

Colombia

 globalnaps.org/country/colombia

- [NAP Development Process](#)
- [Explore NAP by Issue](#)

NAP Development Process

Status



The original title of the NAP is “Plan Nacional de Acción sobre Derechos Humanos y Empresas”. It was launched in December 2015.

According to the [first report on advancements in implementation](#) released in May 2017, Colombia is advancing in the implementation of 59% of the actions in the NAP. According to the [second report on advancements in implementation](#) (in Spanish) released in August 2018, Colombia is advancing on 86% of the actions in the NAP.

[A 2nd NAP was published on 10 December 2020.](#) It is available here. This page will be updated to reflect this 2nd NAP shortly.

Process

Through the approval of the Decree 4100 of 2nd November 2011, the Colombian Government created the National System of Human Rights and International Humanitarian Law in order to “coordinate rules, policies, entities and institutions at the national and territorial levels and thus promote the respect and guarantee of the Human Rights and the application of the IHL”.

Within this framework, an inter-governmental Working Group on Business and Human Rights – where the Presidential Advisory Office for Human Rights acts as the Technical Secretariat– [was established](#) (Spanish) to create an inter-agency space to address various issues that link businesses to human rights

In 2013, a proposal for a Comprehensive Public Policy for Human Rights was published after a consultation process carried out through 32 meetings where 19,000 social leaders and 9,000 organisations attended. In 2014, the Presidential Advisory Office for Human

Rights issued the Human Rights National Strategy for 2014-2034 as a way to provide public institutions with tools for the adoption a Human Rights-based approach.

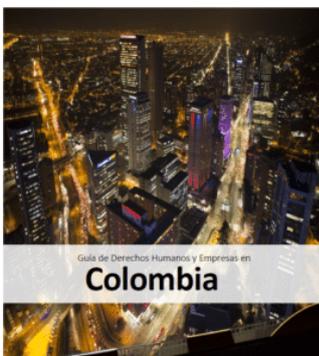
In 2013 Colombia acted as the host for the First Latin American and Caribbean Regional Forum on Business and Human Rights.

In 2014 the Working Group published the Business and Human Rights Public Policy Guidelines, which provided an initial base for the Colombian NAP on Business and Human Rights. These Guidelines contain two main themes:

1. A report on the territorial workshops held in Casanare, Huila, Norte de Santander, Bolivar, Antioquia and Valle del Cauca with representatives of civil society, local governments and companies and ii) "Conclusions and proposals for dialogue for the implementation of the UNGP in Colombia";
2. An outcome document from the Multistakeholder Dialogue Project, leading by Sustentia, that included capacity building and dialogue in multi-stakeholder workshops, from 2012 to 2013. Those dialogues were mainly focused on the main issues in Colombian context under the approach of the UNGP, "Protect, Respect and Remedy".

In 2014 Colombia hosted the Latin American Dialogue on the National Implementation of Business and Human Rights frameworks.

In 2015, the Colombian government announced it would develop a NAP on Business and Human Rights. The Presidential Advisory Office for Human Rights – within the Office of the Presidency – was tasked with developing the NAP and with determining which government entities were responsible for each area of action. Additionally, a multi-stakeholder steering committee was established to guide and support the drafting process. The Committee was composed by the Ombudsman's Office, Fundación Ideas para la Paz, Colombia's Mining-Energy Committee, AECID (Spanish Agency for International Development Cooperation), UNDP and the OHCHR.



After a consultation process with representatives from public institutions, private companies, and civil society organisations, the first draft was submitted for consultation in a multi-stakeholder national forum with over 100 attendants and three territorial forums hosted in Cartagena, Villavicencio and Apartadó between October and November 2015. Additionally, from October to December 2015, the draft NAP was posted on the Presidential Advisory Office for Human Rights website in Spanish and English, along with an email address allowing for interested parties to submit comments. However, a terms of

reference and timeline for the NAP development process was not shared with stakeholders. The final draft NAP was officially launched and published in December 2015.

In parallel, the [Danish Institute for Human Rights \(DIHR\)](#) and the [Fundación Ideas para la Paz \(FIP\)](#) updated the [Human Rights and Business Country Guide to Colombia](#) (Spanish), which was published in 2016.

Stakeholder Participation

Stakeholders

A multi-stakeholder steering committee was established to guide and support the drafting process. The Committee was composed of the [Ombudsman's Office](#), [Fundación Ideas para la Paz](#), [Colombia's Mining-Energy Committee](#), [AECID](#) (Spanish Agency for International Development Cooperation), UNDP and the UN OHCHR.

Consultation

Prior to the first draft of the NAP, diverse multi-stakeholders discussions, training programs, national and regional consultations, and bilateral dialogues took place, which resulted in the 2014 [Business and Human Rights Public Policy Guidelines](#). Business owners, private sector actors, civil society, NGOs, and government entities participated in the process.

The first draft was submitted for consultation in a multi-stakeholder national forum held in October 2015 with over 100 attendants including over 30 national and international civil society organisations (Caguán Vive, Sisma Mujer, Corporación Jurídica Yira Castro, CGT, Corporación Viva la Ciudadanía, Instituto Popular de Capacitación, CREER, and ICCO Cooperación among other), universities, private companies, business associations, international organisations (UNDP, OHCHR, and IOM the European Union), embassies from different countries (Nederland, United Kingdom, Norway and Spain), international experts (London School of Economics, ICAR, DIHR, Sustentia, Access Facility and the Institute for Human Rights and Business) and public entities. Furthermore, three territorial forums with multi-stakeholder participation were held in Cartagena, Villavicencio and Apartadó in November 2015. The details of these consultations were published in the [Business and Human Rights Public Policy Guidelines](#).

From October to December 2015, the draft NAP was posted on the [Presidential Advisory Office for Human Rights](#) website in Spanish and English, along with an email address allowing for interested parties to submit comments on it.

In these participative processes, institutional actors from business and civil society organisations, as well as government and international entities were consulted regarding the draft NAP. Among others, ICAR, FIP, ARDURA and the DIHR provided strategic advice and a written submission with recommendations.

Moreover, governance structures (the NAP's Advisory Committee) were established as spaces of consultation and dialogue between civil society, companies and the government, to resolve human rights conflicts through dialogue and participation.

Despite the different consultations carried out before the approval of the NAP, some civil society organisations considered the dialogue process to be insufficient, in activities, in timeline and inclusiveness of the more critical organisations. This point of view was portrayed by [ICAR's assessment on the NAP](#).

Training

Between 2012 and 2014, Sustentia and AECID (Spanish Agency for International Development Cooperation) provided a training program coordinated by the Colombian Government.

From 2012 to 2013 Business and Human Rights Capacity training was provided through a Dialogue project. The general goal was to capacitate staff to support the growing dialogue around business and human rights, especially on how to develop and implement due diligence and human rights policies and on effective remedy mechanisms. This included training 65 Colombian public officers from different Ministries about human rights generally and the UNGPs on business and human rights. Those individuals formed part of the inter-ministry committee in charge of the development of public policy on Business and Human Rights in Colombia. During October and November 2014, The Ombudsman's Office organised, with the technical assistance of Sustentia, an academic program focused on Business and Human Rights (Cátedra Ciro Angarita Barón) targeted to both public and civil organisations.

To support the development of the NAP process, the DIHR and FIP developed a strategic alliance with the [National Human Rights Institution \(NHRI\)](#) and the Presidential Advisory Office on Human Rights which included, among others, a training session for the Presidential Advisor's Office, the NHRI and various government ministries in July 2015 on human rights and business, including the implementation of the UNGPs through NAPs.

With the financial support of AECID, the Presidential Advisory Office on Human Rights, ANDI, Sustentia and CREA, in 2016 and 2017, also led an 18-month training program with a regional approach priorities and dilemmas on how to implement the NAP. Three main multistakeholder dialogue processes were developed- Antioquia, Valle del Cauca and Bogotá- during 18 months, including 2 local workshops in Buenaventura y Turbo. This project was directed to civil society organisations, private companies, business associations and public institutions. The main outcomes are available [here](#) (Spanish).

Transparency

Between October and December 2015, the NAP's draft was posted on the [Presidential Advisory Office for Human Rights](#) website in Spanish and English for public consultation together with an email address for comments and proposals.

The final NAP was published in the following websites:

- [The Government of Colombia](#)

- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [Issuu.com](#)
- [UN Working Group on the issue of human rights and transnational corporations and other business enterprises](#)

The Government runs a [microsite](#) (in Spanish) with details on the NAP.

National Baseline Assessment (NBA)

A participative process with private and public organisations was conducted between 2012 and 2013 to identify different problems regarding human rights and design actions to address them. The Government of Colombia conducted a brief [Survey for the States: National Action Plans on Business and Human Rights](#) in 2014, to assess the state of Colombia on the implementation of the UNGPs, before the adoption of the NAP. Neither of these amounted to a National Baseline Assessment (NBA)



The Colombian government did not conduct an NBA in advance of its NAP development. Nonetheless, the NAP committed the Working Group to create a baseline assessment of all judicial and non-judicial remedial mechanisms available in the country relating to business and human rights within one year of the NAP launch (i.e. before December 2016).

In March 2018 CREER, the British Embassy in Colombia, the Presidential Advisory Office for Human Rights, and the IHRB published '[Closer to citizens: Elements of a comprehensive system of non-judicial remedy in business and human rights](#)' (Spanish), which addresses elements of the limited baseline assessment promised in the NAP.

Follow-up, monitoring, reporting and review

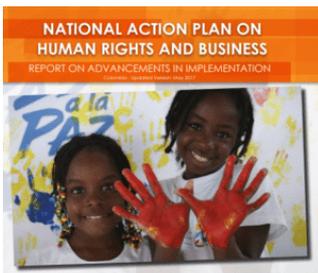
The NAP clearly identifies follow-up and implementation measures, providing a monitoring and evaluation framework. Likewise, specific responsible governmental entities are clearly identified for each area of implementation. The NAP also defined its Advisory Committee with the following members:

- One representative elected by the national indigenous organisations.
- One representative elected by the national afro-descendent organisations.
- One representative elected by the National NGO Platform.
- One representative elected by the confederations of workers' unions.
- One representative elected by the Colombian Association of Universities.
- Two representatives elected by the National Trade Council, one of whom must be a delegate of the enterprises and the other one a delegate of the trades.
- One representative elected by the Ombudsman's Office.
- One representative of the current multi-stakeholder initiatives on the business and human rights in the country.
- One representative of the multi-lateral entities related to business and human rights.

- One representative appointed by the International Community.

When the members were assigned the Advisory Committee first met in March 2017. The inter-governmental Working Group on Business and Human Rights defined by the National System of Human Rights and International Humanitarian Law is in charge for the monitoring of the plan.

The Government runs a microsite (in Spanish) detailing the implementation of each action point within the NAP by the responsible entity. The Colombian Government commits in the NAP to publish an annual report and has currently published two.



The first Annual Evaluation on the implementation of the Colombian National Action Plan on Human Rights and Businesses in 2017 stated that Colombia was advancing in the implementation of 59% of the actions in the NAP.



