



El futuro  
es de todos

Gobierno  
de Colombia

## VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS

### Annual Report 2022

Colombia

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Given that the Colombian State submitted a Full Report in March 2021, regarding the implementation in Colombia of the Voluntary Principles on Security and Human Rights during 2018, 2019 and 2020, the information presented below provides an update on the activities carried out by the State during 2021.

In this regard, in accordance with *Appendix 5.2 - Reporting Guidelines for the Government Pillar*, this report gathers the information provided by the Mining and Energy Committee on Security and Human Rights, the Presidential Advisor's Office for Human Rights and International Affairs and the Ministry of Foreign Affairs, regarding one pillar:

(A) Promotion and Implementation.



## A) PROMOTION AND IMPLEMENTATION

The Government of Colombia has played an important role in the implementation of the Voluntary Principles on Security and Human Rights. To a great extent, it has been characterized as a global reference in terms of the articulation of different actors in the implementation of the standard. The National Government has created common spaces for interaction between the different actors and the Public Force, which have allowed for increased trust, collaboration and joint understanding to identify and manage security and human rights risks.

As mentioned in previous reports, the Colombian State commitment to this global initiative was materialized in the formation of the National Committee for the Implementation of the Voluntary Principles, which later became known as the Mining and Energy Committee on Security and Human Rights (Comité Minero Energético de Seguridad y Derechos Humanos - CME).

The CME is a Colombia-based multi-stakeholder forum that studies, debates, and makes recommendations on best practices concerning security-related human rights issues, and provides a forum for dialogue between companies, the Colombian Government, foreign embassies and Civil Society Organizations (CSOs) regarding human rights abuses in the extractive and non-extractive industry.

During 2021, the National Government participated in the internal discussions, as a member of the working groups and the CME Board of Directors, with a relevant contribution mainly in the elaboration of three products and activities regarding the implementation of the Voluntary Principles:

1. **“Protocol for the identification and management of security and human rights risks”.**

One of the most significant advances is the creation of the **"Protocol for the Identification of Security and Human Rights Risks"**, developed by the CME, the Regional Center for Responsible Business and Entrepreneurship -CREER- with the collaboration of the Ministry of National Defense, between 2019 and 2020. This instrument defines the method and the necessary steps for companies, the security



forces and interested third parties to share knowledge and capabilities in order to assess and address their own, third party and shared risks.<sup>1</sup>

On the other hand, during 2021, actions aimed at the pilot project for the implementation of the Protocol were carried out. CME and CREER estimated the budget for accompanying the process, with the leadership of Zijin Continental Gold, in August 2021. In addition, work began on the development of the **"Toolbox for Protocol implementation"**, the purpose of which is to introduce and guide stakeholders in the implementation of the protocol.<sup>2</sup>

The structure of the Toolbox is composed of: Guide 1 for the planning phase of Protocol implementation, Guide 2 for the identification of security and human rights risks, and Guide 3 for the security and human rights treatment measures phase.<sup>3</sup>

In the same way, in July 2021 CME presented the project **"Developing and Implementation Guide for Multi-Stakeholder Collaboration to Prevent Security and Human Rights Risks"** to the Geneva Center for Security Sector Governance (DCAF), which was approved for funding by British cooperation.<sup>4</sup>

## **2. Updating of the "Recommendations for a respectful management of the right to peaceful demonstration and in response to illegal and/or violent actions resulting from its escalation"**

In previous years, the CME presented the document entitled **"Recommendations for a respectful management of the right to peaceful demonstration and in response to illegal and/or violent actions resulting from its escalation"** in order to provide companies in the energy mining sector with guidelines to manage situations that could result from an escalation of social protest, based on recognizing its legitimacy. These recommendations were nurtured by Civil Society Organizations external to the CME, through a dialogue led by CREER, International Alert and *Fundación Ideas para la Paz*.<sup>5</sup>

<sup>1</sup> CME. Management Report 2021. March 30, 2022. pp.5

<sup>2</sup> CME. Management Report 2021. March 30, 2022. pp. 6-7

<sup>3</sup> CME. Management Report 2021. March 30, 2022. pp. 8

<sup>4</sup> CME. Management Report 2021. March 30, 2022. pp. 7

<sup>5</sup> CME. Management Report 2021. March 30, 2022. pp. 9



Due to the various protests carried out in the country between 2019 and 2021, the President of the Republic, with the participation of citizens, control entities and local and regional authorities, issued Decree 003 of January 5, 2021, called "Statute of reaction, use and verification of the legitimate force of the State and protection of the right to peaceful citizen protest."

