



General Assembly

Distr.: General
25 April 2025
English
Original: Spanish

Human Rights Council

Fifty-ninth session

16 June–11 July 2025

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Visit to Colombia

Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*

Summary

The Working Group on the issue of human rights and transnational corporations and other business enterprises visited Colombia from 29 July to 9 August 2024.

The Working Group was encouraged by the Government's commitment to implementing the Guiding Principles on Business and Human Rights and recognized the progress made in the constitutional protection of human rights and the adoption of relevant international instruments. However, it noted significant structural challenges, such as the persistent presence of non-State armed groups, that increase human rights risks in the business context. It also noted shortcomings in business compliance with judicial decisions and barriers in access to effective redress mechanisms.

Negative impacts were most evident among Indigenous Peoples, people of African descent and campesinos, who historically have been marginalized and who face critical risks owing to often irresponsible business practices and the large-scale exploitation of natural resources. In addition, the Working Group was troubled by the lack of adequate protection for human rights and environmental defenders, the persecution of social and trade union leaders and the disconnect between human rights policies and other areas of economic regulation.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and English only.



Annex

Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Colombia

I. Introduction

1. Pursuant to Human Rights Council resolutions 17/4, 26/22, 35/7 and 44/15, the Working Group on the issue of human rights and transnational corporations and other business enterprises, represented by its then Chair, Fernanda Hopenhaym, and the expert Pichamon Yeophantong, visited Colombia from 29 July to 9 August 2024 at the invitation of the Government. The purpose of the visit was to identify opportunities and challenges relating to the implementation of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (Guiding Principles on Business and Human Rights) in Colombia, in order to prevent human rights violations and abuses in connection with business activities and ensure effective access to remedy.

2. During the visit, the Working Group met with various high-level representatives of the Government, including the Deputy Minister for Multilateral Affairs of the Ministry of Foreign Affairs and the Presidential Adviser on Human Rights and International Humanitarian Law; and representatives of the Ministry of Agriculture, the Ministry of the Environment and Sustainable Development, the Ministry of Trade, Industry and Tourism, the Ministry of Defence, the Ministry of the Interior, the Ministry of Mines and Energy, the Ministry of Information Technologies and Communications, the Ministry of Transport and the Ministry of Labour. It also met with representatives of the National Agency for the Legal Defence of the State, the National Environmental Licensing Authority, Migration Colombia, the Land Restitution Unit and the National Protection Unit. In addition, it held talks with the Bank of the Republic and the offices of the superintendents of financial institutions, trade and industry and companies. At the subnational level, the Working Group met with representatives of the departmental governments of Antioquia, La Guajira and Putumayo; the authorities of 10 municipalities and local liaison officers from national authorities such as the National Environmental Licensing Authority and the National Protection Unit; regional and municipal ombudsman’s offices; and the autonomous regional corporations of La Guajira and central Antioquia.

3. With regard to the Public Legal Service and oversight bodies, the Working Group spoke with the Counsel-General’s Office and the Ombudsman’s Office and with judicial bodies including the Constitutional Court, the Supreme Court of Justice, the Attorney General’s Office, the High Council of the Judiciary and the Special Jurisdiction for Peace. Finally, it engaged in dialogue with the fifth committee of the Senate and with members of the Chamber of Representatives.

4. The Working Group also held meetings with representatives of Indigenous Peoples, communities of African descent and campesino communities, human rights and environmental defenders, workers, trade union representatives, children and adolescents, national and regional civil society organizations and academia.

5. The Working Group also met with representatives and member companies of the Bogotá Chamber of Commerce, the Mocoa and Putumayo Chamber of Commerce and the Medellín Chamber of Commerce; business associations such as the National Association of Entrepreneurs of Colombia, the Association of Banks and Financial Institutions of Colombia and the Colombian Mining Association; and representatives of multi-stakeholder initiatives such as the Colombia Guidelines on Human Rights and International Humanitarian Law (Guías Colombia), the Working Group on Human Rights and Coal, the Roundtable on Sustainable Palm Oil, the Global Compact and the Mining and Energy Committee on Security and Human Rights. Bilateral meetings were held with

representatives of 13 companies. In addition, the Working Group met with representatives of the United Nations system.

6. The Working Group would like to thank the Government of Colombia for supporting the visit and for its willingness to engage in constructive dialogue to address business and human rights issues. The Working Group is grateful for the openness and willingness shown by all persons and interlocutors, especially those who had to travel long distances to engage in an open dialogue with the experts. It is also thankful for the support provided by the Office of the United Nations High Commissioner for Human Rights country office in Colombia.

II. General context

7. Colombia has an advanced legislative and public policy framework on business and human rights that stands out in the region, although its implementation and harmonization continue to present challenges.

8. Colombia is an upper-middle-income country facing major social, economic and security challenges. In 2023, the nationwide monetary poverty rate stood at 33 per cent, while extreme monetary poverty stood at 11.4 per cent,¹ with rural areas most affected.

9. Levels of economic inequality are among the highest in Latin America,² which fuels social tensions. The economy is mainly based on agriculture, mining, energy and trade, and growth has been driven by foreign investment and increased exports.

10. The prevailing economic model favours the exploitation of natural resources through large-scale projects with high production volumes, which account for a good proportion of gross domestic product. The Working Group observed, based on information received during the visit, that this model has systematically marginalized Indigenous, Afrodescendent and campesino communities in the territories where resources are concentrated.

11. Insecurity remains a major challenge, with high levels of violence linked to organized armed groups, drug trafficking and disputes over land and natural resources. Although the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, signed with the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People’s Army) in 2016, marked an important step towards peace, violence persists in parts of the country, affecting Indigenous, Afrodescendent and campesino communities and human rights and environmental defenders.

12. The Working Group noted that business activities, especially in the extractive, agricultural and energy sectors, are often accompanied by social conflicts and human rights violations. These include forced displacement, failure to consult affected communities, violations of labour rights and impacts on ecosystems and traditional ways of life.

13. Notwithstanding the progress achieved through legislation, public policies and private initiatives, the failure to provide historical reparations for human rights violations and abuses that companies caused or contributed to hampers efforts to build trust and create forums for dialogue with affected communities. Although important steps have been taken in the sphere of transitional justice, the magnitude of the challenge remains disproportionate to the measures taken.

14. Moreover, corruption, impunity and weak public institutions exacerbate these challenges, undermining trust in the Government and limiting access to justice for victims of human rights violations.

