**Guiding Questions for the focus areas of the X Session of the Open-ended Working Group on Ageing: Education, training, life-long learning and capacity building**

**COLOMBIA**

**National Legal Framework**

1. **In your country/region, how is the right to education, training, life-long learning and capacity building in older ager guaranteed in legal and policy framework?**

The Political Constitution of Colombia of 1991 establishes, in its article 67, that education is a fundamental right and a public service, which enables access to knowledge, science, technique, and other goods and cultural values. In addition, education in Colombia is governed by the provisions of the General Education Law 115 of 1994 and its regulatory decrees.

Law 115 of 1994 establishes, in Chapter 2, that non-formal education is offered to those who wish to supplement and complete their education, get specific training in academic and work-related matters, or validate their studies.

In Colombia, formal education for young people, adults and seniors takes place in the form of “special integrated school cycles” (CLEI) that go from cycle 1 to 6. These cycles integrate sets of grades of basic education levels (primary and secondary) and middle regular education as follows: Cycle 1 = grades 1-2-3, cycle 2 = grades 4 and 5, cycle 3= grades 6 and 7, cycle 4 = grades 8 and 9, cycle 5 = grade 10, cycle 6 = grade 11.

To ensure training for young people, adults and seniors, the following actions are carried out:

- The Ministry of National Education implements, through an operating firm and with national government resources, the special integrated cycle 1 aimed at illiterate people or people who did not manage to complete this cycle. This is achieved through flexible educational models that include a specific “educational basket”, consisting of pedagogical materials, a teacher training process, fungible materials and permanent accompaniment. The studies carried out are certified by official educational establishments through which the flexible educational model is implemented.

- To guarantee training in cycles 2 to 6, the Ministry of National Education transfers resources from the General System of Participations -SGP- to the territorial entities certified in education, so that those entities can establish the corresponding academic offering and provide educational services to young people, adults and seniors.

**Availability, Accessibility, and Adaptability**

1. **What are the key issues and challenges faced by older persons in your country/region with regard to the enjoyment of all levels of quality education, training, life-long learning and capacity building services?**

**Key Issues:**

1. Health problems such as low vision, diseases that do not allow mobility, emotional disorders, among others.

2. Lack of family support to access educational facilities, perform academic activities and other endeavors requiring assistance.

3. Lack of an effective pedagogical strategy to provide literacy to adults and seniors with disabilities (deaf, blind, deafblind).

**Challenges:**

1. Improving access to health services, as is the case of lenses and instruments to facilitate mobility of adults and seniors. (task of the Ministry of Health)

2. Designing awareness strategies so that seniors can receive adequate family support and assistance in their educational processes. (Ministry of Education and Colombian Institute of Family Welfare, Social Prosperity Department, Ministry of Health)

3. Devising an effective literacy strategy to address the specific needs of the disabled and elder population (Ministry of Education, National Institute for the Deaf)

1. **What steps have been taken to ensure that education, training, life-long learning and capacity building services are available and accessible to all older persons, adapted to their needs, suited to their preferences and motivations, and of high quality?**

The Ministry of National Education provides educational services through flexible academic models, seeking to provide relevant training to young people, adults and seniors in accordance to their needs.

On the other hand, the Ministry of National Education has established alliances with governmental and non-governmental entities to serve the educational needs of young people, adults and seniors. These alliances are materialized through agreements that allow the implementation of pedagogical strategies, training processes for teachers and flexible educational models within cycles 1 to 6.

Recently, alliances have achieved with the Agency for Reincorporation and Normalization (ARN), the Norwegian Council for Refugees (NCR), the International Organization for Migration (IOM), Ecopetrol and the Colombian Association of Universities (ASCUN), among other institutions supporting formal education processes for young people, adults and seniors.

The most important partners for the Ministry of National Education are the Local Education Secretariats certified in education and private/public educational establishments. These entities support the implementation of projects and programs aiming to provide educational services to these populations.

1. **In your country/region, are there studies and/or data available on the access of older persons to the right to education, training, life-long learning and capacity building in older age?**

In Colombia, the National Administrative Department of Statistics (DANE) conducts a population census. In recent years, a census was concluded in 2005 and 2018. In addition to this, an “Integrated Household Survey” and a “Rural Agricultural Census” are also conducted. These statistics allow us to have approximate information about the percentage of people within and outside the educational system. Also, the “SABE survey”, conducted in 2016, provides information on education for people over 60 years of age.

Likewise, the Ministry of National Education has generated various online information systems that provide data on young people, adults and seniors accessing the educational system. The platforms where this information can be found are: The Integrated Tuition System (SIMAT) and the National Higher Education Information System (SNIES).

**Equality and non-discrimination**

1. **In your country, is age one of the prohibited grounds for discrimination in relation to education in older age?**

In Colombia, age is not a barrier to access the educational system, whether it is formal education or education for work and human development. The educational policies have been geared towards educating this population through the implementation of flexible educational models or flexible methodologies adapted to their interests and needs.

**Accountability**

1. **What mechanisms are necessary, or are already in place, for older persons to lodge complains and seek redress for denial of their right to education, training, lifelong learning and capacity building?**

There are mechanisms in place to guaranty the right to education through citizen participation. Some of them are: the right of petition, tutelage and enforcement action. These instruments were instituted by the Political Constitution of Colombia of 1991.

