Policy must promote the development of comprehensive and intercultural education for this population. However,

¹³«Education is a personal right and a public service that has a social function; With it, access to knowledge, science, technology, and other cultural goods and values is sought" and "it will train Colombians to respect human rights, peace and democracy; and in the practice of work and recreation, for cultural, scientific, technological improvement and for the protection of the environment.

¹⁴ Law 1251 of 2008 , article 4.



in the application of public policies, the right to education in older people does not have the necessary coverage.

According to the Statistical Note on Older People in Colombia, prepared and published by DANE, in 2020, **13.1% of older adult women (equivalent to 498,296 women) reported that they did not know how to read or write, while this percentage is 12.6% for older men.** (DANE, 2021). This is a peak in which clearly the lack of protection of older people in matters of education means that they may feel socially excluded due to the lack of specific programs and activities, in addition to generating a labor gap in older people.

A UN convention could help overcome challenges and gaps, since not only in Colombia do there exist significant challenges in terms of equitable access to education, educational quality, adequate job training, among others. In this sense, an international convention can help identify these gaps and establish clear guidelines to overcome them, ensuring that everyone could receive a quality education and continue learning throughout life.

g) Right to work and access to the labor market:

Limitations and Loopholes:

The right to work is recognized in the international human rights framework in the UDHR (articles 23 and 24), in the ICESCR (articles 7 and 8) and, at the regional level, in the San Salvador Protocol (articles 6 and 7).). These instruments affirm that everyone has the right to work under fair, equitable and satisfactory conditions that ensure, among others, remuneration that provides equitable and equal pay for work of equal value (equal pay for equal work). However, these instruments do not recognize age as a gap when accessing work. Age plays a very important role when it comes to accessing a job, since it is a fact that there are cases of age discrimination in the hiring and promotion of work for older people. Many older people face discrimination in the workplace and lack access to employment opportunities.

Discrimination - defined in Convention no. 111 of the ILO as any distinction, exclusion or preference based on race, color, sex, religion, political



opinion, national ancestry or social origin (among other characteristics) "that has the effect of nullifying or altering equality of opportunity or treatment in employment and occupation". According to this, discrimination or job differentiation is defined as differential treatment based on various reasons; It is the prejudiced singling out of a certain person with certain characteristics, attributing to them a condition or sense of inferiority.¹⁵

In Colombia, the labor gap is a problem, for this reason, to make effective the prohibition of age discrimination in the workplace, there is Law 931 of 2004¹⁶, in its articles it orders the modification of work regulations that contemplate age restrictions to access a position or job, as well as the exclusion of age or other limitations in public or private employment calls.

The advantages of a UN Convention could be aimed at bridging the employment gap that exists, considering that an international convention could recognize the burden and difficulty that exist for older people, with the challenges of an increasingly more globalized, considering technological changes, the digital divide, growing migration and the prejudices that come with working in a globalized society as an older person.

The recognition of age discrimination in employment and the promotion of equal access to the labor market could generate more robust guidelines for older people and for the protection of this right. The international convention would not only seek to promote the employment of older people. older people but could also be related to the promotion of autonomy and economic self-sufficiency of older people, thus guaranteeing the active, satisfactory and healthy aging of the Colombian population.

J. Economic security

Limitations and Loopholes:

¹⁵ Employment discrimination based on gender and age in Colombia. Labor discrimination based on gender and age in Colombia. Jose Javier. Cooperative University of Colombia, Colombia

¹⁶ **Article 1. Aim.** The purpose of this law is the special protection by the State of the rights that citizens must be treated under conditions of equality, without being discriminated against based on their age when accessing work.



Seniors may face economic insecurity due to a lack of adequate pensions and financial protection. According to information from the Financial Superintendence of Colombia, as of November 2022, in the country there were a total of 1,563,586 people pensioned in the General Pension System in the old-age modality, so it is inferred that out of every 100 Only 21 older people accessed a pension during the year 2022.

Additionally, this same source of information reports that 4,485,524 older people have some income, which is divided as follows: 60.4% of pensioners, 38.6% of older people who are beneficiaries of the Colombia Mayor a program through which they receive a monetary transfer of \$80,000 pesos per month and 1.0% per life annuity.

The above shows the economic insecurity, lack of protection and social exclusion faced by the elderly population, which limits, restricts or violates their fundamental rights and freedoms, by not accessing goods, services and activities that allow them to live well and achieve social and community participation and integration.