¹ See <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria>.

² See <https://openknowledge.worldbank.org/entities/publication/524a2f44-6e5c-5db7-b8a0-302375dd150a>.

III. State obligations in relation to business and human rights

A. Legislative and regulatory developments

15. Although Colombia had made progress in key areas such as labour rights, transitional justice and environmental protection, this progress has not included business and human rights standards.

Business and human rights

16. The Working Group recognizes the efforts of the Ombudsman's Office to draft a bill on human rights due diligence and the interest of other actors in developing specific legislation in this area. It also takes note of the intention of some members of Congress to submit a bill that would provide for the criminal liability of legal entities.

Human rights and transitional justice

17. The Working Group welcomes the reactivation of the National Agrarian Reform and Rural Development System by the Ministry of Agriculture and Rural Development. It notes that the Victims and Land Restitution Act (No. 1448 of 2011), which seeks to provide reparations to victims of the armed conflict, addresses situations in which companies acquired land during the conflict without conducting the necessary title searches, often taking advantage of the circumstances to obtain land at reduced cost, this being one of the forms of corporate involvement in the armed conflict.

18. According to the final report of the Commission for the Clarification of Truth, Coexistence and Non-Repetition (the Truth Commission), between 1995 and 2004, more than eight million hectares of land were seized or abandoned.³ As of February 2022, the Land Restitution Unit reported that 538,018 hectares had been returned,⁴ which represents only 8.27 per cent of the initial target.⁵ Despite the robust framework for the transition, holding companies accountable for their participation in serious human rights violations in the context of the armed conflict remains a major challenge.

Environmental framework

19. The Working Group welcomes the ratification by Colombia of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).

20. It takes note of key laws, such as the Energy Transition Act (No. 2099 of 2021), the Environmental Liabilities Act (No. 2327 of 2023) and Act No. 2387 of 2024, which reformed the environmental sanctions procedure. It acknowledges the efforts by the Ministry of Mines and Energy to reformulate the Mining Act (No. 685 of 2001) and update the Mining Code, and calls for progress towards a more protective regulatory framework that covers mine closures, along with an update of the sectoral human rights policy.

21. Despite these significant developments, the Working Group notes the lack of a human rights approach to the granting of environmental titles, permits and licences and of adequate supervision and efficient oversight mechanisms to ensure compliance with the law, while the competent authorities face capacity and resource constraints.

Labour rights

22. The Working Group highlights the measures taken by Colombia, in cooperation with international organizations such as the International Labour Organization (ILO), to prevent

³ See <https://www.comisiondelaverdad.co/sites/default/files/descargables/2022-08/Informe-final-Hasta-la-guerra-tiene-li%CC%81mites-violaciones-DH.pdf>, p. 36.

⁴ See <https://snariv.unidadvictimas.gov.co/node/2157>.

⁵ See <https://www.forjandofuturos.org/la-restitucion-de-tierras-sigue-estancada/#:~:text=Despu%C3%A9s%20de%2013%20a%C3%B1os%20de,restituir%206.5%20millones%20de%20hect%C3%A1reas>.

crimes, including persecution and forced displacement, committed against trade unions leaders in connection with business activities. However, it notes with concern the difficulties in undertaking a comprehensive labour reform that addresses the main challenges in this area.

B. State policies on business and human rights

23. In 2015, Colombia became the first country in the region to adopt a national action plan on business and human rights; its second such plan followed in 2020. These initiatives, coordinated by the Office of the Presidential Adviser on Human Rights and International Humanitarian Law, were important milestones. However, the absence of a national baseline and limited consultation with stakeholders have diminished their impact, leading to criticism over their implementation, effectiveness and follow-up mechanisms.

24. The Working Group recognizes that relevant State actors are aware of the importance of the business and human rights agenda and that the Ombudsman's Office has been working to develop a national baseline – a valuable tool for decision-making. The Government now has the opportunity to address the challenges identified in the 2024 public policy memorandum on business and human rights, prepared by the Office of the Presidential Adviser on Human Rights and International Humanitarian Law.

25. The Working Group encourages the Government to work towards the effective materialization of State policies, rather than merely government policies, by engaging in participatory processes with all stakeholders at the national and subnational levels.

C. Policy coherence

26. The Working Group has noticed that while national environmental and human rights institutions have a good knowledge of the Guiding Principles on Business and Human Rights, this is not true of the institutions responsible for trade and investment. Likewise, departmental and municipal authorities, which are often the first to respond to citizens' demands and to implement judicial decisions, lack the resources and information needed to adequately fulfil these responsibilities.

27. While the Working Group recognizes that the Ombudsman's Office and other institutions have undertaken important initiatives for the human rights awareness-raising and education of businesses and the follow-up of cases, and the Office of the Superintendent of Trade and Industry has carried out consumer protection initiatives, these efforts are fragmented and lacking in coherent institutional action. The Working Group highlights the lack of coordination and alignment between government agencies and the absence of regulatory and public policy frameworks that would harmonize environmental and trade policies and the concession, licensing and titling processes,⁶ which generates tensions between regional and national institutions and reduces the effectiveness of measures.

IV. Corporate responsibility to respect human rights

28. The Working Group recognizes the need for capacity-building in the business sector, particularly in large companies, with respect to the Guiding Principles on Business and Human Rights. However, the business sector in Colombia is heterogeneous and its level of human rights development varies according to the size of the company, its sector of activity and its geographic location. In some cases, especially among small and medium-sized enterprises and in regions farther from the capital, there is a marked lack of understanding of the differences between social responsibility and what a company's respect for human rights entails.

⁶ See [A/74/198](#).

29. At the national level, the business sector has made headway in the design of corporate human rights policies and, in some cases, the introduction of human rights due diligence processes. However, this progress has done little to resolve structural and historical problems such as the recognition of responsibility for past human rights abuses; compliance with judicial decisions to protect fundamental rights; the protection of human rights and environmental defenders; corporate involvement, by action or omission, in the dynamics of the internal armed conflict; the slow and fragile progress of efforts towards peace; and the undue influence of some business leaders in public decision-making.