**GUIDING QUESTIONS FOR THE FOCUS AREAS OF THE X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:**

**Social protection and social security (Including social protection floors)**

**COLOMBIA**

**National legal framework**

1. **What are the legal provisions in your country that recognize the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?**

The Political Constitution of 1991 contains the most important principles, orientations and advances in the field of human rights and sets the basis for updating the norms related to protection, respect, guarantee and promotion of the rights of the elderly.

Law 797 of January 29, 2003, reforms some provisions of the general pension system provided by Law 100 of 1993 and adopts provisions on “excepted and special” pension regimes and reinforces: a) Compulsory affiliation for all dependent workers and independent; b) The expansion of coverage, through the Pension Solidarity Fund, aimed at population groups that do not have access to social security systems due to their characteristics and socioeconomic conditions, such as independent or unemployed workers, artists, athletes, community mothers and the disabled; c) The creation of a “subsistence sub-account” of the Pension Solidarity Fund, destined to the protection of people in extreme poverty conditions. d) The responsibility of the State as guarantor of the pension resources contributed by the affiliates and e), The return of financial balances or application of substitute compensation to affiliates, who upon reaching the age of pension, do not meet other requirements for this purpose.

**Availability**

1. **What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non-contributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?**

The Sub-Directorate for Social Promotion and Quality of Life of the Ministry of Labor is responsible for designing, developing, articulating and implementing the instruments for comprehensive targeting, starting with the characterization of potential beneficiaries of the State's social offer through the management of the “Information System of potential beneficiaries – SISBEN”, its articulation with the territorial characterization and its interaction with sectoral analysis of interest. All this to contribute to the adequate selection of beneficiaries and the optimal management of social spending.

1. **What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?**

*Social Protection Program for the Elderly Today: “Colombia Mayor”*

It is a program executed by the National Government and led by the Ministry of Labor, aimed at elder population in extreme poverty, whose main objective is to protect the elderly against any economic risk, the impossibility of generating income and against the risk derived from social exclusion, through a monthly stipend.

*Special pensions*

a. Special old-age pension for high risk jobs

b. Special old-age pension due to disability

c. Pension for parents with disabled children

**Adequacy**

1. **What steps have been taken to ensure that the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?**

Resolution 1378 of 2015 “By which provisions are established for health care and social protection of the elderly”, stipulates the following:

That in accordance with the provisions of Decree-Law 4107 of 2011 and Law 1251 of 2008, the Ministry of Labor is responsible for directing, guiding, adopting and evaluating the plans, programs and projects of the health and social protection sector and as part of it, coordinating the management of the National Policy on Ageing, within the framework of the Constitution and the law.

**Accessibility**

1. **What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlements?**

In the specific case of the elderly, national regulation has provided special distinctions aimed at safeguarding their rights, which come not only from the Constitution and the Law, but from the entire Judicial System, providing the Judges with the necessary tools to make effective the substantial law through their rulings. Thus, we find that the Colombian judicial system has concentrated its efforts on protecting the elderly, specifically in Social Security, giving great importance to ”pension law”.

1. **The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?**

In Colombia, policies on social protection of older persons are generally developed according to a “top-down” approach, so the guidelines are defined from the executive sector and applied to the population involved.

**Equality and non-discrimination**

1. **Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to vulnerable groups or those in vulnerable situation?**

Article 48 of the Political Constitution of 1991 complemented by the Legislative Act 01 of 2005, establishes that all citizens are guaranteed the inalienable right to Social Security and it is established that the State, with the participation of individuals, will progressively expand the coverage of Social Security.

On the other hand, Law 100 of 1993 established a new integral social security system. This includes a set of institutions, norms and procedures available for people and the community to improve their 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 undermine health and economic capacity of the inhabitants of the national territory. This, in order to promote individual well-being and community integration.

One of the pillars of this System is the **universality** that guarantees protection for all people, without any discrimination in all stages of life. Another fundamental pillar is **solidarity**, which implies the obligation of the entire society to provide protection to people who, due to various circumstances, are unable to obtain minimum livelihood for themselves and their families. On the other hand, solidarity also implies the duty of the sectors with greater resources to contribute to financing the social security of the deprived or disabled populations.

**Accountability**

1. **What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?**

There are two main mechanisms or institutions created for that purpose:

*The Financial Superintendence* exercises control and oversight of the administrators of the Pension System.

*The National Health Superintendence,* as head of the inspection, surveillance and control of the “social security system in health”.

1. **What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?**

The health security system establishes control mechanisms to guarantee quality attention to every citizen. Law 1122 of 2007 created the figure of the “Health user’s Advocate”, which is attached to the National Health Superintendence, in coordination with the Ombudsman's Office (Defensoría del Pueblo). Its function is to be the spokesperson of the affiliates before the respective Health Providers in each region, in order to receive, manage and transfer to the competent authorities the complaints related to the provision of health services.

For its part, Law 1328 of 2009 establishes the Regime for the Protection of Financial Consumers and establishes that certain entities must have a “Financial Consumer’s Advocate” in order to act as a conciliator and objectively resolve any disputes that may arise between the consumers of a service and the entity that provides it, free of charge. “Colpensiones” (the national public pension fund) has implemented a Financial Consumer Assistance System that seeks to comply with the objectives established in the regulations, providing its affiliates with clear, timely and accurate information about the products and services offered by the entity, guaranteeing the protection of their rights and informed decision making.