The second report on advancements in implementation (in Spanish) released in August 2018, stated that Colombia was advancing on 86% of the actions in the NAP. The second report contains chapters on the process of developing the update, each of the 3 pillars, the role of the Defensor del Pueblo (Colombia's NHRI), the process for realising the NAP, and challenges.

A second version of the NAP is expected in 2019.

Stakeholders views and analysis on the NAP

- The [International Corporate Accountability Roundtable \(ICAR\)](#) and the [Centro de Estudios de Derecho, Justicia, y Sociedad \(Dejusticia\)](#) published conducted an evaluation of the Colombian NAP on Business and Human Rights, following the NAPs checklist developed by ICAR and the DIHR's NAP Toolkit, to evaluate the content and development process of the Colombian NAP. This [Assessment of the Colombian National Action Plan \(NAP\) on Business and Human Rights](#) was published in September 2016.
- The Colombian Government published the [Report of the Annual Plenary on Business and Human Rights](#) in 2016, as a compliance of the [2016 UN Forum on Business and Human Rights](#), which took place in Geneva in November 2016, with representatives from governments, businesses, community groups and civil society, NHRIs and international bodies, to discuss about the UNGPs and other business-related human rights issues. This report compiles the perspective raised on the Colombian NAP during the mentioned three-day forum.
- The Colombian Government conducted an [Annual Evaluation on the implementation of the Colombian National Action Plan on Human Rights and Businesses](#) in 2017, as a response to the State's duty to annually report on the implementation of the Colombian NAP on Business and Human Rights. The report reflects the Colombian Government's positioning on the status of the NAP' implementation, based on the advancements, lessons learnt, and future challenges.
- [Conectas Human Rights](#), [Dejusticia](#) and [Justiça Global](#) share a critical perspective on the [UN Working Group on Business and Human Rights](#), compiled in the [Review of the first two years of the work of the Working Group](#), which applies to the Colombian implementation of the UNGPs. Other CSO critic papers are published, for example a paper from Tierra Digna.

Additional Resources

- Fundación DIS and Sustentía Innovación Social (2013) [Conclusions and Recommendations from the dialogue on the application of the UNGPs on Business and Human Rights in Colombia](#)
- Fundación DIS and Sustentía Innovación Social (2013) [Handbook Guide on Business and Human Rights: Embracing the UN Guiding Principles](#)
- Government of Colombia (2014) [Colombian National Plan for Development 2014-2018: "All for a New Country."](#)
- Government of Colombia (2014) [National Strategy on the realization of Human Rights 2014-2034](#)

- Government of Colombia (2014) [Business and Human Rights Public Policy Guidelines](#)
- Danish Institute for Human Rights (DIHR) (2014) [National action plan on business and human rights in Colombia](#)
- Government of Colombia (2015) [Plan Nacional de Acción sobre Derechos Humanos y Empresas](#)
- Government of Colombia (2016) [Report of the Annual Plenary on Business and Human Rights in 2016](#) (Spanish only)
- Sustentia, AECID [Report of the Regional and National Dialogues: priorities and dilemmas on how implement the Colombian NAP on territory. Antioquia, Valle del Cauca and Bogotá](#) (2016- 2017)
- Government of Colombia (2017) [Annual Evaluation on the implementation of the Colombian National Action Plan on Human Rights and Businesses](#)
- International Corporate Accountability Roundtable (ICAR) and Centro de Estudios de Derecho, Justicia, y Sociedad (Dejusticia) (2016) [Assessment of the Colombian National Action Plan \(NAP\) on Business and Human Rights](#)
- Ministry of Commerce, Industry and Tourism, Government of Colombia (2012) [National Contact Point of the OCDE' Guidelines for Multinational Enterprises](#)
- Ministry of Foreign Affairs, Government of Colombia (2014) [Survey for the States: National Action Plans on Business and Human Rights](#)
- Ministry of the Interior, Government of Colombia (2011) [National System for Human Rights](#)
- UN Office of the High Commissioner for Human Rights (OHCHR) (2016) [State National Action Plans](#)
- UN Working Group on Business and Human Rights (2016) [Guidance on National Action Plans on Business and Human Rights](#)
- [IV UN Forum on Business and Human Rights](#)

Contacts

- [Agencia Española de Cooperación Internacional para el Desarrollo \(AECID\)](#)
- [Centro de Estudios de Derecho, Justicia, y Sociedad \(Dejusticia\)](#)
- [Consejería Presidencial para los Derechos Humanos](#)
- [Comité Minero Energético para el sector extractivo](#)
- [Danish Institute for Human Rights \(DIHR\)](#)
- [Defensoría del Pueblo](#)
- [Fundación DIS](#)
- [Fundación Ideas para la Paz \(FIP\)](#)
- [International Corporate Accountability Roundtable \(ICAR\)](#)
- [Oficina en Colombia del Alto Comisionado de Naciones Unidas para los Derechos Humanos](#)
- [Presidential Advisory Office for Human Rights](#)
- [Programa de Naciones Unidas para el Desarrollo \(PNUD\)](#)
- [Sustentia Innovación Social](#)
- [Red Local de Pacto Global](#)

Explore NAP by Issue

Children's rights

The plan is said to have a “differential approach” (introduction, page 6):

“Thus, businessmen and social and union organizations are required to be willing to respect the rights of ethnic groups, women, children, adolescents, LGBTI, people with disabilities, union movements and other minorities.”



Colombian NAP analysis
provided by Sustentia

Section 4 is dedicated to the role of the State in helping businesses to respect Human Rights. It contains two initiatives relating children's rights:

“4.7 The Ministry of Labor and the Colombian Institution for Family Welfare will strengthen actions intended to provide advice, training and monitoring to enterprises in respect of the integral protection of the children's rights, as well as the implementation of the children's rights and business principles in the priority sectors.”

“4.8 The Ministry of Labor will strengthen actions to prevent the commercial sexual exploitation of children and adolescents, and will create strategies engaging the private sector in the actions to prevent the violation of the children's and adolescents' rights.”

[Read more about Children's rights](#)

Conflict-affected areas

Given Colombia's context, security and peacebuilding in conflict-affected areas is one of the central themes of the NAP. It is important to note that apart from the specific measures cited here, many -maybe most- of the NAP's initiatives are conceived under a perspective of peacebuilding.

Introduction:

- Colombia's High Counselor for Post-Conflict, Human Rights and Security appears as one of the NAP's authors (page 2).
- The NAP is aligned with Colombia's National Development Plan for 2014-2018 “Todos por un País Nuevo”, whose goal is to “make from Colombia a peaceful and equitable country, educated in accordance with the Central Government's purposes, the best international practices and standards and the SDG's long-term planning vision”.

- In the introduction (page 6), the NAP claims to be coherent with international rules and standards. In particular, it mentions the OECD's Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and the Voluntary Principles on Security and Human Rights.
- According to the NAP, it is particularly important for Colombia's Government that companies operating in areas historically affected by the armed conflict manage their risks and possible impacts on Human Rights in an especially careful way (page 7).
- Mining, agribusiness and road infrastructure sectors are prioritized due to their higher level of social conflict (page 7).
- According to the introduction (page 7), Colombia's NAP is conceived as an input for post-conflict and peacebuilding: *"The post-conflict scene may entail an increase in social conflicts related to business activities. A joint effort by the State, business, unions, civil society organizations and the International Community is required to improve the human rights management in business enterprises, and to seek remedies should there be any violations thereof. However, actions stipulated herein will not depend upon the entering into one or more peace agreement, since the protection and guarantee of human rights must take place at all times, everywhere."*
- The NAP is coordinated with Colombia's framework for business and peace (Marco de Empresas y Paz), designed by the Post-Conflict Directorate in collaboration with Colombia's Office of the High Commissioner for Peace (page 7):

"The Plan is organized under the Business and Peace Framework, which is being designed by the Post-Conflict Directorate jointly with the Office of the High Commissioner for Peace. The Framework stipulates, without limitation, a more active role by enterprises within the positive transformations required by the country, going for due diligence and with an approach to keeping the "Action without Damage" Plan. This approach applies ethical criteria and human coexistence values in plural and multi-cultural conditions, based on the dignity, autonomy and freedom concepts.

In this sense, the current strategies and plans encouraging reconciliation in Colombia, which require wholehearted support in the exercises of historical memory, as well as larger participation of enterprises in the job placement of the victims of the conflict and individuals in insertion processes."

- The introduction also sets a shared leadership for the NAP's implementation (pages 7-8): *"Likewise, strategic alliances will be established with the chambers of commerce, trades, social and union organizations and other relevant actors for the execution of this Plan and its adjustment to the territorial context, jointly with the enterprise and peace process locally, considering the current progress towards the termination of the armed conflict."*
- Page 17:

"Upon this Plan, the National Government will focus its efforts on consolidating the progress of the business commitment to the respect for human rights in the following lines: Generate a culture of human rights and peacebuilding in the business sector."

Action point VI: Culture of Human Rights and peacebuilding in the business sector (page 18):

“Colombia faces the significant challenges of developing its culture of peace within a peacebuilding context. Therefore, all social actors are essential for the performance of the positive transformations Colombia requires.”

Goals:

- The fourth objective of the NAP is: *“Support and encourage a peaceful solution to conflicts generated in the context of business activities”* (page 8).
- Objective 5 (page 8): *“Contribute to the achievement of lasting peace in Colombia and to the implementation of public policies aiming at guaranteeing peace both in the urban and in the territorial areas.”*
- Assessment and follow-up (page 25):

“The Plan seeks to achieve positive changes in the initial situation and the context upon which it is built, with results oriented to better enjoyment of rights, welfare, development, peace and equality in the country.”

Action points:

Action point 1.1 (page 10):

“The Working Group on Business and Human Rights will be responsible for monitoring advance and progress of the Plan implementation. For such purpose, its regulation will be issued, the frequency of its meetings will be defined, and an operational plan will be implemented, which will determine its activities annually defining the subject approach and the regulation compliance within the priority areas for this plan. This group will include the Post-Conflict Directorate.”

Action point 1.9 (page 12):

“The Post-Conflict Directorate, jointly with the Council to the President for Human Rights, will promote the agenda on human rights and peacebuilding in the business sector, in alliance with the Chamber of Commerce of Colombia; thus, a training and knowledge transfer process by the Government, as well as cooperation with enterprises and the enterprises’ employees will be created.”

Action point 3.2 (p. 14):

“The Post-Conflict Directorate and the Office of the High Commissioner for Peace will design a protocol for dialogue among the communities, enterprises and state entities, allowing for the participation of social organization, according to the international standards on business and human rights.”

Action point 3.3 (p. 14):

“The Ministry of Internal Affairs will propose the inclusion of the business and human rights issue on the agenda of the National Committee for Human Rights Defenders, Social and Community Leaders, as well as the Regional Committees for Guarantees, with the purpose of using them as meeting spaces to settle conflicts with impacts on human rights caused by the business activity.”

Action point 3.4 (p. 14):

“Through the Comprehensive Conflict Prevention and Management System, the National Government will create agreement and social talk mechanisms between the Government and its several levels, the communities and the enterprises. The foregoing to create formal dialogue areas for actors with various interests; all of that as the way to contribute to peacebuilding and respect for human rights in the territories. This action will begin its execution once the system is implemented.”

