

National Roundtable of Civil Society Organisations on Business and Human Rights

PUBLIC STATEMENT BY ENVIRONMENTAL, SOCIAL, AND HUMAN RIGHTS NON-GOVERNMENTAL ORGANISATIONS ON THE WORKING VISIT OF THE IACHR IN THE CONTEXT OF THE NATIONAL STRIKE AND BUSINESS OPERATIONS IN COLOMBIA

Regarding the multiple and diverse expressions of Colombian society that, since last April 28, intensified their demands to the State for the fulfilment of economic, social, cultural and environmental rights and stop the disproportionate response by the national security forces (in coordination with armed civilians), responsible for massive, systematic and deliberate human rights violations, the undersigned organizations draw the attention of the Inter-American Commission on Human Rights (IACHR) and of the Universal Human Rights System bodies, to include our concerns regarding the role of entrepreneurs, companies, business groups, business association, business partners and investors during the national strike in the country.

Business operations in the context of social protest

In the context of the severe impacts of the Covid-19 pandemic, in which thousands of people lost their jobs and livelihoods, the government promoted measures to favour economic sectors, such as incentives, permissions to operate, despite the risks of contagion, and finally proposing a tax reform that imposed new fiscal obligations on the middle class, as well as increased taxes on basic living necessities. Subsequently, Govt also suggested a health reform that, without addressing historical inequalities, corruption, and the lack of compliance with international recommendations in this area, further affected impoverished sectors.

It is in this context, in which high risks persist for rural territories and communities, especially those associated with extractivism, with the undermining of the right to citizen participation (particularly due to the increasing limits on popular consultations and free, prior, and informed consent), this social outbreak occurred, in which different social groups protest on the streets and roads of the country, especially in places of land transit for large importing and exporting companies. The violence that was being experienced in rural areas has been transferred in a more crude, direct, and open manner in the last five weeks to cities such as Barranquilla, Bogotá, Bucaramanga, Cali, Facatativá, Gachancipá, Medellín, Pasto, Pereira, and Popayán.

Events of particular concern

The argument used by the national government to order the militarisation of all protest sites in seven departments was based on the alleged shortages announced by various business sectors. Although there was a lack of fuel in some regions of the country, in reality, what the strike affected was the big capital that moves 85% of Colombia's imported and exported products through the port of Buenaventura. This argument was reproduced by the mass media companies during the last few weeks, alleging interruptions to health, food, and other services, in order to justify an "iron fist" against the protesters, as the [National Trade Union Council](#) did. In addition, cases of price speculation and hoarding of goods were revealed, which sought to unduly favour some economic actors and aggravated the conflict associated with social protests.

During the course of the social protest, the participation of businessmen in actions contrary to human rights is also a matter of concern. For example, complaints against [Éxito supermarkets](#) in the city of Cali (contradicted by the company), where allegedly were cases of torture, illegal and arbitrary detentions, and the murder of at least one young woman, are events that require investigation. It is important that the complicity of private security companies in these events be pointed out and that the participation of businessmen in the supply and use of weapons against unarmed protesters, investigated.

On the other hand, companies such as [GoodYear and Levapan](#), in western Colombia, decided to suspend labour contracts for workers, an extreme measure that does not favour scenarios of consensus in a context of high social conflict and that seeks to affect workers.

In relation to the complaints of torture, sexual abuse, and beatings in sugar cane fields in municipalities such as Palmira, Yumbo, Zarzal, and other municipalities in Valle del Cauca with [sugar cane plantations](#), it is important to determine the responsibility of the sugar mills in the area and of the private security companies in their service.

On the other hand, protesters at [ports and Cerrejón's railway line](#), in La Guajira department, were intimidated by the company and dismissed from their duties over their participation in the protests, following the deployment of hundreds of members of the security forces, mainly the army and navy.

Similarly, in the municipality of Villagarzón, Putumayo, agents of the anti-narcotics police and the national army shot at protesters when they were protesting in the proximity of the Costayaco well #10, operated by the [Canadian company Gran Tierra Energy](#), the main oil company in the department. This situation of abuse of force resulted in the wounding of several peasants and indigenous peoples and the murder of Jhordany Estrella Rosero, a 22-year-old peasant.

