

Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Focus area 1: Contribution of older persons to sustainable development COLOMBIA

National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development?

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.

2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?

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 is working on updating the *National Public Policy on Aging and Old Age*.

3. What data, statistics and research are available regarding older persons' contribution to sustainable development?

As a source of statistical information, in Colombia there is *the National Survey of Health, Well-being and Aging (SABE Colombia 2015)*, which has a quantitative and qualitative approach, representative of the Colombian urban and rural population aged 60 or over. Other sources are the

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Great Integrated Household Survey (GEIH), designed to monitor the labor market, and the *Quality-of-Life Survey (ECV)*, designed to demonstrate the socioeconomic conditions of the population. On the other hand, in 2015 The Foundation for Higher Education and Development “Fedesarrollo” and the “Saldarriaga Concha Foundation” carried out the “*Colombia Aging Mission*”. This research focused on understanding the situation of the aging of the population and the challenges that this poses for the Colombian State.

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons’ contribution to sustainable development?

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.

Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

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”,

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"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.