A binding international convention would mean that States that ratify it would be legally obliged to comply with it. This would provide an accountability mechanism to ensure that concrete measures are taken to protect and promote the rights of older people, specifically economic security for older people, which is not addressed in any international instrument.

k) Right to health and access to health services:

Limitations and Loopholes:

Older people often face barriers in accessing quality health services and adequate medical care. The lack of health services adapted to seniors is a problem in our area. A convention could guarantee equal access to quality healthcare and health services for older people.

According to official figures from the Single Database of Affiliates - BDUA - main source of information on affiliation to the General Health Social Security System, managed by the Administrator of the Resources of the General Health Social Security System -ADRES- with cut As of December





2022, there are 7,530,123 affiliated people in the range of 61 years or older; 54.1% women and 45.9% men; Depending on the type of regime, 48.7% are part of the contributory regime and 51.3% are part of the subsidized regime, according to distribution by area, 17.3% are in rural areas and 82.7% are in urban areas.

Although the percentage of older people affiliated with health care by affiliation regime is significantly high, when it comes to quality understood as availability, accessibility, opportunity and relevance in health care, the number of complaints and protections refer to another panorama.

Based on the latest Reports from the Ombudsman's Office "*Guardianship and the rights to health and social security*", the most frequent complaints from citizens in general, raised for guardianship and referring to health care are: delay or non-authorization of: examinations, followed by delay and incompleteness in the delivery of medications, prostheses, orthoses and supplies; diagnostic procedures, appointments, surgical procedures, treatments and nutritional products; requests that coincide with those expressed by older people in the different territorial settings where the Ombudsman's Office listens to their voice.

According to these reports, the elderly population is the one that concentrates the highest number of health care protections, which allows us to question the indicators of almost universal coverage and quality reported by the Ministry of Health and Social Protection. With an international convention, States, not only Colombia, should adopt affirmative measures and make reasonable adjustments that allow the exercise of the rights protected in the Convention.

n) Participation in public life and decision-making processes:

Limitations and Loopholes:

The participation of older people in decision-making and public life is often limited. Older people often have no voice in the decisions that affect their lives.

The right to participation is enshrined in several international human rights instruments. The content and scope of this right differs in accordance with



the scope in which its exercise is limited, and the activities to which it generally refers ¹⁷. In this way, the rights to political participation ¹⁸, cultural life ¹⁹, recreation, leisure and sports are recognized.²⁰

Indeed, the participation of older people in public life and in decision-making processes is on the international agenda; it is recognized that the empowerment of older people and the promotion of their rights is necessary. To create a society for all ages, facilitating the greater participation of older people in economic, political and social life that contributes to their well-being and benefits their communities. ²¹This also contributes to the empowerment of this population.

Safeguarding the right to participation of older people is intrinsically linked to their full integration into community life. Consequently, public policies must aim not only to guarantee the active participation of this group, but also to eradicate any form of discrimination or stereotype that hinders their full inclusion in society and deprives them of the full exercise of their fundamental rights. This highlights the importance of promoting dynamic aging that recognizes and values the contributions of older individuals to collective well-being, promoting their active participation in all social spheres and activities.

Likewise, in Colombia, the existence of age discrimination in old age (ageism) that older people face by the family, society and the State is recognized. In ruling T-606 of 2016, it was stated with respect to older people that “[...] efforts must be made to prevent these people from being excluded from the social fabric or being victims of unjustified discrimination due to their age, due to contrary.

The convention would promote social inclusion and active participation of older people in society. Recognizing and protecting their rights would help overcome negative stereotypes and prejudices related to old age. Likewise, the convention could promote the participation of older people in decision-making processes and ensure their representation in public life, allowing them to influence policies that directly affect them. In addition

¹⁷The human rights of old age in Colombia (Regulatory Compendium). Colombian Ombudsman

¹⁸For example, the Universal Declaration of Human Rights (article 21) and the ICCPR (article 25)

¹⁹For example, the Universal Declaration of Human Rights (article 27) and the ICESCR (article 15).

²⁰UN, 2006, Convention on the Rights of Persons with Disabilities, article 30.

²¹A/65/150. Follow-up to the Second World Assembly on Aging. Report of the Secretary General





to this, the creation of an international convention for the protection of older persons would raise the visibility of this issue worldwide and raise awareness among governments and society in general about the importance of addressing the challenges of aging appropriately.