30. The Working Group also identified business practices that undermine respect for human rights, such as the use of international dispute resolution mechanisms to claim exorbitant compensation from the State when it attempts to expand the protection of rights. Twenty-one lawsuits have been filed against Colombia, with claims totalling US\$ 28 billion. One such case concerns the mining company Glencore, owner of Cerrejón, following a judgment by the Constitutional Court that upheld the rights of the Wayuu people to water, health and food sovereignty and required that they be compensated. While Cerrejón reported that its claim had been initiated by shareholders, the Working Group notes the increasing use of international arbitration to challenge government measures aimed at protecting human rights and the environment.⁷

31. Some chambers of commerce and companies in various sectors, including commercial banks and medium-sized floriculture and service companies in regions such as Antioquia, have shown a strong commitment to the labour inclusion of persons with disabilities, LGBTIQ+ persons, victims of the conflict and others.

32. Noteworthy efforts have been undertaken through multi-stakeholder initiatives aimed at capacity-building and the collaborative development of guidelines, such as those promoted by Guías Colombia, the Fundación Ideas para la Paz (Ideas for Peace Foundation) and the National Association of Entrepreneurs of Colombia. Although some initiatives highlighted enhanced due diligence as a requirement for businesses that operate in conflict zones, this subject was largely absent from the Working Group's discussions with the business sector.

33. The Working Group observed a fracture of trust between the business sector, civil society, communities and the State, exacerbated by decades of armed conflict and, in some cases, by partnerships between international organizations and companies. The Working Group received information on the participation of the United Nations Development Programme in an economic recovery project with GeoPark – a company denounced by communities for causing social, environmental and cultural harms and the subject of an internal investigation.⁸ Although the partnership was cancelled, the Working Group emphasizes that such collaboration must be guided by robust human rights due diligence processes, accountability mechanisms, proactive engagement with affected communities and respect for human rights principles.

34. The experts urgently call upon all parties, including State-owned enterprises and private companies, to commit to a reconciliation process based on the recognition of historical impacts on rights holders and communities and a contribution to truth, reparation and guarantees of non-repetition. Although many companies have improved their practices, accountability must include past impacts and historical human rights and environmental liabilities.

35. In the financial sector, the Working Group welcomed the companies' recognition of their responsibilities in their business relationships and the adoption of practices aimed at preventing and mitigating negative impacts. It also took note of the work on gender, diversity and inclusion that is being done by various financial institutions, mainly commercial banks. However, it notes that risk analysis systems are not always aligned with the Guiding Principles on Business and Human Rights.

⁷ See [A/76/238](#).

⁸ See https://secu.info.undp.org/sites/g/files/zskgke461/files/2024-09/1.%20SECU0017_Draft%20Investigation%20Report_FINAL_V2_0.pdf.

36. The Working Group has previously highlighted the important role of international and regional development finance institutions.⁹ In this regard, it has received reports of human rights impacts linked to projects funded by institutions such as the Inter-American Development Bank. For example, in June 2018 a complaint was filed with the Independent Consultation and Investigation Mechanism regarding the Hidroituango hydroelectric project, which the Inter-American Development Bank had financed through a loan to Empresas Públicas de Medellín. In October 2023, the Mechanism concluded that the Bank had failed to comply with its environmental and social policies.

V. Access to justice and remedy

A. State-based judicial mechanisms

37. In Colombia, the remedy of *amparo* is the judicial mechanism most commonly used by rights holders to request the protection of fundamental rights in business contexts. These remedies may result in enforcement measures, such as contempt of court, in the event of non-compliance. However, the remedy of *amparo* lacks specific mechanisms to ensure an effective remedy in specific cases, since the courts merely order the suspension of the harmful actions or omissions, without addressing the magnitude of the harm or guaranteeing non-repetition. In addition, the fragmentation of jurisdictions and administrative measures is not conducive to access to justice for rights holders seeking the protection of their rights in the context of business activities.¹⁰

38. The Working Group expresses its concern at significant challenges in the implementation of court judgments, arising from a lack of coordination between national and local authorities or overly broad or unclear decisions. Despite progress in terms of the judicial decisions obtained by communities and organizations against companies such as Glencore, Empresas Públicas de Medellín, Ecopetrol, Drummond and AngloGold Ashanti, impunity persists owing to the weak or non-existent enforcement of such decisions.

39. In its judgment No. SU 095 of 2018, the Constitutional Court highlighted a shortcoming in respect of mechanisms for public participation and information. The judgment defined limits to the concept of public consultations and urged Congress to legislate on the matter. Six years after this ruling, legislation has still not been introduced and public consultations remain suspended, with the result that participation and access to information are unprotected, as evidenced by the impact of an AngloGold Ashanti mining project on the environment and on the campesino communities of La Colosa, Tolima.

40. In the context of the armed conflict, Colombia has established special transitional jurisdictions such as the Special Justice and Peace Jurisdiction and the Special Jurisdiction for Peace, in addition to the ordinary courts. However, under Constitutional Court judgment No. C-674 of 2017, civilian third parties and State agents not belonging to the armed forces or the National Police can no longer be forced to appear before the Special Jurisdiction for Peace, although the current legal framework allows for their voluntary appearance. In practice, only those who have been convicted by the ordinary courts appear before the Special Jurisdiction in an attempt to reduce their sentences. The Working Group considers that the inclusion of businesses within the automatic jurisdiction of the Special Jurisdiction for Peace could strengthen the accountability of non-State actors in the transitional justice system.

41. According to the Corporate Accountability in Transitional Justice database, there were at least 439 cases, mentioned in 35 first instance judgments handed down by the Special Justice and Peace Jurisdiction until 2015, in which businesses collaborated with or funded various parties to the armed conflict.¹¹ In the course of 17 years of investigations,

⁹ See A/HRC/53/24/Add.4.

¹⁰ See https://www.hchr.org.co/historias_destacadas/hoja-informativa-de-onu-derechos-humanos-sobre-la-situacion-personas-defensoras-del-medio-ambiente-en-colombia-para-la-cop16/.

¹¹ See <https://ahra.web.ox.ac.uk/article/los-indices-de-impunidad-que-involucran-empresarios-con-el-conflicto-son-altos>.

the Special Justice and Peace Jurisdiction remitted 18,000 certified copies to the Attorney General's Office. The Working Group urges the Attorney General's Office to expedite the analysis of these documents and take appropriate action. For its part, the Special Jurisdiction for Peace has opened macrocase No. 8, whose objective is to investigate responsibilities for crimes committed by members of the armed forces or the National Police or other State agents in association with paramilitary groups or civilian third parties as a result of, during or in direct or indirect connection with the Colombian armed conflict.¹²

B. State-based non-judicial mechanisms

42. The Ombudsman's Office does not act as a reparation mechanism but aims to facilitate victims' access to a remedy. In this regard, it is worth noting that the competences of the Counsel-General's Office include the promotion of alternative dispute resolution mechanisms, the follow-up of Constitutional Court judgments and the handling, documenting and investigation of complaints.