Action point 3.5 (p. 14):

“The Ministry of the Interior will organize actions intended to guarantee the necessary safety conditions so the leaders working on business and human rights matters might carry out their activities in proper conditions, according to the current guarantee policy for the defense of human rights.”

Action point 5.3 (p. 16):

“Promote the implementation of the United Nations Guiding Principles and other international standards on business and human rights by the trades and the enterprises part thereof, so they may adopt human rights policies. Thus, during the first year of the execution of this Plan, the Council to the President for Human Rights will convene high level meetings with the trades to determine the inclusion goals in the multi-actor initiatives and human rights performance follow-up mechanisms. These actions must be coordinated with the entities of the Working Group, especially with the Ministry of Commerce, Industry and Tourism and in cooperation with the Post-Conflict Directorate.”

Action point 5.4 (page 16):

“The Council to the President for Human Rights and the Ministry of National Defense will encourage the implementation of the Voluntary Principles on Security and Human Rights. To that end, they will alternately engage in the areas where such issue is treated.”

Action point 5.5 (pages 16-17):

“Develop a guide on the increasing human rights risks of the business activities in zones historically affected by the armed conflict. Thus, the Council to the President for Human Rights and the Post-Conflict Directorate will coordinate with the Comprehensive Conflict Prevention and Management System the development of such guide, which must be worked upon in a participatory manner with the enterprises and the civil society.

According to the provided period to create the Comprehensive Conflict Prevention and Management System, this action must be carried out within the year following the coming into operation of such system.”

Action point 6.3 (page 18):

“The Unit for Care and Integral Repair for Victims, as the coordinator of the National Care and Integral Repair for Victims (SNARIV), jointly with the Post-Conflict Directorate, will develop strategies aiming at getting companies to contribute to the recovery of historical memory for peacebuilding, reconciliation and promotion of human rights and the reconstruction of the fabric of society, wherefore memory and peacebuilding culture initiatives might be created.”

Action point 6.4 (page 18):

“The Council to the President for Human Rights, the Colombian Agency for Reintegration and the Post-Conflict Directorate will prepare a joint strategy for companies to actively promote major participation of people in the reintegration process into the business field, in the production field, and in the peacebuilding processes.”

Action point 6.5 (page 18):

“The Working Group will encourage enterprises to exchange their experiences in order to better understand the human rights and peacebuilding management.”

Action point 6.6 (page 18):

“The Post-Conflict Directorate will hold a public debate on the role and power of business enterprises in peacebuilding.”

Action point VIII: Respect for Human Rights as a competitive advantage (page 20):

“The institutional strengthening by companies is an alliance between the public and the private sectors, which is also to the benefit of the national peacebuilding agenda.”

Action point 8.2 (page 20):

“The Ministry of Commerce, Industry and Tourism, supported by the Council to the President for Human Rights, the Post-Conflict Directorate and the National Authority for Environmental Permits, will incentivize the establishment of public-private alliances for the creation of social and environmental quality enterprises, particularly in the scattered rural areas.”

Action point 8.7 (page 21):

“The Post-Conflict Directorate, in cooperation with the Council to the President for Human Rights will identify and recognize the joint work opportunities between the business and the public sectors for development and peacebuilding.”

Action point 10.2 (page 23):

“The Working Group on Business and Human Rights, within the year of the Plan being launched, will draw a map of the current judicial and non-judicial remediation mechanisms on business and human rights in the country. Such map will identify which mechanism responds to each type of conflict, and will include a diagnostic of the efficacy and efficiency of the access to judicial and non-judicial remedy mechanisms, according to the United Nations Guiding Principles, identifying the obstacles to access to justice by the affected populations, both legally and practically.”

[Read more about Conflict-affected areas](#)

Construction sector

- Mining, agribusiness and road infrastructure sectors are prioritised due to their higher level of social conflict (page 7).
- Action point 4.7 (p. 15):

“The Ministry of Labor and the Colombian Institution for Family Welfare will strengthen actions intended to provide advice, training and monitoring to enterprises in respect of the integral protection of the children’s rights, as well as the implementation of the children’s rights and business principles in the priority sectors.”

Action point 5.1 (p. 16):

“The Working Group will coordinate the preparation of a guide intended to define what executing due diligence means; what the practice is, particularly applied to the high risk business activity sectors.”

Action point 9.3 (p. 22):

“Increase the recognition of Corporate Social Responsibility and dissemination of good practices by establishing sector platforms for the enterprises and stakeholders to make commitments and jointly supervise progress. The Ministry of Commerce, Industry and Tourism will supervise this process.”

[Read more about Construction sector](#)

Corporate law & corporate governance

Action point 2.2 (p. 12):

“The Colombia Compra Eficiente agency will adjust the current public procurement system to comply with such criteria as for respect for human rights, by including them in their objectives and including measures to make sure that suppliers execute the human rights due diligence.”

Action point 2.5 (p. 13):

“The Ministry of Commerce, Industry and Tourism and its entities (PROCOLOMBIA) will work to make the Colombian enterprises observe the human rights standards and will strive for incentives in the international market.”

Action point 2.6 (p. 13):

“The Ministry of Environment, jointly with the National Authority for Environmental Permits, will strengthen the existence of respect for human rights requirements regarding the Environmental Impact Assessment of companies, and the Business Social Risk Management and Human Rights Plans.”

Action point 4.1 (p. 15):

“The Government will strengthen the subscribing to these multi-actor initiatives: Guías Colombia, Swiss Ethical Committee and the Mining-Energy Committee, as well as the implementation of guides or the provided recommendations by such initiatives.”

Action point 4.4 (p. 15):

“Within the State Policy for the LGBTI population, which the National Government is preparing, business practices respecting, recognizing and appreciating this population’s diversity will be supported.”

Action point 4.5 (p.15):

“The Ministry of Labor will advise the businessmen on the labor inclusion of people with disabilities and employment mediation services, in agreement with the National Public Policy on Disability and Social Inclusion.”

Action point 4.6 (p.15):

“The Council to the President for Women Equality will strengthen the coordination for the application of the international standards on women’s rights, intended to guarantee such rights in the business world.”

Action point 4.7 (p.15):

“The Ministry of Labor and the Colombian Institution for Family Welfare will strengthen actions intended to provide advice, training and monitoring to enterprises in respect of the integral protection of the children’s rights, as well as the implementation of the children’s rights and business principles in the priority sectors.”

Action point 5.3 (p. 16):

“Promote the implementation of the United Nations Guiding Principles and other international standards on business and human rights by the trades and the enterprises part thereof, so they may adopt human rights policies. Thus, during the first year of the execution of this Plan, the Council to the President for Human Rights will convene high level meetings with the trades to determine the inclusion goals in the multi-actor initiatives

and human rights performance follow-up mechanisms. These actions must be coordinated with the entities of the Working Group, especially with the Ministry of Commerce, Industry and Tourism and in cooperation with the Post-Conflict Directorate.”

Action point 5.4 (p. 16):

“The Council to the President for Human Rights and the Ministry of National Defense will encourage the implementation of the Voluntary Principles on Security and Human Rights. To that end, they will alternately engage in the areas where such issue is treated.”

Action point 5.6 (p. 17):

“The Ministry of Commerce, Industry and Tourism will promote the business efforts to adjust their policies to the OECD Guidelines for Multinational Enterprises, for which purposes it will assess, within six month from the execution of this Plan, its strategy to disseminate the Guidelines so as to make them widely known.”

Action point 5.7 (p. 17):

“The Working Group will assess and analyze the best ways for enterprises to include the reporting of the human rights due diligence in their Sustainability Reports or rendering of accounts. Such assessment will be carried out within the year following the launching of this Plan and accompanied by the several sectors.”

Action point 6.1 (p. 18):

“The Council to the President for Human Rights, within the following year of this Plan being launched, will encourage business to define and publicly disclose their political commitment to respect human rights.”

Action point 6.5 (p. 18):

“The Working Group will encourage enterprises to exchange their experiences in order to better understand the human rights and peacebuilding management.”

Action point 7.1 (p. 19):

“The Working Group, advised by the Expert Committee, will encourage discussion fora to determine the best ways for enterprises to establish easy-to-access, transparent and effective complaint and claims offices or mechanisms for prevention and mitigation and remedy of adverse human rights effects as may be caused by their activities.”

Action point 7.4 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage business enterprises to foster talks with consumers.”

Action point 7.5 (p. 19):

“The Office of the Transparency Secretary of the Presidency of Republic will support the adoption of transparency covenants by enterprises so as to contribute to the corruption struggles in corporate governments, for which purposes a year will be given upon the Plan’s launching.”

Action point 7.6 (p. 19):

“The Working Group will tend towards enterprises, through their complaint offices, receiving and diligently managing the citizen and community claims, as considered to be affected by the adverse effects caused by their operations.”

Action point 7.7 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage companies to have follow-up strategies in place to know about the progress and follow-up to the mitigation of adverse impacts caused by the development of business activities.”

Action point 7.8 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage business enterprises to assess their risks and impacts on people and the environment as a result of their operation.”

Action point 8.1 (p. 20):

“The Ministry of Commerce, Industry and Tourism will design a differentiated incentive strategy for large, medium and small enterprises with the purpose of having them to implement human rights policies involving:

- *Public commitment*
- *Due diligence procedure*
- *Result verification mechanism”*

Action point 8.3 (p. 20):

“The Ministry of Commerce, Industry and Tourism, jointly with the Council to the President for Human Rights will create a Human Rights business incentive to be provided every year and to value the advances the business enterprises might have in adopting the international standards on business and human rights in their operations. This incentive regulation will be developed by the Working Group within the year following this Plan’s launching.”

Action point 8.4 (p. 21):

“The Council to the President for Human Rights will publicly disclose on its website the advances and good practices implemented by the enterprises in respect of the human rights implementation in the business field.”

Action point 8.6 (p. 21):

“The Council to the President for Human Rights, jointly with the Ministry of Foreign Affairs and the Ministry of Commerce, Industry and Tourism, will facilitate international exchange among business enterprises for better practices in the implementation of human rights in the business activity.”

Action point 9.1 (p. 22):

“The Ministry of Commerce, Industry and Tourism, jointly with the Council to the President for Human Rights will support the coordination of corporate human rights policies with the Corporate Social Responsibility institutional programs.”

Action point 9.2 (p. 22):

“The Corporate Social Responsibility programs are to foster productivity in the areas of influence of their projects to generate the development and economic empowerment of communities under the due diligence and respect for human rights principle.”

Action point 9.3 (p. 22):

“Increase the recognition of Corporate Social Responsibility and dissemination of good practices by establishing sector platforms for the enterprises and stakeholders to make commitments and jointly supervise progress. The Ministry of Commerce, Industry and Tourism will supervise this process.”

[Read more about Corporate law & corporate governance](#)

Corruption

Action point 7.5 (p. 19):

“The Office of the Transparency Secretary of the Presidency of Republic will support the adoption of transparency covenants by enterprises so as to contribute to the corruption struggles in corporate governments, for which purposes a year will be given upon the Plan’s launching.”