Options on how best to fill the gaps.

- 1. Please state how your government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. (500 words)**

The Colombian State, headed by the Ministry of Foreign Affairs, deposited the instrument of accession with the General Secretariat of the Organization of American States -OAS on September 27, 2022. The Inter-American convention on the Protection of the Human Rights of Older Persons is the first International Human Rights instrument, of Regional Order, aimed specifically at older people.

The convention recognizes 27 rights that are interpreted and expanded, considering the particularities of old age within the aging process and has public policy guidelines that guide how to implement it, with the aim of guaranteeing each of the rights complemented therein and give priority to aging issues within the States.

In particular, the Convention addresses old age from a human rights perspective that contributes to regulations, public policies and social services aimed at older people so that a rights-based, differential and participatory approach is adopted and materialized, when Colombia acceded to the Convention, allowing it to progressively protect and ensure the full enjoyment and exercise of the rights of older persons.

What have we done from the Ombudsman's Office regarding the Inter-American Convention on the Human Rights of Older Persons?

Requests, concepts and interventions:



- Preparation of two concepts favorable to the accession of the Colombian State to the Convention in 2015 and 2018, at the request of the Foreign Ministry.
- Request to the Foreign Ministry to advance the procedure related to the ratification and accession of the Convention in 2016.
- Requests to the Presidency of the Republic to advance the procedure related to the signing and accession of the Convention by the Colombian State in 2017 and 2019.
- Intervention in Geneva, Switzerland: at the 2018 session of the Global Alliance of National Human Rights Institutions [GANHRI].
- Request to 13 Ombudsmen's Offices of the countries in the region that have not signed the Convention (Andorra, Brazil, Spain, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Puerto Rico and Venezuela), to manage the accession to the Convention. Application submitted in 2019.
- Joint letter between the Attorney General of the Nation and the Ombudsman to the Presidency of the Senate of the Republic, September 2019, to promote approval of Bill 137 of 2019 Senate and 306 of 2019 Chamber “Through which it is approved the Inter-American Convention on the Protection of the Human Rights of Older Persons.”
- Conferences to disseminate the Convention aimed at young people, adults, seniors and public servants (2015 to 2021).
- Preparation of a regulatory compendium: "The human rights of old age in Colombia." It integrated, among others, the rights enshrined in the Convention (2021).
- Pedagogical conferences on the Inter-American Convention to contribute to its appropriation and paradigm shift (2022 to 2023).

2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. (500 words)

Without a doubt, the commitments and actions undertaken by the Ombudsman's Office in relation to the Inter-American Convention on the Protection of the Human Rights of Older Persons have had a significant





positive impact in strengthening the protection of the human rights of older persons. older people in Colombia and other countries in the region. Below, we will break down the reasons for this positive impact:

- **Preparation of Favorable Concepts:** The Ombudsman's Office issued two concepts favorable to the accession of the Colombian State to the Convention in 2015 and 2018, at the request of the Foreign Ministry. These concepts provided solid and argued support for accession, helping to raise awareness among government authorities and promote informed discussion about the importance of the Convention. This is essential to lay the necessary legal and policy foundations for the protection of the rights of older people.
- **International Intervention:** The intervention at the session of the Global Alliance of National Human Rights Institutions in Geneva, Switzerland, in 2018, highlights the commitment of the Ombudsman in promoting the Convention at the international level. This action not only increases the visibility of the issue at a global level, but also allows us to share experiences and good practices with other national human rights institutions.
- **Requests and Procedures before National Level Authorities:** The requests made to the Chancellery and the Presidency of the Republic to advance procedures related to the ratification and accession of the Convention demonstrate a constant commitment of the Ombudsman's Office on this issue. These efforts have contributed to keeping the issue on the political agenda and advancing the process of ratification of the Convention, which in turn strengthens the protection of the rights of older persons in the country.
- **Promotion in the Region:** The request to 13 Ombudsmen's Offices from countries in the region that have not yet signed the Convention is a key action for its promotion. By working for more countries to adhere to the Convention, the Ombudsman's Office contributes to the creation of a broader framework for the protection of the rights of older persons in the region, promoting the harmonization of standards and practices.
- **Dissemination and Pedagogy Conferences:** Convention dissemination days aimed at various groups, from young people to





older people and public servants, are essential actions to raise awareness and foster a broader understanding of the rights of older people. This education and awareness are fundamental steps to change the paradigm around old age and the rights of older people.