In addition, it has been reported that Facebook and other online platforms have at times blocked and censored video content, audio or text messages revealing the barbarity of killings in broad daylight or at night, committed by armed civilians allegedly on collusion with the National Police. Despite the fact that the [UN Rapporteur on the situation of human rights defenders](#) recommends that social media companies "publicly recognise human rights defenders, condemn attacks against them and hold substantive consultations with them", irregular situations have arisen that denote deliberate action against dialogue and human rights defender organisations, in a context in which the institutions of state control (Ombudsman's Office, Attorney General's Office and Attorney National General's Office) have been co-opted at the central level by the current government.

Human rights obligations of companies

As the DESCA Rapporteurship of the IACHR points out in its [thematic report on business and human rights](#), the Inter-American standards show that economic actors can play a role as guarantors of human rights, either by refraining from exerting undue influence on States or by not placing "obstacles, engaging in dilatory manoeuvres or concealing information" when this impedes or makes impossible the exercise of human rights. Furthermore, the Office of [the Special Rapporteur for Freedom of Expression in 2019](#) pointed out that social protest is fully recognised in the Inter-American standards and, to this end, establishes the contextual dimension as a criterion for analysis, establishing both the objective and the subjects to which it is directed as referents, which is why, on occasions, it can be aimed at private actors and have a disruptive character, without losing its characteristics as a matter of public interest. In this sense, private actors constitute guarantors of the rights to freedom of expression and assembly, and their immediate obligations are related to the implementation of due diligence measures, aimed at preventive dialogue and peaceful treatment of social and community conflicts.

Various [public statements by companies and business groups](#) have expressed their unrestricted support for the actions of the security forces, deliberately omitting the obvious excesses of force, human rights abuses and other illegal acts that have been clearly recorded and are of public domain. Similarly, businessmen and companies have indiscriminately used the language of institutional rule to delegitimise the just claims of civil society rights, with expressions such as "vandals" or "economic saboteurs", which ignore the constitutional guarantees and international human rights law applied for social protest and its benefits for its strengthening of democracy.

Companies and business associations have tried to equate the systematic human rights abuses of the security forces with some isolated de facto actions that have been highlighted in government discourse; they seem more concerned about their economic activities, the alleged effects of blockades on their capital and the "free mobility" of their goods, while hundreds of people claiming their economic, social, cultural and environmental rights in the streets have been arbitrarily detained, forcibly disappeared, tortured, sexually abused, beaten, injured, threatened and killed.

In this regard, we urge companies operating in Colombia, their business partners, and investors to respect human rights and not stigmatise social protest, increasing the risks for legitimate protestors and human rights defenders. [The UN Special Rapporteur on the situation of human rights defenders](#) has been clear in stating that companies should play a role in supporting and promoting human rights defenders and refrain from supporting any direct or indirect action that could negatively affect the rights of human rights defenders, their freedom of expression, association, and assembly.

Companies cannot forget that they have an obligation to refrain from acting contrary to international human rights standards and should openly and unequivocally condemn the violence by state and private actors that has been widely denounced by local and international civil society, the media, and international human rights bodies. As [the](#)

[Executive Director of the Business and Human Rights Resource Centre](#) states, referring to [the report of the UN Working Group on Business and Human Rights](#), "**companies are not neutral**"; therefore, in a conflict situation such as Colombia's, they have reinforced obligations to respect the rights to freedom of expression, assembly and association".

Protests occur in many centres of business activity in Colombia and should therefore be part of priority business considerations for implementing mandatory and enhanced due diligence. With such a scale of investment in places where there have been such gross human rights violations and attacks against human rights defenders in the context of the national strike, companies should implement due diligence procedures for the prevention of harm and abuse of the human rights of individuals, communities, and the environment, explicitly recognising the risks associated with doing business in contexts of widespread violence against legitimate social protests.

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NATIONAL ROUNDTABLE OF CIVIL SOCIETY ORGANISATIONS ON BUSINESS AND HUMAN RIGHTS

The National Roundtable of Civil Society Organisations on Business and Human Rights is a space of confluence of platforms and diverse non-governmental environmental, social, and human rights organisations in Colombia, for dialogue, discussion, mutual learning, and the search for common purposes, around the conduct of business in the country.

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