[Read more about Corruption](#)

Data protection & privacy

The Colombian NAP does not make an explicit reference to Data Protection and Privacy.

[Read more about Data protection & privacy.](#)

Development finance institutions

The Colombian NAP does not make an explicit reference to Development Finance Institutions.

[Read more about Development finance institutions](#)

Environment & climate change

The Colombian National Action Plan on Human Rights and Business [page 7]

Sector priority. According to the diagnostic approach found in the guidelines, and the follow-up by the Ministry of the Interior to disorderly conducts, the mining-energy sector, the agro-industry and road infrastructure sectors, are to be addressed as a priority because they generate more social conflict given their effects on human rights and the environment.

The State Duty to Protect

II. The State as an economic actor [page 13]

2.6 The Ministry of Environment, jointly with the National Authority for Environmental Permits, will strengthen the existence of respect for human rights requirements regarding the Environmental Impact Assessment of companies, and the Business Social Risk Management and Human Rights Plans.

The Enterprise Duty to Respect Human Rights

VII. Corporate Human Rights due diligence [page 20]

7.8 The Task Force, advised by the Expert Commission, will encourage business enterprises to assess their risks and impacts on people and the environment as a result of their operation.

[Read more about Environment & climate change](#)

Equality & non-discrimination

The Colombian National Action Plan on Business and Human Rights [page 6]

This Plan is intended to help overcome weaknesses from the past and build stronger trust among society, business enterprises and the State. Thus, businessmen and social and union organisations are required to be willing to respect the rights of ethnic groups, women, children, adolescents, LGBTI, people with disabilities, union movements and other minorities.

The State Duty to Protect

IV. The State's guidance towards respect for Human Rights in the business activities [page 15]

4.3 With the purpose of preventing enterprises from engaging in actions involving any kind of discrimination, the National Government will boost the knowledge transfer and the transfer of the developed tools in the context of the National Human Rights Strategy in respect of rights to equality and non-discrimination.

4.4 Within the State Policy for the LGBTI population, which the National Government is preparing, business practices respecting, recognising and appreciating this population's diversity will be supported.

4.6 The Council to the President for Women Equality will strengthen the coordination for the application of the international standards on women's rights, intended to guarantee such rights in the business world.

[Read more about Equality & non-discrimination](#)

Export credit

Action point 2.4 (p. 13):

“The Ministry of Commerce, Industry and Tourism and its entities will determine the requirements regarding sustainability and respect for human rights as the criteria to select the enterprises to participate in their business activity encouragement programs, including the SME and micro SME (to this end, they will follow the OECD Recommendations for export credit entities: <http://www.oecd.org/tad/xcred/oecd-recommendations.htm>)”

[Read more about Export credit](#)

Extractives sector

- Mining, agribusiness and road infrastructure sectors are prioritised due to their higher level of social conflict (page 7).
- Action point 4.1 (p. 15):

“The Government will strengthen the subscribing to these multi-actor initiatives: Guías Colombia, Swiss Ethical Committee and the Mining-Energy Committee, as well as the implementation of guides or the provided recommendations by such initiatives.”

Action point 4.7 (p. 15):

“The Ministry of Labor and the Colombian Institution for Family Welfare will strengthen actions intended to provide advice, training and monitoring to enterprises in respect of the integral protection of the children's rights, as well as the implementation of the children's rights and business principles in the priority sectors.”

Action point 4.12 (p. 15):

“In the year following the Plan's launching, the Ministry of Mines and Energy will design a strategy to step forward as for the respect for human rights in the mining-energy sector, which will adjust the Principles and Criteria of the Extractive Industries Transparency

Initiative (EITI) to the national needs.”

Action point 5.1 (p. 16):

“The Working Group will coordinate the preparation of a guide intended to define what executing due diligence means; what the practice is, particularly applied to the high risk business activity sectors.”

Action point 9.3 (p. 22):

“Increase the recognition of Corporate Social Responsibility and dissemination of good practices by establishing sector platforms for the enterprises and stakeholders to make commitments and jointly supervise progress. The Ministry of Commerce, Industry and Tourism will supervise this process.”

[Read more about Extractives sector](#)

Extraterritorial jurisdiction

Action point 1.5 (p. 11):

“Each entity part of the Working Group, according to their operational plan, will define their training plan on this matter and will encourage the learning management in order to guarantee the continuation of the execution of the actions of this Plan. The inter-institutional training processes will be promoted for a better understanding of this matter in its various aspects; thus, the national entities will manage, together with their peers in other countries with the Colombia based embassies, the relevant tools as may be required. This action will begin upon the formalization of the Working Group and during the implementation of this Plan, responding to gradual and progress principles.”

Action point 1.6 (p. 11):

“The Ministry of Foreign Affairs will disseminate and promote this plan internationally through its Diplomatic Missions, Permanent Representation Offices and Consular Sections.”

Action point 1.7 (p.11):

“The Ministry of Commerce, Industry and Tourism, through its offices and agencies charged with business internationalization, will promote respect for human rights in the business activities, providing support regarding the contents of this Plan.”

Action point 1.11 (p. 12):

“The Ministry of Commerce, Industry and Tourism and the Ministry of Foreign Affairs will join forces to provide the enterprises and Embassies in Colombia with better knowledge of the stipulations of this Plan.”

Action point 2.3 (p. 13):

“The Ministry of Commerce, Industry and Tourism will emphasize the inclusion, in the business negotiations with other States, of clauses or criteria on human rights; this will be considered in the negotiation of future agreements, review of current agreements, and/or unilateral or joint statements with the business partners.”

Action point 2.5 (p. 13):

“The Ministry of Commerce, Industry and Tourism and its entities (PROCOLOMBIA) will work to make the Colombian enterprises observe the human rights standards and will strive for incentives in the international market.”

Action point 5.6 (p. 17):

“The Ministry of Commerce, Industry and Tourism will promote the business efforts to adjust their policies to the OECD Guidelines for Multinational Enterprises, for which purposes it will assess, within six months from the execution of this Plan, its strategy to disseminate the Guidelines so as to make them widely known.”

Action point 8.5 (p. 21):

“The Council to the President for Human Rights will coordinate an annual international event with the international community, where business enterprises with the largest progress might show and share their challenges and issues.”

Action point 8.6 (p. 21):

“The Council to the President for Human Rights, jointly with the Ministry of Foreign Affairs and the Ministry of Commerce, Industry and Tourism, will facilitate international exchange among business enterprises for better practices in the implementation of human rights in the business activity.”

[Read more about Extraterritorial jurisdiction](#)

Finance & banking sector

The Colombian NAP makes no reference to finance and banking.

[Read more about Finance & banking sector](#)

Forced labour & modern slavery

The Colombian NAP makes no reference to forced labour and modern slavery.

[Read more about Forced labour & modern slavery](#)

Freedom of association

- Action point 1.3 (p. 10): the Expert Committee has one elected by the confederations of workers' unions.
- Action point 4.9 (p. 15):

“The Ministry of Labor will strengthen actions aiming at protecting the rights to union freedom and collective negotiations.”

Action point 4.10:

“The Ministry of Labor will propose the inclusion of the business and human rights matter in the National Agreement Commission and in the Social Talk Plans of the Department Agreement Subcommittees.”^[1]

Action point 11.4 (p. 24):

“The Ministry of Labor and the Public Employment Services will continue to support the talks among workers, unions, enterprises and government for negotiation, as well as the employment mediation and agreement through the mechanisms defined for such purpose.”

[1] <http://www.mintrabajo.gov.co/relaciones-laborales/comision-permanente-de-concertacion>

[Read more about Freedom of association](#)

Gender & women’s rights

The plan is said to have a “differential approach” (introduction, page 6):

“Therefore, collaboration from businesses, social organisations and trade unions will be essential in order to ensure respect for the rights of ethnic minorities, women, children, adolescents, the LGBTI community, disabled people, union activists and other minority groups.”

Action point 4.4 (p. 15):

“Within the State Policy for the LGBTI population, which the National Government is preparing, business practices respecting, recognizing and appreciating this population’s diversity will be supported.”

Action point 4.6 (p. 15):

“The Council to the President for Women Equality will strengthen the coordination for the application of the international standards on women’s rights, intended to guarantee such rights in the business world.”

[Read more about Gender & women’s rights](#)

Guidance to business

Action point 1.6 (p. 11):

“The Ministry of Foreign Affairs will disseminate and promote this plan internationally through its Diplomatic Missions, Permanent Representation Offices and Consular Sections.”

Action point 1.7 (p.11):

“The Ministry of Commerce, Industry and Tourism, through its offices and agencies charged with business internationalization, will promote respect for human rights in the business activities, providing support regarding the contents of this Plan.”

Action point 1.9 (p .12):

“The Post-Conflict Directorate, jointly with the Council to the President for Human Rights, will promote the agenda on human rights and peacebuilding in the business sector, in alliance with the Chamber of Commerce of Colombia; thus, a training and knowledge transfer process by the Government, as well as cooperation with enterprises and the enterprises’ employees will be created.”

Action point 1.11 (p. 12):

“The Ministry of Commerce, Industry and Tourism and the Ministry of Foreign Affairs will join forces to provide the enterprises and Embassies in Colombia with better knowledge of the stipulations of this Plan.”

Action point 2.5 (p. 13):

“The Ministry of Commerce, Industry and Tourism and its entities (PROCOLOMBIA) will work to make the Colombian enterprises observe the human rights standards and will strive for incentives in the international market.”

Action Point IV is dedicated to the “State’s guidance towards respect for Human Rights in the business activities”:

- Action point 4.1 (p. 15):
“The Government will strengthen the subscribing to these multi-actor initiatives: Guías Colombia, Swiss Ethical Committee and the Mining-Energy Committee, as well as the implementation of guides or the provided recommendations by such initiatives.”
- “Action point 4.2 (p. 15):
“The Council to the President for Human Rights will have a microsite on its website for the business and human rights issue, where the information on the implementation of this plan will be available.””
- Action point 4.3 (p. 15):
“With the purpose of preventing enterprises from engaging in actions involving any kind of discrimination, the National Government will boost the knowledge transfer and the transfer of the developed tools in the context of the National Human Rights Strategy in respect of rights to equality and non-discrimination.”
- Action point 4.4 (p. 15):
“Within the State Policy for the LGBTI population, which the National Government is preparing, business practices respecting, recognizing and appreciating this population’s diversity will be supported.”
- Action point 4.5 (p.15):
“The Ministry of Labor will advise the businessmen on the labor inclusion of people with disabilities and employment mediation services, in agreement with the National Public Policy on Disability and Social Inclusion.”
- Action point 4.6 (p.15):
“The Council to the President for Women Equality will strengthen the coordination for the application of the international standards on women’s rights, intended to guarantee such rights in the business world.”
- Action point 4.7 (p.15):
“The Ministry of Labor and the Colombian Institution for Family Welfare will strengthen actions intended to provide advice, training and monitoring to enterprises in respect of the integral protection of the children’s rights, as well as the implementation of the children’s rights and business principles in the priority sectors.”
- Action point 4.8 (p.15):
“The Ministry of Labor will strengthen actions to prevent the commercial sexual exploitation of children and adolescents, and will create strategies engaging the private sector in the actions to prevent the violation of the children’s and adolescents’ rights.”
- Action point 4.9 (p.15):
“The Ministry of Labor will strengthen actions aiming at protecting the rights to union freedom and collective negotiations.”

