

**INSUMOS CONSEJERA PRESIDENCIAL PARA LOS DERECHOS
HUMANOS
FORO ANUAL DE EMPRESAS Y DERECHOS HUMANOS
Ginebra, 29 de noviembre de 2017
Panel 10:00 am: National action plans (NAPs) and access to
remedy, Sala XX**

Brief outline: The session on NAPs, which will be chaired by the Working Group, provides an opportunity for States to share experience and lessons learned in the development and implementation of NAPs, as well as to share commitments to develop new or update existing NAPs (or similar policy framework) to implement the Guiding Principles.

General introduction:

Good morning, fellow panelists, and all of the attendees. It is a pleasure and an honor to be part of this panel. Thanks to the UN Working Group, for the opportunity to participate and share perspectives from the implementation of the UNGPs in Colombia.

Before talking about results of the NAP implementation, I would like to make **two central points**.

Firstly, I want to highlight the importance of national adaptation of the UNGPs. In other words, making the principles reality on the ground. This is not an easy task, and I think that we have learnt a lot from the process of implementation. In our case, we decide that the NAP led my office should be part of the National Strategy for Human Rights, which has impact in the municipalities and it is valid until 2034.

Secondly, the scenario in Colombia is changing, and we stand ahead of new opportunities that can unleash the potential that Colombia holds for sustainable development and for its people.

When participating in this Forum last year, the final agreement with FARC, the oldest guerrilla of the continent, was just being signed. And as I sit here today we recently signed a ceasefire agreement with the ELN (The National Liberation Army). The violence in the territory has significantly decreased, we've never had such low numbers regarding displacement in the last 20 years. This in turn has great implications for

responsible business conduct and the implementation of the UNGPs in our territory.

In this scenario, the Colombian National Action Plan was adopted in December 2015, and we are soon **approaching the final year of its implementation of the first phase**. Several results have been reached but it has also been a learning journey. NAPs are fairly new tools and I think we can all agree that **no NAP is perfect**.

Our first report on results was published in April this year, and we have been able to identify some progress in about **70% of the actions in the NAP**. The majority of these require continued efforts to secure implementation.

In terms of results and challenges I would like to highlight 5 key areas:

1. Collaboration across the government

An important success factor to ensure Responsible Business Conduct is securing the priority topics on the political agenda.

The NAP elaboration process in Colombia was essential to create a joint ownership among different government entities. To achieve these goals, we created 2 governance bodies: the first of them is the Inter-Institutional Working Group created in 2016, where we articulated with more than 20 national entities. This group has regular meetings, where implementation, priorities and recent events are discussed. The second is the Advisory Commission, made up of guilds, trade unions, universities, afro and indigenous communities, multi-actor initiatives, the Ombudsman's office and the international community, thereby enabling continuous participation, implementation, monitoring and evaluation of the NAP.

2. Supply chain due diligence

The duty to protect human rights takes on special relevance when it comes to **State enterprises** and State entities, as they should lead by example for other companies operating in Colombia.

In 2015, the Ministry of Treasury, developed a study that identified some weaknesses in State enterprises and took actions to respond to these findings. This e.g. includes efforts to improve traceability and monitoring of board decisions. They also developed a General Corporate Governance Code for State enterprises, which includes important commitments on governance and corporate transparency.

For example, **Public Companies of Medellín –EPM-**, a state run, includes clauses on human rights in all contracts, and the early termination of contracts if expectations on human rights, labor standards and corruption are not met.

I would also like to mention some initiatives such as **Guías Colombia, that is here today with us**. Guías is an important multiactor forum for

best practices and knowledge exchange, as well as production of guides to facilitate due diligence procedures particularly adapted to the local context.

3. Differential approach

Children are one of the most vulnerable groups. Today we have advanced especially in the development of the approach of children and adolescents, through the strategy of Business and Human Rights developed in partnership with UNICEF. This strategy allows: 1) Guide companies in their processes of addressing risk management in childhood: 2) Have proposals to strengthen the regulatory framework on co-responsibility of the business sector.

4. Remedy

I am pleased that remedy has been the selected topic by the UN working Group for the Forum. It represents a good opportunity to learn from different international experiences and perspectives.

Actions undertaken within the framework of the implementation of the NAP aim at developing inputs for a coherent system of non-judicial mechanisms for the prevention of human rights violations, to provide satisfactory solutions for the actors.

Moreover, with the support of the international community, we have firstly **identified the primary impacts** and challenges in the sector of mining and energy, infrastructure and agriculture. Secondly, we have **mapped the mechanisms** of access to remedy that should address the problems identified. Thirdly, we have learned that we should continue to strengthen the access to remedy, in terms of institutions present in the territories.

5. Monitoring Mechanisms

Monitoring and evaluation is essential. The Colombian NAP commits to rather a high ambition in terms of reporting and evaluation. After all, **what gets measured gets done.** The annual report is an important

tool, but we also see the need for defining a clear set of indicators to measure the current status of implementation of the UNGPs, and also in allowing for priority setting in a possible second version of the plan, after 2018.

Conclusions: Since the dialogues with the Farc EP began, and thanks to the Victims Law, hundreds of Colombians began to return to their territory where there are many challenges, but many opportunities to start over and do things right. And in this new development, companies, are the main actors. In these territories of the deep Colombia there are many opportunities for the companies, and they in turn can give many opportunities for progress to the communities. They can lay the foundations of a new Colombia, contribute to equity, to education, to sustainable development and make peace the best business.