Following this new statute, a new document was issued incorporating new sections such as the referencing of the international human rights framework; the updating of key reference documents; the process of updating the recommendations and the commitments of the CME in the adoption of the recommendations.<sup>6</sup>

Twelve new recommendations were also included to prevent illegal and/or violent actions from escalating public and peaceful demonstrations, such as the inclusion of: civil society verification commissions, the concept of mediation, guidelines for communication to respect transparency and confidentiality, preventing stigmatization, the company's commitment to social dialogue mechanisms and accountability mechanisms.<sup>7</sup>

Regarding the recommendations to act in response to illegal and/or violent actions resulting from an escalation of the public and peaceful demonstration, it is found that situations that are the responsibility of the public authorities should not be dealt with by private security; the pronouncement and rejection of actions that affect the safety, freedom and integrity of those who participate in the demonstrations, establish contact with the coordination tables to know the actions of articulation and decision making to protect individual and collective rights and, define channels of communication to know the concerns of the demonstrators.<sup>8</sup>

### **3. International Event "Security and Human Rights: Challenges of collaboration in territories".**

Finally, Colombia participated in the international event **"Security and Human Rights: Challenges of collaboration in the territories"**, which took place on March

<sup>6</sup> CME. Management Report 2021. March 30, 2022. pp. 12

<sup>7</sup> CME. Management Report 2021. March 30, 2022. pp. 12

<sup>8</sup> CME. Management Report 2021. March 30, 2022. pp. 13



24, 2021, within the framework of the twentieth anniversary of the promulgation of the Voluntary Principles on Security and Human Rights (VPs), organized by the CME with the support of the Canadian Embassy.<sup>9</sup>

There were two panel discussions: *"Evolution and challenges of the voluntary principles of security and human rights"* and *"Achievements and challenges of the implementation of the voluntary principles of security and human rights in Colombia"*.

The latter was attended by top-level representatives of the national government.<sup>10</sup>

- a. The first panel discussed topics such as the emergence of the Voluntary Principles on Security and Human Rights; the innovative elements of the standard of the voluntary principles, where (i) the articulating and collaborative dialogue and (ii) the inclusion of accountability processes on security and human rights by companies in the mining and energy sector and by governments are highlighted.<sup>11</sup>

At the same time, the evaluation of the implementation of the voluntary principles was discussed, highlighting the progress made in the formulation and implementation of tools for monitoring the implementation of the standard and evaluating compliance; however, it was noted that there are several challenges regarding the effectiveness of the implementation of the standard and the degree of transparency, accountability and sustainability in some countries.<sup>12</sup>

A space was also established to celebrate the International Initiative of the Voluntary Principles on Security and Human Rights, where it was reminded that the implementation of the voluntary principles must be a task that involves multiple actors, in order for it to be a collaborative space where the common vision of security and human rights is strengthened and contributed to.<sup>13</sup>

<sup>9</sup> CME. Management Report 2021. March 30, 2022. pp. 14

<sup>10</sup> CME. Management Report 2021. March 30, 2022. pp. 14

<sup>11</sup> CME. Management Report 2021. March 30, 2022. pp. 15

<sup>12</sup> CME. Management Report 2021. March 30, 2022. pp. 15

<sup>13</sup> CME. Management Report 2021. March 30, 2022. pp. 16



In addition, the challenges in terms of articulation, community participation in the identification and management of risks and the weakness in generating agreements between the companies and the parties involved were mentioned. Therefore, different mechanisms were presented, on which work can begin to improve the understanding between companies and law enforcement.<sup>14</sup>

- b. The second panel addressed the emergence of a new way of understanding security, where it is no longer understood as the containment of threats to the security of the State, but as those actions that must be deployed to ensure the enjoyment and enjoyment of the human rights of all actors.<sup>15</sup>

In this space, it was recognized that the asymmetry of information complicates the processes of common understanding that companies have about the implementation of voluntary principles; this asymmetry may be reflected in the limited articulation that exists between the standard and the public policy and regulatory instruments that exist in Colombia.<sup>16</sup>

Therefore, efforts such as the adhesion to the **"Route of protection against threats to the life and integrity of the Defenders"**, led by the Human Rights and Coal Working Group, were highlighted. Understanding that more and more companies are taking an active role in their duty to promote and respect human rights, through strategies, protocols, routes and public communications where any violation of human rights is rejected.<sup>17</sup>