- Action point 4.11 (p. 15):
“The Ministry of the Interior will implement actions at the institutional level to identify the real issues in the prior-consultation process and its effect on human rights. It will also improve such practices allowing for the involvement of the affected population, protecting and respecting the rights of the native, afro-descendant and ethnic minority communities, according to the OIL agreements and the standards of the Inter-American Human Rights System.”
- Action point 4.12 (p.15):
“In the year following the Plan’s launching, the Ministry of Mines and Energy will design a strategy to step forward as for the respect for human rights in the mining-energy sector, which will adjust the Principles and Criteria of the Extractive Industries Transparency Initiative (EITI) to the national needs.”

Action point 5.1 (p. 16):

“The Working Group will coordinate the preparation of a guide intended to define what executing due diligence means; what the practice is, particularly applied to the high risk business activity sectors.”

Action point 5.3 (p. 16):

“Promote the implementation of the United Nations Guiding Principles and other international standards on business and human rights by the trades and the enterprises part thereof, so they may adopt human rights policies. Thus, during the first year of the execution of this Plan, the Council to the President for Human Rights will convene high level meetings with the trades to determine the inclusion goals in the multi-actor initiatives and human rights performance follow-up mechanisms. These actions must be coordinated with the entities of the Working Group, especially with the Ministry of Commerce, Industry and Tourism and in cooperation with the Post-Conflict Directorate.”

Action point 5.4 (p. 16):

“The Council to the President for Human Rights and the Ministry of National Defense will encourage the implementation of the Voluntary Principles on Security and Human Rights. To that end, they will alternately engage in the areas where such issue is treated.”

Action point 5.5 (p. 16):

“Develop a guide on the increasing human rights risks of the business activities in zones historically affected by the armed conflict. Thus, the Council to the President for Human Rights and the Post-Conflict Directorate will coordinate with the Comprehensive Conflict Prevention and Management System the development of such guide, which must be worked upon in a participatory manner with the enterprises and the civil society. According to the provided period to create the Comprehensive Conflict Prevention and Management System, this action must be carried out within the year following the coming into operation of such system.”

Action point 5.6 (p. 17):

“The Ministry of Commerce, Industry and Tourism will promote the business efforts to adjust their policies to the OECD Guidelines for Multinational Enterprises, for which purposes it will assess, within six month from the execution of this Plan, its strategy to disseminate the Guidelines so as to make them widely known.”

Action point 5.7 (p. 17):

“The Working Group will assess and analyze the best ways for enterprises to include the reporting of the human rights due diligence in their Sustainability Reports or rendering of accounts. Such assessment will be carried out within the year following the launching of this Plan and accompanied by the several sectors.”

Action point 6.1 (p. 18):

“The Council to the President for Human Rights, within the following year of this Plan being launched, will encourage business to define and publicly disclose their political commitment to respect human rights.”

Action point 6.3 (p. 18):

“The Unit for Care and Integral Repair for Victims, as the coordinator of the National Care and Integral Repair for Victims (SNARIV), jointly with the Post-Conflict Directorate, will develop strategies aiming at getting companies to contribute to the recovery of historical memory for peacebuilding, reconciliation and promotion of human rights and the reconstruction of the fabric of society, wherefore memory and peacebuilding culture initiatives might be created.”

Action point 6.4 (p. 18):

“The Council to the President for Human Rights, the Colombian Agency for Reintegration and the Post-Conflict Directorate will prepare a joint strategy for companies to actively promote major participation of people in the reintegration process into the business field, in the production field, and in the peacebuilding processes.”

Action point 6.5 (p. 18):

“The Working Group will encourage enterprises to exchange their experiences in order to better understand the human rights and peacebuilding management.”

Action point 6.6 (p. 18):

“The Post-Conflict Directorate will hold a public debate on the role and power of business enterprises in peacebuilding.”

Action Point VII is dedicated to the State's promotion and support for implementation of due diligence procedures in business enterprises:

- Action point 7.1 (p. 19):
“The Working Group, advised by the Expert Committee, will encourage discussion fora to determine the best ways for enterprises to establish easy-to-access, transparent and effective complaint and claims offices or mechanisms for prevention and mitigation and remedy of adverse human rights effects as may be caused by their activities.”
- Action point 7.2 (p. 19):
“The Ministry of Commerce, Industry and Tourism will encourage large enterprises to foster and boost their human rights support and guidance efforts for such SME they have business relationships with.”
- Action point 7.3 (p. 19):
“The Ministry of Labor will guarantee respect for the labor rights.”
- Action point 7.4 (p. 19):
“The Ministry of Commerce, Industry and Tourism will encourage business enterprises to foster talks with consumers.”
- Action point 7.5 (p. 19):
“The Office of the Transparency Secretary of the Presidency of Republic will support the adoption of transparency covenants by enterprises so as to contribute to the corruption struggles in corporate governments, for which purposes a year will be given upon the Plan's launching.”
- Action point 7.6 (p. 19):
“The Working Group will tend towards enterprises, through their complaint offices, receiving and diligently managing the citizen and community claims, as considered to be affected by the adverse effects caused by their operations.”
- Action point 7.7 (p. 20):
“The Working Group, advised by the Expert Commission, will encourage companies to have follow-up strategies in place to know about the progress and follow-up to the mitigation of adverse impacts caused by the development of business activities.”
- Action point 7.8 (p. 20):
“The Working Group, advised by the Expert Commission, will encourage business enterprises to assess their risks and impacts on people and the environment as a result of their operation.”

Action Point VIII is dedicated to the State's incentives for diligent business enterprises:

- Action point 8.1 (p. 20):
“The Ministry of Commerce, Industry and Tourism will design a differentiated incentive strategy for large, medium and small enterprises with the purpose of having them to implement human rights policies involving:
 - *Public commitment*
 - *Due diligence procedure*
 - *Result verification mechanism”*
- Action point 8.2 (p. 20):
“The Ministry of Commerce, Industry and Tourism, supported by the Council to the President for Human Rights, the Post-Conflict Directorate and the National Authority for Environmental Permits, will incentivize the establishment of public-private alliances for the creation of social and environmental quality enterprises, particularly in the scattered rural areas.”
- Action point 8.3 (p. 20):
“The Ministry of Commerce, Industry and Tourism, jointly with the Council to the President for Human Rights will create a Human Rights business incentive to be provided every year and to value the advances the business enterprises might have in adopting the international standards on business and human rights in their operations. This incentive regulation will be developed by the Working Group within the year following this Plan's launching.”
- Action point 8.4 (p. 21):
“The Council to the President for Human Rights will publicly disclose on its website the advances and good practices implemented by the enterprises in respect of the human rights implementation in the business field.”
- Action point 8.5 (p. 21):
“The Council to the President for Human Rights will coordinate an annual international event with the international community, where business enterprises with the largest progress might show and share their challenges and issues.”
- Action point 8.6 (p. 21):
“The Council to the President for Human Rights, jointly with the Ministry of Foreign Affairs and the Ministry of Commerce, Industry and Tourism, will facilitate international exchange among business enterprises for better practices in the implementation of human rights in the business activity.”
- Action point 8.7 (p. 21):
“The Post-Conflict Directorate, in cooperation with the Council to the President for Human Rights will identify and recognize the joint work opportunities between the business and the public sectors for development and peacebuilding.”
- Action point 8.8 (p. 21):
“The Council to the President for Human Rights will generate cooperation strategies between the State and the enterprises for the implementation of affirmative actions.”

- Action point 8.9 (p. 21):
“SENA will boost and disseminate the business enterprises’ support to the processes developed by the State for the workers’ training.”

Action point 9.1 (p. 22):

“The Ministry of Commerce, Industry and Tourism, jointly with the Council to the President for Human Rights will support the coordination of corporate human rights policies with the Corporate Social Responsibility institutional programs.”

Action point 9.3 (p. 22):

“Increase the recognition of Corporate Social Responsibility and dissemination of good practices by establishing sector platforms for the enterprises and stakeholders to make commitments and jointly supervise progress. The Ministry of Commerce, Industry and Tourism will supervise this process.”

Action point 11.4 (p. 24):

“The Ministry of Labor and the Public Employment Services will continue to support the talks among workers, unions, enterprises and government for negotiation, as well as the employment mediation and agreement through the mechanisms defined for such purpose.”

[Read more about Guidance to business](#)

Health and social care

The Colombian NAP does not make an explicit reference to health and social care.

[Read more about Health and social care](#)

Human rights defenders & whistle-blowers

Action point 3.1 (p. 13):

“Within the following year of the Plan being launched, the Working Group on Business and Human Rights will find allies for the training of civil society, special protection groups and small enterprises, regarding the United Nations Guiding Principles and the international standards on human rights and business, and this Plan.”

Action point 3.3 (p. 14):

“The Ministry of Internal Affairs will propose the inclusion of the business and human rights issue on the agenda of the National Committee for Human Rights Defenders, Social and Community Leaders, as well as the Regional Committees for Guarantees, with the purpose of using them as meeting spaces to settle conflicts with impacts on human rights caused by the business activity.”

Action point 3.5 (p. 14):

“The Ministry of the Interior will organize actions intended to guarantee the necessary safety conditions so the leaders working on business and human rights matters might carry out their activities in proper conditions, according to the current guarantee policy for the defense of human rights.”

Action point 5.4 (p. 16):

“The Council to the President for Human Rights and the Ministry of National Defense will encourage the implementation of the Voluntary Principles on Security and Human Rights. To that end, they will alternately engage in the areas where such issue is treated.”

Action point 7.1 (p. 19):

“The Working Group, advised by the Expert Committee, will encourage discussion fora to determine the best ways for enterprises to establish easy-to-access, transparent and effective complaint and claims offices or mechanisms for prevention and mitigation and remedy of adverse human rights effects as may be caused by their activities.”

Action point 7.6 (p. 19):

“The Working Group will tend towards enterprises, through their complaint offices, receiving and diligently managing the citizen and community claims, as considered to be affected by the adverse effects caused by their operations.”

[Read more about Human rights defenders & whistle-blowers](#)

Human rights due diligence

Objective 8 (p. 8):

“Contribute to the execution of due diligence as the enterprises’ management process and base for responsible investment in Colombia.”

Action point 2.2 (p. 12):

“The Colombia Compra Eficiente agency will adjust the current public procurement system to comply with such criteria as for respect for human rights, by including them in their objectives and including measures to make sure that suppliers execute the human rights due diligence.”