43. Colombia adheres to the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises on Responsible Business Conduct and in 2012 established its national contact point within the Ministry of Trade, Industry and Tourism. However, although the Guidelines have been in operation for more than a decade, the Working Group was informed that only seven cases have been addressed, of which six were rejected and one closed for lack of agreement. The mandate of the national contact point remains unknown and there is a lack of confidence in its functioning.

C. Non-State-based grievance mechanisms

44. Several companies have established operational mechanisms for receiving questions, complaints and grievances and they maintain relations with the community to address them. The Bogotá Chamber of Commerce stands out for its recent initiative to promote mediation and arbitration services using the approach of the Guiding Principles on Business and Human Rights, although it has not yet resolved any disputes.

VI. Thematic areas of concern

45. The Working Group received extensive information on the following recurrent themes. Some issues, including but not limited to gender, are addressed in a cross-cutting manner.

A. Business activity in conflict-affected areas

46. Countless violations of human rights and international humanitarian law were perpetrated during the 50 years of armed conflict in Colombia. The 2016 Peace Agreement between the Government and the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo marked a historic milestone. The Working Group welcomes the current Government's policy of total peace, whereby it seeks to engage all illegal armed actors in dialogue with a view to their eventually laying down arms. However, the initiatives are insufficient, especially in the face of an upsurge in violence.

1. Non-State armed groups and business

47. The presence of businesses in areas with high levels of poverty and extensive territorial control by armed groups usually exacerbates risks for local communities. These conditions are conducive to territorial disputes, as has been observed in Putumayo. The State's inability to meet essential needs in these areas contrasts with its permissiveness in

¹² See <https://www.jep.gov.co/macrocasos/caso08.html>.

allowing companies to operate without first engaging in heightened due diligence, as recommended by the Working Group.¹³

48. The Working Group received allegations of non-State armed groups stealing hydrocarbons, including through attacks on tanker trucks and oil pipelines, with no one taking responsibility for the damage caused, and of extortion of companies operating in different parts of the country.

49. According to the information received, certain companies' participation in the armed conflict entailed land seizures, the financing of paramilitary groups, selective assassinations of community and trade union leaders, forced displacements and threats and violence against human rights and environmental defenders. The Working Group draws attention to the Truth Commission's recommendations on the business sector that are still pending implementation.

2. State security forces and private security companies

50. Many companies, especially in the mining and energy sector, enter into cooperation agreements with public institutions such as the Ministry of Defence in order to, for example, ensure the security of their projects and protect their infrastructure. However, the participation of military and police forces in these activities, often with limited training in human rights and comprehensive security, poses significant challenges for human rights and environmental defenders, ethnic and campesino community leaders and trade union leaders, whose work is restricted. The exercise of fundamental rights, such those related to free movement, social organization, protest and the defence of human rights, is often criminalized. The risks to the safety and integrity of women, children and adolescents are especially severe. The Ministry of Defence reported the development of a pilot protocol with a human rights approach for the armed forces and National Police and highlighted the deployment within the police of 56 specialized human rights units in order to protect community leaders in all of the country's departments. However, it also recognized the need to strengthen preventive and protective measures.

51. The practice of some companies of contracting private security companies, especially in the context of large-scale projects, may increase the risk of human rights violations due to the lack of training and awareness of the people hired and the lack of safe channels for complaining about irregularities. There is concern that these companies recruit former combatants from illegal armed groups or ex-military personnel, who do not receive the necessary training or support to perform their duties with respect for human rights. Although hiring such persons can be useful for their reintegration, it is crucial that companies deliver training and awareness programmes for workers, while ensuring that persons from ethnic communities are not discriminated against or excluded. Contracting companies have a responsibility to follow rigorous due diligence procedures to ensure that security service providers meet the highest international standards and do not aggravate situations of violence.

B. Environment and climate change

52. During the United Nations Climate Change Conference in 2023, Colombia joined the Fossil Fuel Non-Proliferation Treaty Initiative, an important effort to combat the challenges associated with the climate crisis. Despite the environmental legislation in place and the Government's commitment to a just energy transition, the Working Group has received complaints about pollution problems associated with coal mining, hydrocarbons, agriculture, horticulture and infrastructure. In relation to extractive activities in Putumayo, the Working Group was informed about a consultation process that was carried out regarding seismic exploration, in which part of the community reached agreement with the company Amerisur. However, this process did not include the necessary guarantees and it was later discovered that the company, now owned by GeoPark, had installed more than 200 seismic explosives without prior consultation, raising serious concerns about

¹³ See [A/75/212](#).

irreparable territorial, cultural and spiritual harms. Although legal action was taken, the company reportedly refused to remove the explosives. Since 2018, under precautionary measure No. 395-18, the Inter-American Commission on Human Rights has been monitoring the investigation and trial of the company in relation to other impacts on territorial and collective rights, with no substantial progress reported to date.

53. The Working Group also received information regarding the harm suffered by communities in Putumayo due to oil spills and the inadequacy of the prevention, clean-up and remediation measures taken by the oil companies and the State in affected areas. In addition, it was reported that there is a serious crisis in respect of access to clean water, particularly affecting Indigenous and Afrodescendent communities, which face a situation of critical risk.

54. The Working Group received complaints about the use of mercury in gold mining, including by legal companies and in illegal operations. Despite Act No. 1658 of 2013, which has prohibited the use of mercury in mining since 2023, the substance continues to be used, with a serious impact on the ecosystem and biodiversity of the Caquetá River.

55. The experts gathered information on how Wayuu communities in La Guajira, one of the country's most drought-prone regions, are particularly affected by the lack of access to drinking water and sanitation. This situation is aggravated by the contamination of surface and groundwater caused by business activities in the agricultural and extractive sectors. Complaints were also received regarding the collection and monopolization of water supplies by the sugar industry in northern Cauca. The Working Group does not consider the practice of some companies of delivering bottled drinking water to communities to be an adequate solution to the problem of long-term water insecurity. The Working Group highlights the need to protect rivers essential for the survival of ecosystems and livelihoods, such as the Putumayo River.

