



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

FOCUS AREA 1: CONTRIBUTION OF OLDER PERSONS TO SUSTAINABLE DEVELOPMENT

**Definition**

- 1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development 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' contribution to sustainable development on normative elements:**

**ANSWER.** The main legal framework that protects the social, economic, and cultural rights of older persons is the Political Constitution of Colombia. It establishes that the "State, society and the family will concur for the protection and assistance of the elderly and will promote their integration into active and community life", also guaranteeing social security services.

Also, Law 1251 of 2008 creates the legal framework for older adults to participate in the development of society, considering their life experiences, by promoting respect, restoration, assistance, and exercise of their rights. It establishes that older persons have the right to decide freely, responsibly, and consciously about their participation in the social development of the country.

Law 1251 orders the creation of the National Policy on Aging and Old Age. The current Policy was approved in 2015 and includes actions that enable older adults to contribute to sustainable development (food security, decent housing, health, income generation, labor inclusion, active aging). Currently, it is being redesigned with new actions and a stronger human rights vision to be implemented in the period between 2022 to 2031. In this new version, it is worth highlighting lines of action in employment, entrepreneurship, and access to and use of information and communication technologies (ICT). This will broaden the scope for older persons to be able to contribute to the sustainable development of the country.

**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' contribution to sustainable development?**

**ANSWER.** To eliminate discrimination and age stereotypes that older adults may suffer, Colombia has regulations such as the previously mentioned Law 1251 and the National Policy on Aging and Old Age. Also, State entities, within their competence, have carried out information campaigns to promote the recognition of the fundamental rights and freedoms of older adults and to outlaw all forms of discrimination. Different State entities have developed booklets and service routes, telephone lines for reporting abuse, and accompaniment for special cases and training programs from and for justice operators, with the purpose of creating awareness, eradicating, and penalizing all types of violence, abuse and stigma against older adults and stopping undue influence in the making of their decisions.

Additionally, Colombia has established the National Council for Older Persons regulated by Decree 163 of 2021. This Council is made up of representatives of various instances that can express possible complaints about the denial of rights to older



persons. These instances include the National Ombudsman's Office, non-governmental organizations and gerontology or pensioners' associations. In addition, the Council can convene direct representatives of civil groups of older people. On the other hand, Article 86 of the Political Constitution of Colombia establishes the "tutela" or "guardianship" action, which seeks to protect the fundamental rights of individuals "when any of them is violated or threatened by the action or omission of any public authority". In no case may more than ten days elapse between the application for guardianship and its resolution. Additionally, article 87 establishes that "Any person may go before the judicial authority to enforce compliance of a law or an administrative act. If the action succeeds, the judgment shall order the reluctant authority to perform the omitted duty." Finally, the Ministry of Justice and Law created 11 routes of attention and guidelines on issues such as: "abandonment of the elderly", "provision of food for the elderly", "food non-attendance", "pensions", and "recognition of the legal capacity of all persons of legal age". Additionally, it built the "Training on violence in the context of the family", which comprises guidelines on subjects like prevention and attention to violence against older persons. These trainings are implemented by Family Police Stations, Police Offices and Legal Offices.

### Implementation

#### **4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' contribution to sustainable development?**

Worldwide, the older population faces various challenges such as the need to strengthen capacities for their functional dependency and independence, literacy and skills training, vulnerability to income insecurity, basic and specialized health care needs, provision of care services, mistreatment, abuse, formal employment opportunities, legal capacity and, in general, aspects related to healthy aging. In Colombia, older persons receive special constitutional protection and for this reason, the Ministry of Health and Social Protection has updated the National Public Policy on Aging and Old Age 2022 – 2031.