La línea V del Plan está completamente a la debida diligencia en Derechos Humanos:

- Action point 5.1 (p. 16):
“The Working Group will coordinate the preparation of a guide intended to define what executing due diligence means; what the practice is, particularly applied to the high risk business activity sectors.”
- Action point 5.2 (p. 16):
“The State entities with the highest procurement volume will determine and implement due diligence mechanisms in their own procurement processes.”
- Action point 5.3 (p. 16):
“Promote the implementation of the United Nations Guiding Principles and other international standards on business and human rights by the trades and the enterprises part thereof, so they may adopt human rights policies. Thus, during the first year of the execution of this Plan, the Council to the President for Human Rights will convene high level meetings with the trades to determine the inclusion goals in the multi-actor initiatives and human rights performance follow-up mechanisms. These actions must be coordinated with the entities of the Working Group, especially with the Ministry of Commerce, Industry and Tourism and in cooperation with the Post-Conflict Directorate.”
- Action point 5.6 (p. 17):
“The Ministry of Commerce, Industry and Tourism will promote the business efforts to adjust their policies to the OECD Guidelines for Multinational Enterprises, for which purposes it will assess, within six month from the execution of this Plan, its strategy to disseminate the Guidelines so as to make them widely known.”
- Action point 5.7 (p. 17):
“The Working Group will assess and analyze the best ways for enterprises to include the reporting of the human rights due diligence in their Sustainability Reports or rendering of accounts. Such assessment will be carried out within the year following the launching of this Plan and accompanied by the several sectors.”

Action Point VII is dedicated to the State's promotion and support for implementation of due diligence procedures in business enterprises:

- Action point 7.1 (p. 19):

“The Working Group, advised by the Expert Committee, will encourage discussion fora to determine the best ways for enterprises to establish easy-to-access, transparent and effective complaint and claims offices or mechanisms for prevention and mitigation and remedy of adverse human rights effects as may be caused by their activities.”

- Action point 7.2 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage large enterprises to foster and boost their human rights support and guidance efforts for such SME they have business relationships with.”

- Action point 7.4 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage business enterprises to foster talks with consumers.”

- Action point 7.6 (p. 19):

“The Working Group will tend towards enterprises, through their complaint offices, receiving and diligently managing the citizen and community claims, as considered to be affected by the adverse effects caused by their operations.”

- Action point 7.7 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage companies to have follow-up strategies in place to know about the progress and follow-up to the mitigation of adverse impacts caused by the development of business activities.”

- Action point 7.8 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage business enterprises to assess their risks and impacts on people and the environment as a result of their operation.”

Action point 8.1 (p. 20):

“The Ministry of Commerce, Industry and Tourism will design a differentiated incentive strategy for large, medium and small enterprises with the purpose of having them to implement human rights policies involving:

- *Public commitment*
- *Due diligence procedure*
- *Result verification mechanism”*

Action point 9.2 (p. 22):

“The Corporate Social Responsibility programs are to foster productivity in the areas of influence of their projects to generate the development and economic empowerment of communities under the due diligence and respect for human rights principle.”

[Read more about Human rights due diligence](#)

Human rights impact assessments

Action point 1.8 (p. 11):

“The national entities part of the Subsystem for Economic, Social, Cultural and Environment Rights (DESCA), and the competent territorial entities will provide the necessary information to the Observatory of the Council to the President for Human Rights, for the consolidation of socio-political documents, as useful for public and private enterprises to identify human rights risks in the operations zones, and manage actions for prevention and mitigation. The Observatory will provide such information, once compiled, to entities encouraging foreign investments in the country, as well as other institutions to which such information may be useful.”

Action point 2.6 (p. 13):

“The Ministry of Environment, jointly with the National Authority for Environmental Permits, will strengthen the existence of respect for human rights requirements regarding the Environmental Impact Assessment of companies, and the Business Social Risk Management and Human Rights Plans.”

Action point 4.11 (p. 15):

“The Ministry of the Interior will implement actions at the institutional level to identify the real issues in the prior-consultation process and its effect on human rights. It will also improve such practices allowing for the involvement of the affected population, protecting and respecting the rights of the native, afro-descendant and ethnic minority communities, according to the OIL agreements and the standards of the Inter-American Human Rights System.”

Action point 5.3 (p. 16):

“Promote the implementation of the United Nations Guiding Principles and other international standards on business and human rights by the trades and the enterprises part thereof, so they may adopt human rights policies. Thus, during the first year of the execution of this Plan, the Council to the President for Human Rights will convene high level meetings with the trades to determine the inclusion goals in the multi-actor initiatives and human rights performance follow-up mechanisms. These actions must be coordinated with the entities of the Working Group, especially with the Ministry of Commerce, Industry and Tourism and in cooperation with the Post-Conflict Directorate.”

Action point 5.4 (p. 16):

“The Council to the President for Human Rights and the Ministry of National Defense will encourage the implementation of the Voluntary Principles on Security and Human Rights. To that end, they will alternately engage in the areas where such issue is treated.”

Action point 5.5 (p. 16):

“Develop a guide on the increasing human rights risks of the business activities in zones historically affected by the armed conflict. Thus, the Council to the President for Human Rights and the Post-Conflict Directorate will coordinate with the Comprehensive Conflict Prevention and Management System the development of such guide, which must be worked upon in a participatory manner with the enterprises and the civil society. According to the provided period to create the Comprehensive Conflict Prevention and Management System, this action must be carried out within the year following the coming into operation of such system.”

Action point 5.6 (p. 17):

“The Ministry of Commerce, Industry and Tourism will promote the business efforts to adjust their policies to the OECD Guidelines for Multinational Enterprises, for which purposes it will assess, within six month from the execution of this Plan, its strategy to disseminate the Guidelines so as to make them widely known.”

Action point 7.1 (p. 19):

“The Working Group, advised by the Expert Committee, will encourage discussion fora to determine the best ways for enterprises to establish easy-to-access, transparent and effective complaint and claims offices or mechanisms for prevention and mitigation and remedy of adverse human rights effects as may be caused by their activities.”

Action point 7.7 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage companies to have follow-up strategies in place to know about the progress and follow-up to the mitigation of adverse impacts caused by the development of business activities.”

Action point 7.8 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage business enterprises to assess their risks and impacts on people and the environment as a result of their operation.”

Action point 8.1 (p. 20):

“The Ministry of Commerce, Industry and Tourism will design a differentiated incentive strategy for large, medium and small enterprises with the purpose of having them to implement human rights policies involving:

- Public commitment*
- Due diligence procedure*
- Result verification mechanism”*

Action point 8.3 (p. 20):

“The Ministry of Commerce, Industry and Tourism, jointly with the Council to the President for Human Rights will create a Human Rights business incentive to be provided every year and to value the advances the business enterprises might have in adopting the international standards on business and human rights in their operations. This incentive regulation will be developed by the Working Group within the year following this Plan’s launching.”

Action point 8.4 (p. 21):

“The Council to the President for Human Rights will publicly disclose on its website the advances and good practices implemented by the enterprises in respect of the human rights implementation in the business field.”

Action point 8.5 (p. 21):

“The Council to the President for Human Rights will coordinate an annual international event with the international community, where business enterprises with the largest progress might show and share their challenges and issues.”

Action point 8.6 (p. 21):

“The Council to the President for Human Rights, jointly with the Ministry of Foreign Affairs and the Ministry of Commerce, Industry and Tourism, will facilitate international exchange among business enterprises for better practices in the implementation of human rights in the business activity.”

Action point 9.2 (p. 22):

“The Ministry of Commerce, Industry and Tourism, jointly with the Council to the President for Human Rights will support the coordination of corporate human rights policies with the Corporate Social Responsibility institutional programs.”

Action point 9.4 (p. 22):

“With the purposes of improving trust levels within enterprises, and follow up to such levels, the Ministry of Commerce, Industry and Tourism will lead and organize the performance of surveys on public trust in business. Such surveys will include questions to find out about the people’s perception of how business enterprises respect human rights and of the remediation mechanisms provided by them.”

[Read more about Human rights impact assessments](#)

ICT & electronics sector

The Colombia NAP does not contain reference to information and communications technology (ICT) and electronics .

[Read more about ICT & electronics sector](#)

Indigenous peoples

The State Duty to Protect

III. Effective participation of civil society [page 14]

3.2 The Direction of Post-conflict and the Office of the High Commissioner for Peace will design a protocol for dialogue among the communities, enterprises and state entities, allowing for the participation of social organization, according to the international standards on business and human rights.

3.3 The Minister of the Interior will propose the inclusion of the business and human rights issue on the agenda of the National Committee for Human Rights Defenders, Social and Community Leaders, as well as the Regional Committees for Guarantees, with the purpose of using them as meeting spaces to settle conflicts with impacts on human rights caused by the business activity.

IV. The State's guidance towards respect for Human Rights in the business activities [page 15]

4.11 The Ministry of the Interior will implement actions at the institutional level to identify the real issues in the prior-consultation process and its effect on human rights. It will also improve such practices allowing for the involvement of the affected population, protecting and respecting the rights of the native, afro-descendant and ethnic minority communities, according to the ILO agreements and the standards of the Inter-American Human Rights System.

Access to Remedy

XI. Non-judicial mechanisms [page 23]

11.5 The Task Force and the Council to the President for Human Rights, supported by the Ombudsman' Office, will encourage and provide access to mediators and facilitators for the resolution of conflicts as may arise between communities and enterprises, notwithstanding that there may be other pending administrative or judicial processes.

[Read more about Indigenous peoples](#)

Investment treaties & investor-state dispute settlements

Action point 1.11 (p. 12):

“The Ministry of Commerce, Industry and Tourism and the Ministry of Foreign Affairs will join forces to provide the enterprises and Embassies in Colombia with better knowledge of the stipulations of this Plan.”

Action point 2.3 (p. 13):

“The Ministry of Commerce, Industry and Tourism will emphasize the inclusion, in the business negotiations with other States, of clauses or criteria on human rights; this will be considered in the negotiation of future agreements, review of current agreements, and/or unilateral or joint statements with the business partners.”

Action point 2.6 (p. 19):

“The Ministry of Environment, jointly with the National Authority for Environmental Permits, will strengthen the existence of respect for human rights requirements regarding the Environmental Impact Assessment of companies, and the Business Social Risk Management and Human Rights Plans.”

Action point 8.2 (p. 20):

“The Ministry of Commerce, Industry and Tourism, supported by the Council to the President for Human Rights, the Post-Conflict Directorate and the National Authority for Environmental Permits, will incentivize the establishment of public-private alliances for the creation of social and environmental quality enterprises, particularly in the scattered rural areas.”