56. The Working Group has received reports that, although wind farms could meet 20 per cent of the country's electricity demand over the next decade,¹⁴ consultation processes with Wayuu communities on the development of wind power projects have been inadequate and such projects have violated the integrity of their territories and disrupted their cultural practices and governance systems. It is reported that companies involved in wind power projects are not carrying out due diligence, either to establish territorial boundaries between communities or to identify valid interlocutors, such as ancestral authorities.

57. The Working Group identified human rights abuses associated with hydroelectric megaprojects and impacts on health and food production in mining and hydrocarbon-producing regions. For example, the Working Group heard allegations that the Hidroituango hydroelectric project in Antioquia, operated by Empresas Públicas de Medellín, had caused displacement, a deterioration in the livelihoods and means of subsistence of campesino communities, violations of the right to work and to a decent life and of cultural practices, and heightened food insecurity and social conflict due to the fragmentation of the social fabric. During its consultations, the Working Group repeatedly heard that Empresas Públicas de Medellín had failed to provide adequate compensation to all rights holders, exacerbating the risks faced by the affected communities.¹⁵ In addition, the Working Group received worrying allegations of human rights and environmental harms arising from the Hidrosogamoso project in Santander, owned by ISAGEN, and the El Quimbo project in Huila, owned by Enel Colombia.

58. As Colombia is home to forests of high conservation value and has a large Indigenous population that inhabits and protects these forests, it is one of the countries in which projects for reducing emissions from deforestation and forest degradation in developing countries (REDD-plus) are most widely implemented. However, the Working Group has received complaints about the negative impacts of REDD-plus projects linked to the carbon credit market on the local communities of the Galilea Forest in Tolima and,

¹⁴ See https://huespedes.cica.es/gimadus/21/02_el_regimen_de_aprovechamiento.html.

¹⁵ See <https://www.jep.gov.co/Sala-de-Prensa/Paginas/La-JEP-establece-que-2.094-personas-fueron-v%C3%ADctimas-de-desaparici3n-forzada-en-el-3rea-de-influencia-de-Hidroituango.aspx>.

especially, the Indigenous Peoples of Amazonas, due to a lack of meaningful consultation and access to information, as well as impacts on Indigenous governance, cultural practices, territorial integrity and self-determination. In addition, project design omits community decision-making processes, undermining sovereignty, disregarding traditional knowledge and limiting traditional land use. The Constitutional Court recognized these negative impacts in its judgment No. T-248 of 2024.

59. It is estimated that the coal sector generates about 130,000 direct jobs in Colombia, including 30,000 in large-scale mining in the Departments of Cesar and La Guajira.¹⁶ The Working Group was informed that the Cerrejón mining contract in Colombia will end in 2034 and the company has expressed its intention not to renew it. Communities have raised concerns about the lack of transparency regarding the company's closure strategy. By way of precedent, it was reported that in 2021, the Glencore subsidiary Prodeco announced its abrupt withdrawal from the Cesar mining corridor without dialogue or consultation with stakeholders or communication of its environmental management plan, which led the affected communities to take legal action. Although Prodeco informed the Working Group that it is in the process of submitting a mine closure plan to the authorities and has provided compensation packages in excess of the legal requirements, the affected communities reported that they are still faced with unresolved social and environmental harms.

1. Arms trade and regulation of new technologies

60. The Working Group has received complaints about the use of digital surveillance technologies and less-lethal weapons, which raised concerns about the lack of regulation, transparency and accountability. It is reported that when private companies and the State acquire and deploy surveillance technologies, they often invoke arguments of national security and industrial secrecy to restrict access to key information. Complaints have been filed concerning the misuse of these technologies against environmental and human rights defenders, journalists and protesters, in violation of the rights to privacy and freedom of expression and other fundamental rights.

61. Moreover, the use of less-lethal weapons such as water cannons in the context of social protests has generated concern over their disproportionate use and the significant harm they cause, in contravention of international principles of legality, necessity and proportionality. Although some regulatory progress has been made, there are still large gaps in the oversight of their production, import and marketing and the transparency of relations between the State and manufacturers. These shortcomings hinder accountability and leave communities at greater risk of human rights violations, including violations of the right to protest.

C. People and communities at critical risk

1. Indigenous Peoples

62. The Working Group noted with deep concern the various human rights abuses that Indigenous Peoples suffer, including stigmatization and marginalization, in the context of business activities. It is extremely alarmed at the number of Indigenous Peoples declared by the Constitutional Court to be in imminent danger of physical and cultural extermination, and the fact that many of them are disproportionately affected by extractive industries and energy transition processes. The Working Group was informed of the negative health impacts – including dehydration, malnutrition, skin rashes and cancer – experienced by Indigenous communities living near mining and oil operations and monocultures, with emphasis on the effects on children and adolescents.

63. The Working Group noted that the principles of the United Nations Declaration on the Rights of Indigenous Peoples and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) are not adequately reflected in Colombian law and practice. Despite the high number of prior consultations that have been carried out, significant challenges persist in the clarity and application of the standards associated with this right, including the

¹⁶ See https://www.anm.gov.co/?q=carbon_el_padrino_minero_de_colombia_boletin_prensa.

effective implementation of Constitutional Court judgment No. SU-123 of 2018. Certain Constitutional Court judgments present internal inconsistencies. For example, in its judgment No. C-295 of 2019, the Court stated that prior consultation does not equate to a veto right.

64. On the one hand, the Working Group observed that the consultation processes are carried out after exploration permits or concessions have been granted, which means that the consultation is not prior. On the other, consultation processes led by the Directorate of the National Authority for Prior Consultation must always result in agreements. Only in three exceptional cases is it guaranteed that the free, prior and informed consent of Indigenous Peoples and Afrodescendent communities will be binding. Furthermore, when Indigenous Peoples or Afrodescendent communities do not participate or an agreement is not reached, the State turns to the proportionality test as a subsidiary mechanism, which represents a backward step in terms of the implementation of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Guiding Principles on Business and Human Rights, as the case of the community of Cañaverales and the Best Coal Company showed. The Working Group also highlights the case of the Inga people, in which, despite their taking legal action, the company Gran Tierra Energy neither carried out consultations prior to an oil production project nor engaged in subsequent dialogue when abandoning the platform. In the case of the Wayuu people, the State has recognized the leadership of non-representative traditional authorities that do not conform to the matrilineal and clan lineage system, which has caused conflicts between clans and within communities.

