

I. Equally and non – discrimination

1) Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly based on age? If so, how is the right to equality and non-discrimination defined?

Yes, the Political Constitution of Colombia explicitly contemplates the equality of people of all ages. This is stated in article 13, which determines the following:

*Article 13. All individuals **are born free and equal before the law** and are entitled to equal protection and treatment by the authorities, and to enjoy the same rights, freedoms, and opportunities without discrimination based on gender, race, national or family origin, language, religion, political opinion, or philosophy.*

The state will promote the conditions necessary in order that equality may be real and effective will adopt measures in favor of groups which are discriminated against or marginalized.

The state will especially protect those individuals who, because their economic, physical, or mental condition are in obviously vulnerable circumstances and will sanction any abuse or ill-treatment perpetrated against them.

In the same sense, article 46 establishes the protection, assistance and integration of the elderly in society as follows:

ARTICLE 46. The State, society and family shall attend to the protection and assistance of the elderly and promote their integration into active and community life.

In addition, **Law 1251 of 2008** "By which rules are established tendencies to seek the protection, promotion and defense of the rights of the elderly" has among its principles equality of opportunity, and equality and non-discrimination (Article 4, Numerals C and L). This Law establishes, in its article 6, that one of the duties of the state is "To eliminate all forms of discrimination, mistreatment, abuse and violence on the elderly". This is recurrently repeated in different parts of the COLOMBIAN POLICY OF HUMAN AGING AND ELD 2014-2024.

To prevent discrimination by age and sex in the labor market, Colombia issued **Law 931 of 2004**, which purpose is the special protection by the State of the rights of citizens to be treated on an equal basis, without being discriminated because of his age to get to work. This Law establishes in its article 2 that:

No natural or legal person, whether public or private, may require applicants to occupy a position or perform a job, meet a certain age range to be considered in the decision that defines the approval of their job aspiration.

2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

- *Employment*
- *Access to goods and services*
- *Social protection*
- *Health care*
- *Social care*
- *Justice, Inheritance*
- *Decision-making and autonomy, Living environment*
- *Other areas (please specify)*

No. Colombia does not have specific records or studies on discrimination against the elderly in these areas. However, Colombia has the results of the Health, Welfare and Aging Survey - *SABE Colombia 2015* -, which objective is to know the current situation, rural and urban, of the population of older adults in Colombia, through the exploration and deep interdisciplinary evaluation of aging and old age. This showed that more than half of the elderly who participated in the study, associate old age with dependence, fragility and discrimination, especially between single people and men.

3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

- *Availability of, access to and quality of health care services*
- *Financial services*

On availability, access and quality of health services, recent information is available, based on the results of the *SABE Colombia 2015* survey, in particular chapter 8 "Medical and health conditions" and chapter 9 "Use and access to health services".

Regarding financial services, some references are found in the results of the *SABE COLOMBIA 2015 survey*, under chapter 2, "Socioeconomic aspects" that investigates the employment history of older adults, their income and expenses.

The results of this survey can be accessed through the link: www.minsalud.gov.co/sites/rid/Lists/LibraryDigital/RIDE/VS/ED/GCFI/Resumen-Ejecutivo-Encuesta-SABE.pdf

4) Are there any areas where differential treatment based on old age is explicitly justified?

Examples:

- *Access to goods*
- *Mandatory age of retirement*
- *Age limits in financial services and products*
- *Age-based benefits*

Yes, this is reflected in different laws and national regulatory frameworks, such as:

- ❖ **Health:** Law 1751 of 2015, whereby health is defined as a fundamental right, which seeks to guarantee effective availability of services, as well as access to the General System of Social Security in Health -SGSSS. In general, the law covers all people resident in the national territory, who are linked to the health system. However, article 11 of this law establishes as subjects of special protection the older adult population, for which health care will not be limited by any type of administrative or economic restriction.
- ❖ **To guarantee the rights of the elderly to education, recreation, health and promote an improvement in their general living conditions,** Law 1171 of 2007 was issued, which establishes benefits for older adults Such as discounts in educational institutions, shows, public transportation, tourist sites, free admission to cultural interest goods, preferential windows, preferential seats in public transport and priority in medical consultations and legal practice.
- ❖ Law 1448 of 2011 seeks to **guarantee a differential approach to the effective enjoyment of the rights of Older Persons in forced displacement.** To this end, the State is making efforts to ensure that the care, assistance and reparation measures contained in this law contribute to the elimination of the patterns of discrimination and marginalization that may have been the cause of the victimizing acts.