[Read more about Investment treaties & investor-state dispute settlements](#)

Judicial remedy

Action Point X is dedicated to judicial grievance mechanisms:

- Action point 10.1 (p. 23)
“The Council to the President for Human Rights will encourage the Ombudsman’s Office to lead the implementation of the access to remedy policies covered by this Action Plan, and to develop a specific training effort for its officers at the territorial and local levels.”
- Action point 10.2 (p. 23):
“The Working Group on Business and Human Rights, within the year of the Plan being launched, will draw a map of the current judicial and non-judicial remediation mechanisms on business and human rights in the country. Such map will identify which mechanism responds to each type of conflict, and will include a diagnostic of the efficacy and efficiency of the access to judicial and non-judicial remedy mechanisms, according to the United Nations Guiding Principles, identifying the obstacles to access to justice by the affected populations, both legally and practically.”
- Action point 10.3 (p. 23):
“Upon the Plan’s launching, the entities part of the Working Group, supported by the Ombudsman’s Office will provide advice on access to the current judicial and non-judicial remediation mechanisms in the country, through its communication channels with citizens. Once completed the mechanism map, the collected information therein is to guide the assistance provided to citizens.”
- Action point 10.4 (p. 23):
“The Ministry of Justice will prepare a gradual adjustment plan to mitigate the primary obstacles to access to effective judicial remedy as identified in the aforementioned mechanism map.”
- Action point 10.5 (p. 23):
“The Ministry of Justice, together with the Council to the President for Human Rights will design strategies to train judicial operators in the international standards on Business and Human Rights within the year of the Plan’s launching.”

[Read more about Judicial remedy](#)

Land

The Colombian NAP does not make an explicit reference to Land.

[Read more about Land](#)

Migrant workers

The Colombia NAP makes no reference to migrant workers.

[Read more about Migrant workers](#)

National Human Rights Institutions/ Ombudspersons

- Action point 1.1 (p. 10): the Ombudsman's Office is a member of the Working Group on Human Rights and Business.
- Action point 1.3 (p. 10-11):

“Upon the Plan being launched, the Expert Committee will be created, which will be formed as follows:

- a. One representative elected by the national native organizations.*
- b. One representative elected by the national afro-descendent organizations.*
- c. One representative elected by the National Confederation of NGOs.*
- d. One representative elected by the confederations of workers' unions.*
- e. One representative elected by the Colombian Association of Universities.*
- f. Two representatives elected by the National Trade Council, one of whom must be a delegate of the enterprises and the other one a delegate of the trades.*
- g. One representative elected by the Ombudsman's Office.*
- h. One representative of the current multi-actor initiatives on the business and human rights in the country.*
- i. One representative of the multi-lateral entities developing business and human rights related activities.*
- j. One representative appointed by the International Community.*

This Expert Committee will operate as an advisory entity for the Working Group and will guide the actions on the implementation of this Plan.”

Action point 10.1 (p. 23):

“The Council to the President for Human Rights will encourage the Ombudsman's Office to lead the implementation of the access to remedy policies covered by this Action Plan, and to develop a specific training effort for its officers at the territorial and local levels.”

Action point 10.3 (p. 23):

“Upon the Plan's launching, the entities part of the Working Group, supported by the Ombudsman's Office will provide advice on access to the current judicial and non-judicial remediation mechanisms in the country, through its communication channels with citizens. Once completed the mechanism map, the collected information therein is to guide the assistance provided to citizens.”

Action point 11.5 (p. 24):

“The Working Group and the Council to the President for Human Rights, supported by the Ombudsman’s Office, will encourage and provide access to mediators and facilitators for the resolution of conflicts as may arise between communities and enterprises, notwithstanding that there may be other pending administrative or judicial processes.”

[Read more about National Human Rights Institutions/ Ombudspersons](#)

Non-financial reporting

Action point 4.12 (p. 15):

“In the year following the Plan’s launching, the Ministry of Mines and Energy will design a strategy to step forward as for the respect for human rights in the mining-energy sector, which will adjust the Principles and Criteria of the Extractive Industries Transparency Initiative (EITI) to the national needs.”

Action point 5.7 (p. 17):

“The Working Group will assess and analyze the best ways for enterprises to include the reporting of the human rights due diligence in their Sustainability Reports or rendering of accounts. Such assessment will be carried out within the year following the launching of this Plan and accompanied by the several sectors.”

Action point 7.5 (p. 19):

“The Office of the Transparency Secretary of the Presidency of Republic will support the adoption of transparency covenants by enterprises so as to contribute to the corruption struggles in corporate governments, for which purposes a year will be given upon the Plan’s launching.”

[Read more about Non-financial reporting](#)

Non-judicial grievance mechanisms

Action point 2.6 (p. 13):

“The Ministry of Environment, jointly with the National Authority for Environmental Permits, will strengthen the existence of respect for human rights requirements regarding the Environmental Impact Assessment of companies, and the Business Social Risk Management and Human Rights Plans.”

Action point 3.3 (p. 14):

“The Ministry of Internal Affairs will propose the inclusion of the business and human rights issue on the agenda of the National Committee for Human Rights Defenders, Social and Community Leaders, as well as the Regional Committees for Guarantees, with the purpose of using them as meeting spaces to settle conflicts with impacts on human rights caused by the business activity.”

Action point 3.4 (p. 14):

“Through the Comprehensive Conflict Prevention and Management System, the National Government will create agreement and social talk mechanisms between the Government and its several levels, the communities and the enterprises. The foregoing is intended to create formal dialogue areas for actors with various interests; all of that as a means to contribute to peacebuilding and respect for human rights in the territories. This action will begin its execution once the system is implemented.”

Action point 4.1 (p. 15):

“The Government will strengthen the subscribing to these multi-actor initiatives: Guías Colombia, Swiss Ethical Committee and the Mining-Energy Committee, as well as the implementation of guides or the provided recommendations by such initiatives.”

Action point 5.3 (p. 16):

“Promote the implementation of the United Nations Guiding Principles and other international standards on business and human rights by the trades and the enterprises part thereof, so they may adopt human rights policies. Thus, during the first year of the execution of this Plan, the Council to the President for Human Rights will convene high level meetings with the trades to determine the inclusion goals in the multi-actor initiatives and human rights performance follow-up mechanisms. These actions must be coordinated with the entities of the Working Group, especially with the Ministry of Commerce, Industry and Tourism and in cooperation with the Post-Conflict Directorate.”

Action point 5.6 (p. 17):

“The Ministry of Commerce, Industry and Tourism will promote the business efforts to adjust their policies to the OECD Guidelines for Multinational Enterprises, for which purposes it will assess, within six month from the execution of this Plan, its strategy to disseminate the Guidelines so as to make them widely known.”

Action point 7.1 (p. 19):

“The Working Group, advised by the Expert Committee, will encourage discussion fora to determine the best ways for enterprises to establish easy-to-access, transparent and effective complaint and claims offices or mechanisms for prevention and mitigation and remedy of adverse human rights effects as may be caused by their activities.”

Action point 7.6 (p. 19):

“The Working Group will tend towards enterprises, through their complaint offices, receiving and diligently managing the citizen and community claims, as considered to be affected by the adverse effects caused by their operations.”

Action point 7.7 (p. 20):

“The Working Group, advised by the Expert Commission, will encourage companies to have follow-up strategies in place to know about the progress and follow-up to the mitigation of adverse impacts caused by the development of business activities.”

Action point 10.1 (p. 23):

“The Council to the President for Human Rights will encourage the Ombudsman’s Office to lead the implementation of the access to remedy policies covered by this Action Plan, and to develop a specific training effort for its officers at the territorial and local levels.”

Action point 10.2 (p. 23):

“The Working Group on Business and Human Rights, within the year of the Plan being launched, will draw a map of the current judicial and non-judicial remediation mechanisms on business and human rights in the country. Such map will identify which mechanism responds to each type of conflict, and will include a diagnostic of the efficacy and efficiency of the access to judicial and non-judicial remedy mechanisms, according to the United Nations Guiding Principles, identifying the obstacles to access to justice by the affected populations, both legally and practically.”

Action point 10.3 (p. 23):

“Upon the Plan’s launching, the entities part of the Working Group, supported by the Ombudsman’s Office will provide advice on access to the current judicial and non-judicial remediation mechanisms in the country, through its communication channels with citizens. Once completed the mechanism map, the collected information therein is to guide the assistance provided to citizens.”

Action Point XI is dedicated to non-judicial grievance mechanisms:

- Action point 11.1 (p. 24):
“As regards the non-judicial remedy, the mechanism mapping referred to in 10.2 above will define the ways to access to each mechanism; the encountered obstacles; the relation between mechanisms; the affected institutions, individuals and communities; as well as the current research, mediation, facilitation, negotiation and arbitration options.”
- Action point 11.2 (p. 24):
“The Working Group will develop strategies to disseminate the most relevant and appropriate business and human rights extrajudicial mechanisms.”
- Action point 11.3 (p. 24):
“The Ministry of Commerce, Industry and Tourism, within the six months of the Plan’s launching, will submit to the Consultation Committee of the National Point of Contact, an analysis of its dissemination strategy regarding the National Point of Contact and will establish the improvement it may deem fit to guarantee access to such point as for conflicts over which it may have jurisdiction.”
- Action point 11.4 (p. 24):
“The Ministry of Labor and the Public Employment Services will continue to support the talks among workers, unions, enterprises and government for negotiation, as well as the employment mediation and agreement through the mechanisms defined for such purpose.”
- Action point 11.5 (p. 24):
“The Working Group and the Council to the President for Human Rights, supported by the Ombudsman’s Office, will encourage and provide access to mediators and facilitators for the resolution of conflicts as may arise between communities and enterprises, notwithstanding that there may be other pending administrative or judicial processes.”

[Read more about Non-judicial grievance mechanisms](#)

OECD National Contact Points

The Colombian NAP refers to promoting the OECD Guidelines and observing the recommendations made by the Working Group of the OECD in Columbia (p.6). The NAP also states that the Ministry of Trade, Industry and Tourism will promote the OECD Guidelines to companies six months after the implementation of the plan (p. 17). Furthermore, in its Introduction, the NAP states that the NCP was established in 2012 in the Ministry of Trade, Industry and Tourism, through Decree 1400 of 2012. It also states in its *XI Non-Judicial Mechanisms* chapter in point 11.3 that following the six months of the launch of the NAP, the Ministry of Trade, Industry and Tourism will present an analysis of its OECD NCP awareness raising strategy to the Consultative Committee of the NCP. The ministry will implement the changes that it deems necessary to guarantee the NCP access to the conflicts that fall in line with its competences.

Persons with disabilities

The State Duty to Protect

IV. The State's guidance towards respect for Human Rights in the business activities [page 15]

4.5 The Ministry of Labor will advise the businessmen on the labor inclusion of people with disabilities and employment mediation services, in agreement with the National Public Policy on Disability and Social Inclusion.

[Read more about Persons with disabilities](#)

Policy coherence

Action point 1.1 (p. 10):

“The Working Group on Business and Human Rights² will be responsible for monitoring advance and progress of the Plan implementation. For such purpose, its regulation will be issued, the frequency of its meetings will be defined, and an operational plan will be implemented, which will determine its activities annually defining the subject approach and the regulation compliance within the priority areas for this plan. This group will include the Post-Conflict Directorate. The Working Group on Business and Human Rights has been created –in the Context of the Subsystem for Economic, Social, Cultural and Environmental Rights (DESCA) of the National Human Rights and International Humanitarian Law System– as an inter-institutional entity charged with the coordination of entities to work on this matter. This Working Group is formed by: the Department for Social Welfare; the National Department for Planning; the Ministry of the Interior; the Ministry of Education; the Ministry of Culture; the Ministry of Labor; the Ministry of the Environment; the Ministry of Agriculture; the Ministry of Commerce; the Ministry of Mines; the Ministry of Finances; the Ministry of Foreign Affairs; the Ministry of Health; the Ministry of Transportation; the Ministry of Housing; SENA; Coldeportes; Colciencias. And, the Ombudsman's Office; the Treasury Inspector's Office of the Republic; and the Attorney General's Office of the Country, as permanent guest members. With the Office of the Technical Secretary of the Council to the President for Human Rights.”