65. It is important to recognize that the identities of Indigenous Peoples are closely connected with their lands. The Working Group received information on corporate and business activities that facilitated the forced displacement of Indigenous communities, disrupted their way of life and destroyed sacred sites, resulting in cultural estrangement and the fraying of the social fabric. In many cases, companies and the Government claim that there are no Indigenous communities in the areas where they wish to develop projects, for example in the regions of Amazonas, La Guajira and Putumayo, thus violating their territorial and cultural rights. These realities are aggravated by the presence of non-State armed groups in these areas.

66. The Working Group was also informed that one manifestation of latent racism against Indigenous Peoples is that companies reject their views because they “do not speak Spanish well” or they have no formal education.

67. The Indigenous communities that the Working Group met called for reparations for human rights harms caused by companies to include, for example, a formal apology, guarantees of non-repetition, and moral and cultural redress.

2. Environmental and human rights defenders

68. The Working Group has received complaints about the serious situation faced by human rights and environmental defenders, who frequently suffer attacks, reprisals and stigmatization in the context of large business projects. According to data from Global Witness, Colombia had the highest number of killings of environmental defenders in the world in 2023.¹⁷

69. Allegations were also received regarding the criminalization of environmental and human rights defenders, with judicial proceedings brought against them through the support structures of Attorney General’s Office; the lack of trust in the armed forces and the National Police due to the system whereby the business sector pays them to protect its operations, casting doubt over their impartiality; and the lack of transparency of such arrangements.

70. The delegation received complaints, from community leaders and human rights and environmental defenders in territories where mining, energy and agricultural companies

¹⁷ See <https://globalwitness.org/en/press-releases/more-2100-land-and-environmental-defenders-killed-globally-between-2012-and-2023/#:~:text=Overall%2C%20Colombia%20was%20found%20to,Global%20Witness%20has%20ever%20recorded.>

operate, of threats made by security firms contracted by these companies and persecution and physical and psychological violence by non-State armed groups intended to prevent interference in their activities, the filing of complaints or the exercise of the rights to protest and to freedom of expression. Armed groups reportedly attended forums for dialogue on economic projects in order to profile, identify and intimidate members of the community.

71. The Working Group was also informed that there continues to be a widespread fear of reprisals against Indigenous leaders who denounce irresponsible business practices. An alarming number of accounts attested to the high rates of violence and stigmatization against Afrodescendent social leaders and community authorities, particularly when they adopt a stance against the installation or operation of business projects in their territories, as is happening in Antioquia and La Guajira.

3. Afrodescendent communities

72. People of African descent have historically been subjected to exclusion, marginalization and structural and institutional racism. Although the Constitution of 1991 recognizes their right to form self-governance structures, slow implementation of the relevant provisions has hindered the formation of community councils in parts of the country and, where they do exist, decision-making over their lands and ways of life is not guaranteed. The Working Group heard accounts of failure to grant lands and titles to the community councils in accordance with Act No. 70 and to conduct the prior consultation to which they are entitled.

73. The Working Group received alarming information on the high levels of poverty and unemployment among people of African descent and the lack of educational and economic opportunities for youth in Putumayo and northern Cauca. The Working Group also heard multiple accounts of land seizures, the capture of water sources and opaque value chains that make it hard to identify the actors responsible, as was reported in regard to the Incauca and La Cabaña sugar refineries in the north of the Department of Cauca.

74. Allegations were received regarding violations of the right to free, prior and informed consent, fragmentation of the social fabric and the harassment of various leaders by the Best Coal Company in the village of Cañaverales, La Guajira, and by the company Aguas de Cartagena, whose operations in the Canal del Dique have had impacts on the migration of species and the livelihoods of communities.

4. Campesino communities

75. The Working Group welcomes the ratification of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas and its incorporation into the constitutional body of law, as well as the State's recognition of campesinos as subjects of rights and special protection under the amended article 64 of the Constitution, in which regard it encourages the State to develop further regulation. This progress comes on top of the landmark recognition of campesinos as victims of the armed conflict.

76. Nevertheless, allegations were received that agro-industrial companies have carried out mass seizures of land and water resources traditionally used by campesino communities, as in the cases of Cartón de Colombia, María la Baja irrigation district, Hacienda Bellacruz and Las Franciscas. Communities have complained that their complaints have not been effectively processed and they have not received an adequate response from the National Environmental Licensing Authority, the Ministry of Agriculture or the institutions responsible for land restitution in the context of the armed conflict. Indeed, several actors have highlighted the slow progress of land restitution by the National Land Agency.

77. On the other hand, the Working Group noted the efforts made by different sectors to support productive development initiatives, which involve soil recovery and native seeds, and to support small producers throughout the entire chain until their products are brought to market, and it calls for the continuity and sustainability of such efforts.

5. Workers and trade unions

78. The Working Group heard with great concern how trade union representatives, especially women, have been subjected to criminalization and, all too often, violent persecution for exercising their right to freedom of association. The Working Group highlighted the case of the Drummond mining company, whose suspected involvement in funding the paramilitary squads responsible for the murder of trade unionists in 2001 has been under investigation by the Attorney General's Office for more than 20 years. Concerns were also raised about dynamics that weaken collective bargaining and labour agreements and reduce guarantees for workers.

79. The Working Group received with concern reports that some companies, such as Ecopetrol, use article 140 of the Substantive Labour Code as a mechanism to prevent the exercise of union leadership. It also learned of cases in which the companies themselves put in place a security system for threatened union leaders, although it is suspected that they simultaneously using this system as a means of control.

6. Migrants and refugees

80. According to data from the National Department of Statistics, 85 per cent of the Venezuelan population in Colombia has encountered difficulty in obtaining gainful employment. The situation is even more serious for women (89.2 per cent).¹⁸

81. While informal labour is common in Colombia, migrant and refugee workers are found in greater proportion in high-risk informal sectors such as mining and sex tourism. They face significantly poorer working conditions than the Colombian population, as more than 70 per cent of all migrants and refugees work in the informal sector, and many do not have written contracts and are paid less than the legal minimum wage.¹⁹

82. The Working Group also noted that migrants and refugees have limited access to education and that they experience xenophobia and discrimination. Many employers avoid hiring migrants for fear of legal sanctions, and migrants often lack the documents they need to work legally.

83. In the mining sector in Buriticá, there were worrying reports of child labour and forced labour among Venezuelan workers.