- **Preparation of Regulatory Compendium:** The development of a regulatory compendium that integrates the rights enshrined in the Convention is a valuable resource that facilitates the effective application of the Convention in the legal field and the protection of the rights of older persons in Colombia. This compendium serves as a guide for legal professionals and other interested parties.

3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)

The protection of the human rights of older people is an issue of importance, both internationally and in Colombia.

1. **Establishment of advocacy networks for older people:** Help NHRI members establish national networks of older people's advocates who work closely with human rights institutions to advocate for policies and practices that benefit older people.
2. **Technology for inclusion:** Encourage the adoption of inclusive technology for older people, such as health applications, smart devices and communication platforms designed specifically for their needs. This can improve your quality of life and autonomy.
3. **Intergenerational Mentoring Programs:** Create programs that encourage interaction and mutual learning between older people and young people. Intergenerational mentoring can help preserve the wisdom and experience of older people while promoting understanding between generations.
4. **Leadership and policy advocacy:** Strengthen GANHRI's role as a political advocate for the rights of older people in international forums and work together with other global actors, such as the UN and WHO, to promote a progressive aging agenda.
5. **Data collection:** GANHRI can encourage its members to collect and analyze data related to the human rights of older people. Reliable data is essential for identifying trends, gaps and areas of concern,





which can inform evidence-based advocacy and policy recommendations.

Considering the evident disparity and discrimination that older people face in our country and in other regions, it is crucial that the State adjust its internal laws with the support of a binding International Convention sponsored by the UN. This measure would allow the recognition and effective guarantee of the rights of this population, adapting them to their needs. It is essential to highlight that this instrument would establish normative standards and specific rights that are interpreted and expanded considering the particularities of old age.

To bring about a significant change in the system, it becomes imperative to adopt a new legal mechanism at the global level. This approach would move away from models focused on charity and social assistance, towards a stronger and fairer human rights framework.

Furthermore, such a convention would provide concrete public policy guidelines that would guide the implementation of the Convention and ensure full compliance with all the rights recognized therein. This type of action is essential to guarantee comprehensive and effective protection of the rights of older people in our society and in the world.

4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

The assessment of the protection of the human rights of older people through regional and international instruments is essential to understand the progress in guaranteeing these rights at a global level. Instruments such as the Inter-American Convention on the Protection of the Human Rights of Older Persons and the Universal Declaration of Human Rights play a crucial role in this process.

Firstly, the Inter-American Convention on the Protection of the Human Rights of Older Persons, deposited by the Colombian State with the Organization of American States (OAS) in September 2022, marks a significant milestone in the protection of the rights of older persons. older people in the region. This instrument, as the first of its kind at the





international level with a regional focus, has the main objective of guaranteeing the human rights of older people and promoting their inclusion and well-being in society.

One of the most notable aspects of the Convention is its focus on promoting public policies that guide the implementation of these rights. These policies seek to ensure that States adopt concrete measures to guarantee equal treatment and opportunities for older people, addressing the barriers and challenges they face in society.

Colombia's accession to the Convention and the impetus given by the Ombudsman's Office in this process have had a significant impact on the promotion and protection of the rights of older persons in the country. The collaboration between different government institutions, such as the Chancellery and the Presidency of the Republic, to advance the ratification and accession of the Convention, demonstrates a solid commitment in this regard.

In the international context, the United Nations Declaration on the Rights of Older Persons, adopted in 2010, complements these instruments by specifically addressing the rights of older persons. Although not a binding treaty, the declaration establishes important principles for the promotion and protection of the rights of older people, such as independence, participation, health care and non-discrimination.

In conclusion, the assessment of the protection of the human rights of older people through regional and international instruments is positive and promising. The Inter-American Convention on the Protection of the Human Rights of Older Persons represents significant progress in the promotion of these rights in the region, and the actions undertaken by the Ombudsman's Office and other institutions for its ratification and accession are a testament to the commitment with the cause.

The creation of an international convention for the protection of older persons at the United Nations level is necessary to ensure that this growing demographic receives the attention and protection it deserves. This convention would be an important step in promoting equality, inclusion, and respect for the human rights of older people around the world. The creation of a convention for the protection of older persons aligns with the





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importance that the United Nations places on promoting human rights and equality for all individuals, regardless of age. In this sense, it would be consistent with other treaties such as the previous Inter-American Convention on the Protection of the Human Rights of Older Persons.

