



GUIDING QUESTIONS FOR DEFINING THE NORMATIVE CONTENT OF THE ISSUES EXAMINED AT THE TWELFTH
SESSION

FOCUS AREA 2: ECONOMIC SECURITY

Definition

1. **How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

ANSWER. On September 27 of 2022, Colombia adhered to the Inter-American Convention on the Protection of the Human Rights of Older Persons in order to promote, protect, and ensure the recognition and full enjoyment and exercise, under conditions of equality, of all human rights and fundamental freedoms of the elderly, in order to contribute to their full inclusion, integration, and participation in society. The Convention, among other rights, establishes the right to care for the elderly, the need to incorporate and give priority to the issue of aging in public policies, the importance of facilitating the formulation and compliance with laws and programs for the prevention of abuse, abandonment, neglect, mistreatment, and violence against the elderly, and the need to have national mechanisms that protect their human rights and fundamental freedoms.

Scope of the rights

2. **Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:**

ANSWER. Some of the core national legal standards related to older person's economic security are listed above:

- 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.

State obligations

3. **What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' economic security?**

ANSWER. The Social Protection Program for older persons "*Colombia Mayor*" was created with the 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".



On the other hand, 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.

Implementation

4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons’ economic security?

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

In that regard, older persons receive special constitutional protection in Colombia, as can be seen in the update of the National Public Policy on Aging and Old Age 2022 – 2031, done by the Ministry of Health and Social Protection. Additionally, other good practices are the Social Protection Program for older persons “*Colombia Mayor*”, as well as the “Labor Inclusion Strategy for the Elderly” which 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.