

14th session of the Open-ended Working Group on Ageing

Guiding questions on the normative content related to social inclusion

Definition

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

The Law 2055 of 2020, the Colombian State has approved in its constitutional and legal framework, the Inter-American Convention on Protecting the Human Rights of Older Persons, ratified in September 2022 before the OAS. Therefore, the Colombian State assumes inclusion as one of the goals and objectives that seek to guarantee the rights promoted in the Convention.

On the other hand, the Colombian National Government, under the leadership of the Ministry of Health and Social Protection, issued Decree 681 of 2022, which adopts the National Public Policy on Aging and Old Age (hereinafter PPNEV) 2022-2031, whose objective is "to guarantee the necessary conditions for healthy aging and the experience of a dignified old age, autonomous and independent in equality, equity and non-discrimination, within the framework of the protection, promotion, defense and restoration of human rights and under the principle of individual, family, social and state co-responsibility".

This policy has six strategic areas that correspond to the specific objectives of the Policy and that contribute to the guarantee of the 27 rights claimed in the Convention:

- Overcoming the economic dependence of the elderly.
- Inclusion and citizen participation.
- Life free of violence for the elderly.
- Comprehensive health care, attention to dependency and organization of the care service.
- Healthy aging for an independent, autonomous and productive life in old age.
- Education, training and research to face the challenge of aging and old age.

Scope of the right

2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:

a) the right of older persons to take part in cultural life;

Law 1251 of 2008, which dictates norms tending to seek the protection, promotion and defense of the rights of the elderly, amended by Law 1850 2017.

Law 1850 2017 orders the adoption of protection measures for the elderly, criminalizes domestic abuse of the elderly and amends Laws 1251 of 2008, 1315 of 2009, 599 of 2000 and 1276 of 2009.

b) older persons' inclusion in the digital sphere;

The Colombian State, from its Political Constitution, establishes the obligation of the State, the family and society in the protection and inclusion of people (Article 13 and Article 46).

- Law 1171 of 2007: develops the preferential access of the elderly in health, transportation, tourism, public events.
- Ruling T-282 2008, in which older adults were recognized as subjects of constitutional protection, who due to their manifest weakness require special treatment in access to justice, to judicial instances for the protection of their rights and the guarantee of material equality through affirmative actions.
- Law 1251 of 2008: establishes the duties of the Family, State and Society with the elderly and for their inclusion, as well as the areas that would include services in care centers for the elderly.
- Law 1276 of 2009: establishes, among others, criteria and services for comprehensive care for the elderly in care centers, including the intergenerational meeting.
- Law 1315 of 2009: regulates among others, dignified conditions for implementation of Care Centers for the Elderly.
- Law 1850 of 2017: establishes mechanisms for prevention and attention to mistreatment of the elderly, as well as guarantee of food rights for the elderly.
- Law 2040 of 2020: adopts measures to promote the work of the elderly who do not have a pension.
- Law 2055 of 2020: approves the Inter-American Convention on Protecting the Human Rights of Older Persons, ratified in September 2022.
- Decree 681 of 2022: adopts the National Public Policy on Aging and Old Age 2022-2031. It contains 6 strategic axes that develop the 27 rights of the Convention.
- Law 2281 of 2023 and Decree 1075 of 2023: gives the coordination competencies of the National Public Policy on Aging and Old Age to the Ministry of Equality and Equity, head of the Equality and Equity administrative sector.
- Resolution 024 of 2017 and Resolution 055 of 2018, establish standards and criteria for the operation of senior care centers.

f) Access to prompt remedies and redress when older person's rights related to social inclusion are violated.

- Law 1751 of 2015: Statutory Law on Health. Establishes priority and barrier-free health care for the elderly as subjects of special protection.
- Law 2055 of 2020: approves the Inter-American Convention on the Protection of the Human Rights of Older Persons. Ratification in September 2022.
- Decree 681 of 2022: Adopts the National Public Policy on Aging and Old Age 2022-2031: Strategic axis Comprehensive health care, attention to dependency and organization of the care service, which seeks to Guarantee the fundamental right to health and socio-health and/or long-term care services and which includes free and informed consent. Likewise, the strategic axis Life free of

violence for the elderly, which includes as a line of action, the strengthening of legal capacity and access to justice for the elderly.

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

The Inter-American Convention on Protecting the Human Rights of Older Persons, approved by Colombia through law 2055 of 2020, highlights in its articles 7, 8, 22 and 32 the different obligations and possible measures of the States in terms of guaranteeing the social inclusion of older persons, including:

Programs, or actions should be adopted to facilitate and promote the full enjoyment of rights by the older person, propitiating their self-realization and the strengthening of families, their ties and social, and affective relationships.

Measures should be adopted so that older persons have the opportunity to participate actively and productively in the community.

The development of services and programs for recreation, tourism, leisure, and sports that take into account the interests and needs of the elderly should be promoted.

Programs should be developed to raise awareness of the aging process, promote the inclusion of content associated with aging in academic and research agendas.

Additionally, it is important to clarify that the Colombian government is currently in the process of transition of the leadership of the National Public Policy on Aging and Old Age 2022-2031, in accordance with the provisions of Law 2281 of 2023 and Decree 1075 of 2023 and the leading role of the Ministry of Equality and Equity.

Special considerations

4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

The establishment of co-responsibility mechanisms for the protection and promotion of the rights and the guarantee of social inclusion of the elderly, involving the State, civil society, the family, the private sector, companies, universities and educational centers, in order to establish common discussions, agreements and articulate efforts.

Implementation

5. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?

As of Law 2281 of 2023 and Decree 1075 of 2023, the Ministry of Equality and Equity has the steering role of the National Public Policy on Aging and Old Age 2022-2031. However, compliance with the regulatory framework, the Inter-American Convention and the National Public Policy on Aging and Old Age constitutes the foundation and the greatest challenge for guaranteeing the rights of older persons in Colombia.