7. Children and adolescents

84. The Working Group also engaged with dialogue with children and adolescents, who identified several key challenges: insufficient environmental protection, limited employment opportunities for youth, the use of greenwashing by businesses and negative health impacts due to corporate activities such as the development of unhealthy products and misleading advertising. They also expressed concern at the lack of spaces that would allow them to participate meaningfully in the decision-making processes that affect their lives.

VI. Conclusions and recommendations

85. The Working Group notes that, despite legislative developments, government initiatives and court rulings on human rights and the environment in Colombia, the Government and businesses continue to face enormous challenges in protecting and respecting human rights in the context of business activities. Structural problems persist in connection with an economic model based on the exploitation of natural resources, decades of armed conflict and the presence of non-State armed groups in much of the country. The Working Group also highlights companies' lack of transparency and their scant recognition of the historical harms caused by their

¹⁸ See <https://www.dane.gov.co/files/investigaciones/boletines/pulso-migracion/comunicado-pulso-migracion-ene22-feb22.pdf>.

¹⁹ See <https://microdatos.dane.gov.co/index.php/catalog/782>.

operations. These shortcomings erode trust in the positive initiatives that some companies are introducing and limit opportunities for accountability.

86. The critical situation of women human rights and environmental defenders and community and trade union leaders, and the structural exclusion of Indigenous Peoples and people of African descent, are particularly worrying.

87. The Working Group noted that ensuring the right to meaningful participation of affected communities remains a challenge. Listening to all voices at an early stage is essential for identifying, preventing and mitigating risks and ensuring accountability. Communities must be fully informed and consulted on proposed projects and actively included in decision-making processes that affect them, in accordance with the relevant standards.

88. The Working Group recommends that the Government:

(a) Develop and implement legislative initiatives that ensure and require that companies respect human rights, in accordance with international standards. Such initiatives, constructed in a participatory manner, must establish the legal responsibility of companies for all phases of their operations and include the adoption of specific and rigorous standards for enhanced due diligence in contexts of armed conflict, as well as suitable justice mechanisms for responding to crimes attributed to transnational corporations;

(b) Adopt a regulatory and institutional framework to ensure the equal and meaningful participation of potentially affected people and communities in decisions regarding business projects from an early stage until closure; it should provide for transparency and adequate access to information in all project phases and be aligned with the commitments made upon ratification of the Escazú Agreement;

(c) Strengthen and harmonize, with a human rights approach, regulatory and environmental frameworks and processes such as environmental impact studies, the granting of concessions and environmental licensing, and frameworks that govern economic activities such as the issuance of land titles, in order to ensure mechanisms for transparency, due diligence, accountability, meaningful participation, access to environmental justice and effective remedies in accordance with the Guiding Principles on Business and Human Rights;

(d) Promote the ratification of the ILO Violence and Harassment Convention, 2019 (No. 190).

(e) Conduct awareness-raising and provide training for social actors, public officials, judges and legislators on the Guiding Principles on Business and Human Rights and allocate adequate resources to build capacity to prevent, investigate, prosecute, punish and remedy business-related human rights abuses;

(f) Strengthen administrative control of local environmental authorities by the Counsel General's Office, with special emphasis on complaints of corruption and non-compliance with environmental laws;

(g) Evaluate the need to curtail the influence of private actors on public policymaking and strengthen legislation on the protection of personal data so as to ensure transparency in their collection and use;

(h) Conduct a review of foreign trade and investment policy to ensure that it is consistent with the State's international human rights obligations, and ensure that any new investment treaties or trade agreements are in line with these responsibilities. The Working Group also recommends that the Government refrain from signing agreements that do not ensure the protection of and respect for human rights and access to effective human rights remedies, or which prioritize foreign direct investment over human rights and the environment. The State should ensure that all trade agreements include clauses recognizing the primacy of human rights;

(i) Develop appropriate guidelines for business involvement in peacebuilding contexts, ensuring that companies operate with respect for human rights and sensitivity to conflicts, without evading their responsibilities to the justice

bodies that have been established, and in accordance with the recommendations of the Truth Commission;

(j) Protect rivers that are fundamental for ecosystems and livelihoods, such as the Putumayo River, recognizing them as subjects of rights, as in the cases of the Atrato River and the Cauca River, and extend priority protection to *páramo* highland areas, dry, tropical and wet forests and the Amazon rainforest, among others;

(k) Take steps towards an energy transition and development projects that are guided by a human rights-based approach, ensuring the meaningful participation of communities, respect for their self-determination and the protection of essential ecosystems, thus progressing towards climate and social justice;

(l) Put in place a sound legal framework to regulate and improve oversight of all companies involved in carbon credit initiatives and energy transition projects, ensuring that such activities do not harm the rights or livelihoods of Indigenous Peoples or other affected communities, through the application of due diligence requirements and meaningful intercultural dialogue;

(m) Put in place a sound legal framework to regulate the acquisition and use of surveillance technologies in a manner that protects human rights, in particular the rights to privacy and to freedom of expression. This framework should include mandatory transparency measures, oversight mechanisms and accountability processes;

(n) Establish stricter regulations for the import, export and transfer of less-lethal weapons, taking steps towards greater transparency and human rights-compliant due diligence;

(o) Take immediate steps to create a safe and enabling environment for human rights and environmental defenders and to protect the lives and integrity of persons who are at risk because of their work defending the rights of communities, land or the environment in the context of business operations, with reference to the Working Group's guidance of 2021²⁰ and the report of the Special Rapporteur on the situation of human rights defenders;²¹ this environment should include the guarantee of a prompt and impartial investigation and accountability in cases involving threats and violence against individuals and trade union organizations that defend human rights and the environment, including threats and violence perpetrated by companies, State security forces or private security companies, and the provision of effective remedies for victims;

(p) Implement the recommendations made by the Special Rapporteur on the rights of Indigenous Peoples²² and the Working Group of Experts on People of African Descent²³ in the framework of their respective visits to Colombia in 2024.

(q) Ensure that government entities and the business sector respect the rights of Indigenous communities to consultation and to free, prior and informed consent, in accordance with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples. Any consultation protocol or legal framework must ensure the full participation of Indigenous Peoples in its design and implementation;

(r) Refrain from using the proportionality test as a subsidiary mechanism, and consider abandoning it, since its application could restrict the right of ethnic communities to free, prior and informed consent;

²⁰ See A/HRC/47/39/Add.2.

²¹ See A/HRC/43/51/Add.1.

²² See A/HRC/57/47/Add.1.

