Recommendations for Due Diligence in Human Rights within the Construction Sector

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The Regional Center for Responsible Companies and Entrepreneurship (CREER, for its acronym in Spanish) investigates, evaluates and promotes respect for human rights and sustainable development within the framework of business activities. In line with the Institute for Human Rights and Business (IHRB), CREER has set out to promote a comprehensive agenda that connects governments, communities, businesses and civil society organizations through:

- Collective construction of knowledge
- Spaces for dialogue based on trust
- Strengthening of local capacities

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Chapter 1.

Introduction

During the year 2021 and early 2022, the Institute of Human Rights and Business (IHRB) and the Regional Centre for Responsible Businesses and Entrepreneurship —CREER, by its initials in Spanish— began a participatory and research process in the city of Cartagena de Indias (“Cartagena”), Colombia. Their purpose was to identify the local context, challenges, and opportunities to promote the joint agendas on human rights and just transitions in their relationship with the built environments, which are directly linked to the city’s planning, design, and construction processes. To develop this work, they used as a reference the lifecycle of Framework for Dignity by Design in the Built Environments (DxD), which was written based on the international human rights standards and the Sustainable Development Goals (SDG).

We developed the second phase of the process from June to December 2022 with the aim of identifying some recommendations on due diligence in human rights for the construction sector in Cartagena. To achieve it, the team conducted interviews with local leaders and stakeholders from the sectors that catalyze economic activities in the city —tourism and construction— and lead a workshop with different stakeholders that are part of the construction sector in this territory.

This report identifies some recommendations for Cartagena and the next steps to follow. It also provides ideas on the possibility of replicating the process in other cities, especially those located in coastal and port areas.

CREER is an organization that conducts research with a multi-stakeholder perspective, that addresses topics related to business and human rights in Latin America to strengthen institutional, community, and private sector capabilities that contribute to human rights guarantee, respect, and promotion, as well as facilitate conflict resolution at the local level.

Especially, CREER’s Human Rights and Oceans work line joins the efforts developed by the IHRB and the Rafto Foundation for Human Rights to understand the challenges and opportunities of the ocean industries in relation to human rights.

Industrial activities —commonly known as the blue economy— and tourism activities in the oceans around the world can achieve significant social and environmental benefits, if planning and management are addressed with responsibility; otherwise, they can have adverse effects on the local communities, direct operation workers, value chains, as well as other stakeholders, including indigenous people, women, girls, human rights defenders, and the environment.

This work line seeks to identify the challenges, barriers, alternatives, and opportunities for planning and managing the oceans in a responsible way with a human rights approach. This work has been developed in the city of Cartagena, where, in 2021, CREER, in collaboration with the IHRB, lead the project Cartagena de Indias—Colombia: Study Case and Recommendations of the City’s Built Environment Planning, from a Human Rights Approach.

During 2022, thanks to the funds given by the Rafto Foundation for Human Rights, we gave continuity to this work line by addressing 1) the
challenges that the port and tourism sectors face in relation to human rights and ii) some guidelines for the effective development of the due diligence on human rights of Cartagena’s construction sector.

This document aims to create a series of recommendations for the construction sector in Cartagena to strengthen human rights-oriented actions in the framework of its activities, as well as their influence throughout its value chain. We made the following recommendations not only considering the steps for their due diligence but also based on the stages of the DxD Framework.

With these recommendations, we expect that the construction sector in Cartagena can develop a work line in this matter to continue contributing for the construction of an inclusive city thanks to its activities. Also, that it gives an answer to the needs and expectations of all the stakeholders who live there.
Chapter 2.

Framework Dignity by the Design of the Built Environments

The built environment—the places where we live, work, and interact with others—has a defining influence over our ability to lead healthy and fulfilling lives. Actors in the private sector, especially those who belong to the construction industry, have a significant influence on the lifecycle of the built environments, as they have the ability to promote—or hinder—the implementation of the human rights. Therefore, the DxD Framework seeks to be a tool along the lifecycle of a project for the private construction sector companies so they can integrate actions that promote respect for human rights and build cities that respond to the needs of their inhabitants.