In this way, it is necessary to remember that the due diligence of companies in Colombia is accompanied by collaboration in the prevention of situations that affect security and the exercise of rights. This, using the toolbox to work collaboratively in the identification and design of new measures to mitigate and prevent security and human rights risks.<sup>18</sup>

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<sup>14</sup> CME. Management Report 2021. March 30, 2022. pp. 16-17

<sup>15</sup> CME. Management Report 2021. March 30, 2022. pp. 17

<sup>16</sup> CME. Management Report 2021. March 30, 2022. pp. 18

<sup>17</sup> CME. Management Report 2021. March 30, 2022. pp. 18

<sup>18</sup> CME. Management Report 2021. March 30, 2022. pp. 18



## **Actions implemented within the framework of the National Action Plan for Business and Human Rights 2020 - 2022**

On the other hand, the National Government has implemented other actions aimed at guaranteeing respect for Human Rights in the mining and energy sector. Proof of the above, was the issuance of the National Action Plan for Business and Human Rights 2020 - 2022, in which an action related to the Voluntary Principles was expressly included as follows: "The Ministry of National Defense will hold workshop seminars aimed at the public force and companies for the dissemination and awareness of the Voluntary Principles on Security and Human Rights"<sup>19</sup>.

Likewise, within the framework of this National Action Plan, the Ministry of Mines and Energy reported a series of actions that the State considers relevant to expose, such as<sup>20</sup>:

- Formation of the Human Rights and Energy working group in the first quarter of 2021, whose objective is to promote and strengthen the implementation of corporate due diligence in Human Rights in energy companies and their value chain, in alignment with national and international instruments on business and Human Rights. It developed a work plan for the year 2021, which would mark the roadmap for its operation, within the framework of three main axes: i) strategic definition; ii) knowledge management; and iii) human rights management in the value chain.

In this sense, in June 2021 the group began to meet on a monthly basis, with a total of 15 companies voluntarily adhering and two unions, in addition to the responsible State Entities<sup>21</sup>.

- Design and execution process of a tool in conjunction with the Mining and Energy Planning Unit- UPME, the National Mining Agency- ANM and the

<sup>19</sup> National Business and Human Rights Action Plan 2020 - 2022 "Together we make it possible: resilience and solidarity".

<sup>20</sup> Presidential Advisor's Office for Human Rights and International Affairs. Draft Annual Report for the Year 2021 on the Implementation of the National Action Plan for Business and Human Rights 2020 - 2022. March 8, 2022.

<sup>21</sup> Presidential Advisor's Office for Human Rights and International Affairs. Draft Annual Report for the Year 2021 on the Implementation of the National Action Plan for Business and Human Rights 2020 - 2022. March 8, 2022.



National Hydrocarbons Agency- ANH, in which three main actors were found for the formulation of a risk map<sup>22</sup>:

1. **State entities of the Mining and Energy Sector** as guarantors of the protection, promotion and respect for Human Rights in the territories where the industry develops its activities. In this sense, this tool will allow the institutions to know the human rights risks that the sector's operations may pose in the different environments, and thus guide the policy, planning and administration of the sector from a human rights approach.
2. **Companies in the three subsectors (hydrocarbons, mining and energy)** so that, from a preventive approach, they can strengthen their knowledge of their operating environments and strengthen their corporate due diligence processes, within the framework of their duty to respect human rights.
3. **The different actors of the civil society (communities, organizations, academia, human rights defenders and rights holders)** in order to integrate their perspective in the management of human rights in the framework of the sector's activities.

The Ministry of Mines and Energy informed that it plans to start testing this tool in the first half of the year<sup>23</sup>.

## Other Actions

Finally, the Presidential Advisor's Office highlighted that to date 4 meetings have been held with the physical security company Fortox, to develop the planning of a training program, on which the following thematic content has been agreed: i) Generalities of Human Rights, ii) Business and Human Rights, and iii) Non-discrimination and Harassment. This program is aimed at all personnel working in the physical security company<sup>24</sup>.

<sup>22</sup> Presidential Advisor's Office for Human Rights and International Affairs. Draft Annual Report for the Year 2021 on the Implementation of the National Action Plan for Business and Human Rights 2020 - 2022. March 8, 2022.

<sup>23</sup> Presidential Advisor's Office for Human Rights and International Affairs. Draft Annual Report for the Year 2021 on the Implementation of the National Action Plan for Business and Human Rights 2020 - 2022. March 8, 2022.

<sup>24</sup> Office of the Presidential Advisor for Human Rights and International Affairs. E-mail dated April 26, 2022.