II. Neglect, violence and abuse

1) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

- The National Study on Health, Welfare and Aging has a component on elder abuse, which showed that 12.9% of older adults reported having suffered abuse, more frequent in women, an older age, in low socioeconomic strata and in the countryside.
- The National Institute of Legal Medicine publishes periodically reports on violence against the elderly in Colombia¹².
- CEPISGER (Center for Gerontological Psychology) as a multidisciplinary group of study and research that works in partnership with various national and international entities, has carried out several studies on

¹ <http://www.medicinalegal.gov.co/documents/10180/28521/1-nata-adulto+mayor.pdf/367df30e-f1db-46ed-8ee4-cc5bd85d927c>

² <http://www.medicinalegal.gov.co/forensis;jsessionid=04EACD0A42CC402FFCC1554FAD7A42A6>

elder abuse such as the book “*Aging and Old Age - Categories and Concepts*”, which contains a chapter on dignified treatment and mistreatment.

2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, or other) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of perpetrators?

Existing records correspond mainly to physical violence. In Colombia, there were 1,651 cases of violence against the adult population in 2015³.

In cases of violence against older men, 38.51% were allegedly committed by the child, followed by the brother / sister by 13%. The alleged perpetrator in the case of older women corresponds to 38.34% to the child and 15.47% to the grandchild.

Of the total number of registered cases, 130 do not have information on the triggers of violent acts. Of the 1,521 remaining, 1,142 were for "intolerance / maleness", followed by 313 cases for factors related to "alcoholism / drug addiction". These factors affect men and women indistinctly. The 72.45%, corresponding to 1,028 cases that were committed with forceful mechanisms, followed by 230 cases committed with multiple mechanism.

Most of the victimizing acts, both for men and women, occurred within the framework of unpaid domestic work (490 cases), vital or personal care activities (409 cases) and displacement activities from one place to another (363 cases). In addition, 81.36% of the cases occurred in the home and 14.67% in the public thoroughfare.

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

Violence affects both men and women after the age of sixty. Of the cases registered, 46.15% were men and 53.85% were women. Most violent acts occur in the corresponding age group between 60 and 64 years. 39.86% of male victims are married, while 37% of women are widowed.

Most victims of violence have a low level of schooling. Of the male victims, 58.51% are concentrated in pre-school, followed by 25.31% in primary education. Women finished pre-school in 58.51%, and 25.31% in primary school⁴.

3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this

³ <http://www.medicinalegal.gov.co/documents/88730/3418907/4.+VIOLENCIA+INTRAFAMILIAR-2+parte.pdf/b0399d4f-1ff0-4356-b2da-87ab109036e6>

⁴ <http://www.medicinalegal.gov.co/documents/88730/3418907/4.+VIOLENCIA+INTRAFAMILIAR-+1+parte.pdf/57a54b37-954e-4c84-8fec-ab2566a592b6>

legislation sufficiently address the full range of violence against older persons?

Article 46 of the Political Constitution of Colombia makes explicit reference to the protection and assistance to the elderly:

ARTICLE 46. The State, society and family shall attend to the protection and assistance of the elderly and promote their integration into active and community life.

Law 1251 of 2008 establishes in its article 6 that it is the duty of the State "... j. *Eliminate all forms of discrimination, abuse, abuse and violence against the elderly*" and "ñ. *Promote campaigns that sensitize health professionals and the public, in general, about the forms of abandonment, abuse and violence against the elderly, establishing services for victims of ill-treatment and rehabilitation procedures for those whose commit them*".

4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

At present, Colombia does not have any explicit mention of financial abuse, but the Constitutional Court expressed itself in Judgment **T-012/16** on economic violence against women. This is defined as follows:

"... In patrimonial violence man uses his economic power to control the decisions and life plan of his partner. It is a form of violence where the abuser controls everything that enters the common heritage, regardless of who had won it. He manipulates the money, directs and normally owns the titularity of all the goods. Although this violence also appears in public spaces, it is in the private sphere where its effects become more evident".

Although this Judgment is aimed at economic violence towards women, it establishes a precedent in judgments regarding the issue, which makes it possible to increase the denunciations of populations with the greater degree of vulnerability, such as older adults, and allows advance in their inclusion in national legislation.