Action point 1.3 (p. 10-11):

“Upon the Plan being launched, the Expert Committee will be created, which will be formed as follows:

- a. One representative elected by the national native organizations.*
- b. One representative elected by the national afro-descendent organizations.*
- c. One representative elected by the National Confederation of NGOs.*

- d. *One representative elected by the confederations of workers' unions.*
- e. *One representative elected by the Colombian Association of Universities.*
- f. *Two representatives elected by the National Trade Council, one of whom must be a delegate of the enterprises and the other one a delegate of the trades.*
- g. *One representative elected by the Ombudsman's Office.*
- h. *One representative of the current multi-actor initiatives on the business and human rights in the country.*
- i. *One representative of the multi-lateral entities developing business and human rights related activities.*
- j. *One representative appointed by the International Community.*

This Expert Committee will operate as an advisory entity for the Working Group and will guide the actions on the implementation of this Plan."

Action point 1.4 (p. 11):

"The Working Group, in alliance with the Administrative Department of the Public Function, and/or universities or study centers, will develop a training module about the international standards on business and human rights and the actions contained in this Plan, which will be addressed to government servants in the national and territory entities."

Action point 1.5 (p. 11):

"Each entity part of the Working Group, according to their operational plan, will define their training plan on this matter and will encourage the learning management in order to guarantee the continuation of the execution of the actions of this Plan. The inter-institutional training processes will be promoted for a better understanding of this matter in its various aspects; thus, the national entities will manage, together with their peers in other countries with the Colombia based embassies, the relevant tools as may be required. This action will begin upon the formalization of the Working Group and during the implementation of this Plan, responding to gradual and progress principles."

[Read more about Policy coherence](#)

Privatisation

The Colombian NAP does not make an explicit reference to privatisation.

[Read more about Privatisation](#)

Public procurement

Action point 2.1 (p. 12):

“Within the following year of the Plan being launched, the Working Group will list the basic criteria applicable to decision making in the selection and awarding public procurement processes. They will then assess and analyze, jointly with such State entities with the highest procurement weight, the inclusion of such criteria in their awarding processes.”

Action point 2.2 (p. 12):

“The Colombia Compra Eficiente agency will adjust the current public procurement system to comply with such criteria as for respect for human rights, by including them in their objectives and including measures to make sure that suppliers execute the human rights due diligence.”

Action point 5.2 (p. 16):

“The State entities with the highest procurement volume will determine and implement due diligence mechanisms in their own procurement processes.”

[Read more about Public procurement](#)

Security sector

Action point 3.1 (p. 13):

“Within the following year of the Plan being launched, the Working Group on Business and Human Rights will find allies for the training of civil society, special protection groups and small enterprises, regarding the United Nations Guiding Principles and the international standards on human rights and business, and this Plan.”

Action point 3.3 (p. 14):

“The Ministry of Internal Affairs will propose the inclusion of the business and human rights issue on the agenda of the National Committee for Human Rights Defenders, Social and Community Leaders, as well as the Regional Committees for Guarantees, with the purpose of using them as meeting spaces to settle conflicts with impacts on human rights caused by the business activity.”

Action point 3.5 (p. 14):

“The Ministry of the Interior will organize actions intended to guarantee the necessary safety conditions so the leaders working on business and human rights matters might carry out their activities in proper conditions, according to the current guarantee policy for the defense of human rights.”

Action point 5.4 (p. 16):

“The Council to the President for Human Rights and the Ministry of National Defense will encourage the implementation of the Voluntary Principles on Security and Human Rights. To that end, they will alternately engage in the areas where such issue is treated.”

Action point 5.5 (pp. 16-17):

“Develop a guide on the increasing human rights risks of the business activities in zones historically affected by the armed conflict. Thus, the Council to the President for Human Rights and the Post-Conflict Directorate will coordinate with the Comprehensive Conflict Prevention and Management System the development of such guide, which must be worked upon in a participatory manner with the enterprises and the civil society. According to the provided period to create the Comprehensive Conflict Prevention and Management System, this action must be carried out within the year following the coming into operation of such system.”

[Read more about Security sector](#)

Small & medium-sized enterprises

Action point 2.4 (p. 13):

“The Ministry of Commerce, Industry and Tourism and its entities will determine the requirements regarding sustainability and respect for human rights as the criteria to select the enterprises to participate in their business activity encouragement programs, including the SME and micro SME.”

Action point 3.1 (p. 13):

“Within the following year of the Plan being launched, the Working Group on Business and Human Rights will find allies for the training of civil society, special protection groups and small enterprises, regarding the United Nations Guiding Principles and the international standards on human rights and business, and this Plan.”

Action point 7.2 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage large enterprises to foster and boost their human rights support and guidance efforts for such SME they have business relationships with.”

Action point 8.1 (p. 20):

The Ministry of Commerce, Industry and Tourism will design a differentiated incentive strategy for large, medium and small enterprises with the purpose of having them to implement human rights policies involving:

- *Public commitment*
- *Due diligence procedure*
- *Result verification mechanism”*

[Read more about Small & medium-sized enterprises](#)

State Owned Enterprises/ Public Private Partnerships

The Enterprise Duty to Respect Human Rights

VIII. Respect for Human Rights as a competitive advantage [page 20]

8.2 The Ministry of Commerce, Industry and Tourism, supported by the Council to the President for Human Rights, the Direction of Post-conflict and the National Authority for Environmental Permits, will incentivise the establishment of public-private alliances for the creation of social and environmental quality enterprises, particularly in the unfocused rural field.

[Read more about State Owned Enterprises/ Public Private Partnerships](#)

Supply chains

Action point 2.1 (p. 12):

“Within the following year of the Plan being launched, the Working Group will list the basic criteria applicable to decision making in the selection and awarding public procurement processes. They will then assess and analyze, jointly with such State entities with the highest procurement weight, the inclusion of such criteria in their awarding processes.”

Action point 2.2 (p. 12):

“The Colombia Compra Eficiente agency will adjust the current public procurement system to comply with such criteria as for respect for human rights, by including them in their objectives and including measures to make sure that suppliers execute the human rights due diligence.”

Action point 5.2 (p. 16):

“The State entities with the highest procurement volume will determine and implement due diligence mechanisms in their own procurement processes.”

Action point 7.2 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage large enterprises to foster and boost their human rights support

[Read more about Supply chains](#)

Taxation

The Colombia NAP makes no reference to tax.

[Read more about Taxation](#)

The 2030 Agenda for Sustainable Development

The Colombian National Action Plan on Human Rights and Business [page 6]

Consistency with other international rules and standards. Apart from the Guiding Principles inspiring its development, this Plan takes into account the major relevant related standards, such as the United Nations Principles for Responsible Contracts, the Guidelines of the OECD for Multinational Enterprises, the OECD Due Diligence Guidelines for Responsible Mineral Supply Chains in the Areas of Conflict or High Risk; the Voluntary Principles on Security and Human Rights (VP), the Principles of Global Compact and the ISO 26000 Standard. Also, the recommendations of the OECD Task Forces have been observed. Their application is consistent with and strengthens the provisions of the Sustainable Development Goals (SDG), adopted by the International Community in 2015.

[Read more about The 2030 Agenda for Sustainable Development](#)

Tourism sector

The Colombian NAP does not make an explicit reference to the tourism sector.

[Read more about Tourism sector](#)

Trade

Action point 1.7 (p. 11):

“The Ministry of Commerce, Industry and Tourism, through its offices and agencies charged with business internationalization, will promote respect for human rights in the business activities, providing support regarding the contents of this Plan.”

Action point 1.9 (p. 12):

“The Post-Conflict Directorate, jointly with the Council to the President for Human Rights, will promote the agenda on human rights and peacebuilding in the business sector, in alliance with the Chamber of Commerce of Colombia; thus, a training and knowledge transfer process by the Government, as well as cooperation with enterprises and the enterprises’ employees will be created.”

Action point 2.3 (p. 13):

“The Ministry of Commerce, Industry and Tourism will emphasize the inclusion, in the business negotiations with other States, of clauses or criteria on human rights; this will be considered in the negotiation of future agreements, review of current agreements, and/or unilateral or joint statements with the business partners.”

Action point 2.5 (p. 13):

“The Ministry of Commerce, Industry and Tourism and its entities (PROCOLOMBIA) will work to make the Colombian enterprises observe the human rights standards and will strive for incentives in the international market.”

Action point 7.2 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage large enterprises to foster and boost their human rights support and guidance efforts for such SME they have business relationships with.”

Action point 7.4 (p. 19):

“The Ministry of Commerce, Industry and Tourism will encourage business enterprises to foster talks with consumers.”

[Read more about Trade](#)

Workers’ rights

- Action point 1.3 (p. 10): the Expert Committee has one elected by the confederations of workers’ unions.
- Action point 4.3 (p. 15):

“With the purpose of preventing enterprises from engaging in actions involving any kind of discrimination, the National Government will boost the knowledge transfer and the transfer of the developed tools in the context of the National Human Rights Strategy in respect of rights to equality and non-discrimination.”

Action point 4.4 (p. 15):

“Within the State Policy for the LGBTI population, which the National Government is preparing, business practices respecting, recognizing and appreciating this population’s diversity will be supported.”

Action point 4.5 (p. 15):

“The Ministry of Labor will advise the businessmen on the labor inclusion of people with disabilities and employment mediation services, in agreement with the National Public Policy on Disability and Social Inclusion.”

Action point 4.6 (p. 15):

“The Council to the President for Women Equality will strengthen the coordination for the application of the international standards on women’s rights, intended to guarantee such rights in the business world.”

Action point 4.9 (p. 15):

“The Ministry of Labor will strengthen actions aiming at protecting the rights to union freedom and collective negotiations.”

Action point 4.10:

*“The Ministry of Labor will propose the inclusion of the business and human rights matter in the National Agreement Commission and in the Social Talk Plans of the Department Agreement Subcommittees.”**[1]***

Action point 6.4 (p. 18):

“The Council to the President for Human Rights, the Colombian Agency for Reintegration and the Post-Conflict Directorate will prepare a joint strategy for companies to actively promote major participation of people in the reintegration process into the business field, in the production field, and in the peacebuilding processes.”

Action point 7.3 (p. 19):

“The Ministry of Labor will guarantee respect for the labor rights.”

Action point 11.4 (p. 24):

“The Ministry of Labor and the Public Employment Services will continue to support the talks among workers, unions, enterprises and government for negotiation, as well as the employment mediation and agreement through the mechanisms defined for such purpose.”

[1] <http://www.mintrabajo.gov.co/relaciones-laborales/comision-permanente-de-concertacion>

[Read more about Workers' rights](#)