Cartagena is perceived as a city with great social inequalities that make it hard for people to exert their human rights. It has low levels of transparency by public institutions, and the instability of the local government and the little legitimacy of its rulers have led to the city having had 11 mayors in the last 10 years. In addition, there is a mistrust between the different local actors, which limits the possibilities for a dialogue that contributes to the construction of a joint agenda that can address the challenges that the city faces.

The built environments have a huge potential for projecting a better future. The DxD Framework has a special relevance in Cartagena since it is a city that is currently updating its Master Plan. This Plan seeks to involve companies and the construction sector guild in an essential role for ensuring Cartagena’s inhabitants can enjoy a city where they can develop their life projects.

Likewise, the different stakeholders that are part of the lifecycle of the built environments have a greater influence on decision-making and guidelines for the fast growth of urban areas and their future projections (IHRB and CREER, 2021). Unlike what happens in the agriculture, manufacturing, and energy sectors in relation to the built environments.

There is no consistent attention to social impacts [...] especially in relation to the accountability of respecting human rights. It is possible that, in part, this happens because of the crystallized nature of the built environments, where there are various entities that are present at different moments of the construction’s life cycle and there is a wide subcontracting chain. (IHRB and CREER, 2021, pg 12).

Due to the above, the relationships that exist between different institutional, social, and business sector stakeholders are of vital importance for Cartagena, as well as the existing spaces of dialogue that help plan and build a city that considers the ambitions and needs of its inhabitants.

Therefore, it is crucial to deeply acknowledge the value chain of the construction sector in a city, since it changes according to the place where it is developed, as it depends on the development plans, the predominant economic activities, and the participation of the citizens in the design of the city, among other reasons.

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3 CARTAGENA COMO VAMOS. (November 4th to 25th, 2021). 2021 Virtual Survey Results #MiVozMiCiudad. Available at: https://www.cartagenaacomovamos.org/nuevo/wp-content/uploads/2022/02/Encuesta-Mi-Voz-Mi-Ciudad-2021-Fase-2-Noviembre-Cartagena-C%c3%b3mo-Vamos.pdf
According to the United Nations Guiding Principles, the due diligence should be understood as

A continuous management process that a prudent and reasonable company should achieve, in the light of its circumstances (such as the sector where it operates, the context in which its activity is carried out, its size, and other factors), to face its responsibility of respecting human rights.

It is a concept based on identifying, preventing, mitigating, and assuming responsibilities for adverse impacts in the exercise and effective enjoyment of human rights, of the people and communities that are in the influence area of a project. In this case, of those projects developed by the companies and the relevant stakeholders in the construction sector.

To advance to proper due diligence management, CREER proposes five steps so the construction sector can advance adequately:

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### STAGES IN DUE DILIGENCE

<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td><strong>KNOWING THE ENVIRONMENT</strong>&lt;br&gt;Having methods, processes, and resources that allow the understanding of the political, social, economic, environmental, institutional, and cultural contexts where the projects of the sector will be developed. Knowledge is not enough to guarantee a diligent behavior if the practices that belong to the following four stages are not incorporated.</td>
</tr>
<tr>
<td>2</td>
<td><strong>VALUING THE CONSEQUENCES</strong>&lt;br&gt;Analyzing the information, having tools based on this evidence that allow to prioritize and define courses of action against dilemmas, and having the resources that allow to subsequently put in place the planned actions for each stage of the project.</td>
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<tr>
<td>3</td>
<td><strong>INTEGRATING THE KNOWLEDGE INTO THE DECISION-MAKING</strong>&lt;br&gt;Having practices that allow ensuring that the planned actions are executed, and corrective measures are taken on time for each stage of the project. The axis of this stage is the practices that contribute to the application of procedures and operational controls.</td>
</tr>
<tr>
<td>4</td>
<td><strong>COMMUNICATING</strong>&lt;br&gt;Having tools that allow, based on the knowledge of its stakeholders, to define the type of effective communication—or a strategy for it—, which is necessary to manage the risks with effectiveness. To develop practices that allow to discern which is the adequate information that should be shared with the different stakeholders, in which moment, and how the communication should be established.</td>
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<tr>
<td>5</td>
<td><strong>MONITORING</strong>&lt;br&gt;Applying instruments that allow to measure the results of the management, to identify the causes in management failures aimed at taking corrective actions and to identify the opportunities for improvement and lessons that can be incorporated into the management of the entity.</td>
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<td>6</td>
<td><strong>POLITICAL COMMITMENT</strong>&lt;br&gt;This process must be transversally based on a political commitment, where the sector and all the companies involved in the value chain assume the duty of promoting and respecting human rights.</td>
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*Source: CREER, 2017, [https://www.creer-ihrb.org/_files/ugd/134a42_52badea616524b5795c2c3f64f70cf12.pdf](https://www.creer-ihrb.org/_files/ugd/134a42_52badea616524b5795c2c3f64f70cf12.pdf)*
The following are the six stages of the *DxD Framework*, which are part of the lifecycle of the built environments. We present some recommendations for integrating the stages into due diligence, as well as the types of stakeholders—governmental, civil society, and the business sector—that are more relevant for each stage. In this way, we expect that the construction sector will advance in integrating the human rights approach into its activities and that the situations that may result in human rights impacts can be addressed with a preventive perspective.

Both, the *DxD Framework* and due diligence on human rights, are instruments for the stakeholders in Cartagena to identify a common agenda of dialogue and action that allows them to think of the city from a human dignity and social inclusion perspective.

**STAGE1. Land**

Is the first stage of the *DxD Framework*. It includes the acquisition activities and the purchase of plots for the development of the projects. For this reason, it is of vital importance to understand the ownership of the plot, the types of communities that are settled there, the own activities that the communities develop in these territories, and their relationship with the plots that will be acquired for the project. Other matters can arise, and they will be key for the institutional and private sector stakeholders to know and understand who inhabits the territory. They should build on the history of the plots, not only from the cadastral and legal points of view but also from the social and community perspectives of those who have been their landlords, tenants, possessors, or inhabitants.

In Cartagena, it is relevant to integrate a vision and knowledge of the territory for the purchase of the plots due to the presence of black communities with ownership or historic rights over the territory—for example, in the case of Tierra Bomba—. The sole legal verification of the plots is not enough and can generate negative impacts on the rights of people and communities, especially when these plots have a wide history of judicial proceedings to determine the history of the ownership of the property.

This is the reality of many neighborhoods and sectors of Cartagena since the Prior Consultation processes were not carried out timely and properly. This situation not only limits the right of the communities to participate, but also prevents governmental entities and private sector from understanding the social realities of a particular territory. The absence of this knowledge hinders generating robust and rights–focused policies for city planning, as well as generating strategies and programs that can prevent and mitigate the negative impacts that these projects may have on people and communities, especially on those population groups of special protection.

The following are some recommendations that will help the companies in the construction sector strengthen their due diligence and integrate the human rights approach into this process. These recommendations will allow them to advance on the due diligence steps of knowing, valuing, and integrating in the decision-making process.
Identifying the history of the plots in terms of ownership, presence/absence of the ethnic communities, access to public services, among others. This information will allow the construction companies to answer questions such as:

- What is the history of the plots?
- What are the rules and laws that currently exist in the country that determine the ownership of a plot? Does this regulation represent the inconsistencies or incongruences, or are they somehow overlapped in such a way that they can affect the process of property acquisition and the development of the project itself? For example, the normativity of land use versus the regulation for the protection and conservation of material immovable cultural heritage.
- How can the rights of the communities or people inhabiting the plots be affected once it is purchased for the development of the project?
- How has the history of institutional actions in the city been in relation to property acquisition processes, especially when they involve ethnic communities?
Identifying the presence of ethnic communities with the aim of knowing and understanding their relationship with the territory from a political, social, economic, environmental, and cultural perspective. This will allow institutional stakeholders and private sector actors to develop appropriate strategies to ensure the prevention and mitigation of impacts on the fulfillment of rights by the communities. This information will allow the construction companies to respond to questions such as:

> Who are the community representatives with whom the construction companies should establish a relationship during the plot acquisition process?
> Which are the economic, political, and social activities that are carried out in the plot or territory that the construction companies want to acquire for the project?
> What are the consequences that the plot acquisition and population resettlement will have on the ethnic communities? For example, rupture of the social fabric, conflicts inside the community, among others.
> Which is the current situation—related to the access to public services, health, and recreation, among others—of the community that is inside the plots that must be acquired for the development of the project?
> Does the acquisition of the plot imply that the ethnic community must be resettled in its entirety, or is the resettlement only necessary for one part in another sector of the city?
> Which is the use and relationship that the community has with the natural environment?

Integrating the information collected during the identification phase about the presence of the ethnic communities in the project’s development area into the decision-making processes. This means:

> Defining the activities and processes that must be carried out during the plot acquisition phase is necessary to identify how the information provided by the community should be considered.
Defining relationship and differential communication strategies for each type of actor or stakeholder’s group. This will allow the companies to advance in consolidating their relationships based on the respect and recognition of the communities as relevant actors in the decision-making processes.

Identifying the processes and specific moments of the relationship with local, regional, and national authorities.

Clearly identify the institutions in charge of each topic or activity within this stage of the project cycle, including the following relevant aspects:

- Functions and competences of the entities
- Monitoring capability or accompaniment in the process that is carried out during this phase or stage of the project
- Monitoring capability or accompaniment to the guild businesses, communities, and, in general, all the stakeholders and group stakeholders of the project.
STAGE 2. Planning and Finance

Is the second stage of the DxD Framework. It refers to the architectural planning of urban areas. At this point, it becomes relevant for all stakeholders—governmental, civil society, and business sectors—to ask themselves: which is the city we would like to have? In this stage, local authorities face the challenge of ensuring that the land use plans, or those instruments that define the use of the land in a city, consider not only the economic resources that are necessary to carry out urban projects, but also the needs of the city’s inhabitants, from an age, ethnicity, gender, and people with disabilities perspective, among others.

In a city like Cartagena, this stage also implies the importance of integrating the needs of the populations that are in the insular area—near and far away—with the purpose of ensuring that the projects approach them every time and better to the city, so its inhabitants can access all that is necessary to develop their life projects.

At this stage, it is expected that a deep knowledge of the needs of all the inhabitants of a city will be developed, not only to identify the problems but also to build with them the possible solutions in terms of the infrastructure and spaces that are required. In addition, it is time to link the business actors in these dialogues in such a way that the solutions that respond to the communities’ needs are solved in the project’s planning phase. This means knowing the environment, valuing the consequences, and integrating the knowledge into the decision-making, in terms of due diligence in human rights.

Some recommendations that allow strengthen due diligence in human rights are:

- Identifying the weaknesses and strengths of the land use plan of a city. With the purpose of ensuring that the project that will be developed considers the regulations but also understands how the construction sector can contribute positively to closing the gaps that a city has in relation to its planning.

- Identifying the populations that are in the direct influence area of the project: the childish population, the vulnerable population, the special protection population, and the population with disabilities, among others.
Identifying the needs that each population groups have—mentioned above—in terms of their right and access to the city, understood as the right of all inhabitants—current and future, permanent or temporary—to inhabit, use, occupy, produce, govern, and enjoy just, inclusive, safe, and sustainable cities, small towns, and human settlements, defined as common goods that are essential for a full and decent life. This means understanding what Cartagena’s inhabitants need to carry out their life projects:

- Concerning how well the city is connected, are there enough good routes to make sure that all residents can get to the facilities and institutions? Where are the main challenges to advancing in a more and better communicated city?
- Can the project to be developed generate greater pressure on existing access routes and limit the possibility and quality of connectivity of the local population with other places/sectors of the city?
- Which are the main barriers that inhabitants have for accessing goods and services in the city?
- Which are the benefits that the development of the urban project brings to the community—residential, commercial, institutional, recreational, or cultural—? What can be considered as the disadvantages of the project for the community? (Solve this question considering each population group).
- Does the city have enough and adequate spaces for its age groups and general population? How can the construction sector work with the local authorities to promote this type of infrastructure—such as parks—to fulfill the right to the city?