²³ The final report will be available in September 2025. The end-of-mission statement is available at https://www.hchr.org.co/historias_destacadas/declaracion-de-fin-de-mision-del-grupo-de-trabajo-de-expertos-de-las-naciones-unidas-sobre-los-afrodescendientes-tras-su-visita-a-colombia/.

(s) **Incorporate Indigenous governance systems and cultural practices into climate and environmental policies and regulations on business and human rights;**

(t) **Strengthen processes for the formalization of land ownership, the transfer of lands and the recognition and protection of campesino reserves and supervise restitution processes where companies are involved, ensuring that they fulfil their obligations and do not engage in reprisals or take legal action against those who begin processes to obtain access to reparation;**

(u) **Take steps to reform national labour legislation so that it prevents abuses of labour rights in the recruitment of workers in different sectors and respects the rights to associate, to form trade unions and to strike;**

(v) **Take decisive measures to reduce informality in the labour market, providing strong incentives for the regularization of small and medium-sized enterprises;**

(w) **Improve coordination between the Ministry of Labour and the Ministry of Foreign Affairs in order to simplify processes, ensure that migrant workers have access to legal protections, provide guidance for companies on the legal recruitment procedure and promote formal employment;**

(x) **Consolidate a comprehensive business and human rights policy that coordinates the actions of various ministries in this area and sets out guidelines for sectoral and territorial policies;**

(y) **Take steps to harmonize environmental legislation and administrative procedures in a manner that strengthens the human rights perspective, and ensure that this process is coordinated with other mechanisms that guarantee transparency, accountability and access to environmental justice;**

(z) **Review, in the light of international human rights standards, contracts between companies and the armed forces or the National Police and agreements with the support structures of the Attorney General's Office and ensure that there are no conflicts of interest, thus guaranteeing the impartiality of the public authorities, and suspend these agreements when there is suspicion that human rights and environmental defenders have been criminalized or subjected to violence. Ensure the transparency of these agreements in order to facilitate strict control by civil society;**

(aa) **Increase efforts to advance all investigations into companies accused of causing serious human rights impacts in the context or taking advantage of the armed conflict, and adopt measures to ensure non-repetition, such as those contained in the final report of the Truth Commission;²⁴**

(bb) **Actively pursue investigations and prosecutions in respect of offences committed by corporate actors, in keeping with a commitment to access to an effective remedy, and strengthen monitoring of and support for the implementation of judgments, applying an inter-institutional approach that includes ministries and departmental governments whose participation is essential for this implementation.**

89. **The Working Group recommends that businesses:**

(a) **Establish ongoing human rights due diligence processes with a gender perspective to identify, prevent, mitigate and account for adverse impacts on people and the environment. The meaningful participation of rights holders should be considered an essential component of such processes;**

(b) **Establish safe, good faith forums for dialogue with affected communities and Indigenous Peoples, providing transparent, reliable, clear and timely information on impacts and listening to critical voices;**

²⁴ See <https://www.comisiondelaverdad.co/sites/default/files/descargables/2022-08/Informe-final-Hasta-la-guerra-tiene-li%CC%81mites-violaciones-DH.pdf>, p. 807.

- (c) **Conduct enhanced human rights due diligence that incorporates atrocity and conflict prevention tools and enables the assessment of impacts that may be caused or exacerbated by business operations in contexts of armed conflict;**
- (d) **Participate actively in truth and reconciliation processes, offering reparations and guarantees of non-repetition;**
- (e) **Participate actively and in good faith in ordinary and transitional justice mechanisms, including the Special Jurisdiction for Peace; work with investigative bodies in cases where businesses are involved in serious human rights impacts; and comply with court rulings;**
- (f) **Support the sanction mechanisms of the Special Jurisdiction for Peace, even when not appearing before it, based on a logic of reparation and recognition of responsibilities;**
- (g) **Create operational grievance mechanisms to address concerns and any adverse human rights impacts from the earliest stages of a project, in accordance with principle 31 of the Guiding Principles on Business and Human Rights;**
- (h) **Provide comprehensive and effective reparation for harms caused to individuals and communities;**
- (i) **Respect the rights of environmental and human rights defenders, in accordance with the Working Group's guidance of 2021;²⁵**
- (j) **Ensure that due diligence processes, including processes to obtain the free, prior and informed consent of Indigenous Peoples and people of African descent, address the differentiated and disproportionate impacts faced by potentially affected communities, and make this information public and accessible;**
- (k) **Contribute to the labour inclusion of migrants and refugees through a differentiated human rights approach, implementing equitable recruitment practices and inclusion in the workplace and ensuring that migrant workers have access to the same labour protections as local workers.**

90. **The Working Group recommends that business and industry associations:**

- (a) **Promote the Guiding Principles on Business and Human Rights and support their implementation by developing tools to support the human rights due diligence efforts of member businesses, in particular small or medium-sized enterprises, and particularly outside the capital city;**
- (b) **Raise businesses' awareness of their independent responsibility to respect human rights through training programmes on the Guiding Principles on Business and Human Rights that cover impact measurement mechanisms.**

91. **The Working Group recommends that financial institutions, including development finance institutions:**

- (a) **Make the prevention of human rights abuses a central element in the planning and implementation of the projects being funded, including by requiring their clients and the companies in which they invest to demonstrate that they have plans and processes in place that respect human rights and the environment and take into account cumulative and synergistic impacts on people and the environment in the context of the energy transition;**
- (b) **Ensure that complaints related to the projects being funded are not met with retaliation, and use their influence to ensure the protection of human rights and environmental defenders;**
- (c) **Ensure that there are consequences for business entities that fail to respect human rights and the environment, and ensure or contribute to effective remedies where necessary.**

²⁵ See [A/HRC/47/39/Add.2](#).

92. **The Working Group recommends that United Nations agencies in Colombia:**

(a) **Conduct prior human rights due diligence analysis to identify the potential human rights impacts of entering into partnerships with business actors, and demand from them the highest human rights standards; and ensure that agreements with business actors include human rights clauses in accordance with the Guiding Principles on Business and Human Rights;**

(b) **Refrain from working with companies that have a poor human rights record, which may include public complaints, reports or court rulings against them or the failure to guarantee full reparation for victims;**

(c) **Ensure that cooperation with State-owned enterprises and the private sector does not jeopardize the impartiality of the United Nations, which in turn may jeopardize the security and reputation of and trust in the multiple United Nations agencies that operate in the country under the same distinctive emblem;**

(d) **Apply standards of transparency and participation when working with the business sector.**