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Identifying which and how the participatory processes have been carried out in the city to identify the needs of the communities, in terms of access to goods and services. Also, identifying the strengths and weaknesses of the local, regional, and national government entities to ensure the participation of all stakeholders in the city planning.

- Are the dialogue spaces and participation mechanisms enough for city planning and socializing the infrastructure projects in the city?
- Do community leaders have the guarantees and information they need to take part and fulfill their role as representatives of the community?
- Are the defense of the environment and the work of the human rights defenders in the city considered during the participation processes for urban planning?
- Do local entities have participatory methodologies that ensure obtaining the necessary information for territorial planning and the mechanisms to integrate it into decision-making?
- Does the construction sector have the spaces and mechanisms for the communities to take part in the consultation and socialization processes of the projects? Please consider not only the Prior Consultation as the mechanism for participation by ethnic communities but also other spaces for the communities in general. Either those who are defined by regulation or developed by the companies themselves for the relationship with the key project’s stakeholders.
Identifying the environmental matters that the communities are more worried about, especially for those who are directly or indirectly related to the construction sector and the project that will be developed. It is important to recognize the responsibility of banks, the group of investors, and insurers in financing projects in the construction sector in terms of reviewing these types of socio-environmental impacts and, in general, human rights:

- Pressure on ecosystems and exacerbating social inequalities by private-purpose urbanization processes.
- Urban interventions that do not consider the socio-cultural context and tend to separate the communities.
- Disappearance of strategic ecosystems such as mangroves for formal and informal urban expansion.
- Integrating the environmental sustainability approach into the land use proposals. This is of special interest for Cartagena since it is currently striving for a coastal-marine planning that integrates the communities of the island area—near and far—from the city.

Identify whether, in any of the phases of the project, there will be capital investment from multilateral organizations. For this, it’s mandatory to ask:

- Do these organizations have their own social and environmental standards, or, on the contrary, must they comply with the standards defined by other entities?
- What are the national and international standards in relation to human rights accountability that govern financial institutions?
- Are these international standards aligned with national standards?
- How can I integrate these standards into the project of infrastructure that I want to develop in the city?
STAGE 3. Design

This third stage of the *DxD Framework* has a great impact—positive and negative—on the rights of those populations that will be affected by the urban projects. As greater is the integration of the needs identified by the people in the urban design, greater will be the positive impacts that they will have on the life project of the communities. Currently, in Cartagena, there is a lack of awareness and commitment, as well as a shortage of budget, among other situations, to integrate into its designs the solutions to problems and situations that have been recognized by the communities. This generates adverse impacts on individual and collective rights. For example, on the elderly, low-income individuals and communities, and the groups with a marginalized condition.

In this stage, it is very important the role that the business sector has in Cartagena—designers, builders, among others—in ensuring that the projects have the comprehensive vision of the community—process carried out in the previous step—in such a way that those built spaces for the development of a life project, which can be particular or collective—housing, parks, equipment, etc.—, have the necessary elements for the fulfillment of the rights. Also, to integrate the communities into the city, to ensure that the needs of its inhabitants are addressed, and to advance in how Cartagena can be such as everyone has imagined it: a territory that advances in closing the social gaps that exist nowadays.

It is very important to recognize at this stage that the knowledge and validation of the consequences should be reflected in the decision-making of the companies. The following are some recommendations that help strengthen due diligence in human rights:

- Functions and competences of the entities
- Monitoring capability or accompaniment in the process that is carried out during this phase or stage of the project
- Monitoring capability or accompaniment to the guild businesses, communities, and, in general, all the stakeholders and group stakeholders of the project.

Clearly identify the institutions in charge of each topic or activity within this stage of the project cycle, including the following relevant aspects:
Identifying which are the conflicts associated with the land use. It is important to remember that conflicts can arise within the communities, between the State and the communities, and between the companies of the construction sector and the communities, including the environmental license. That is why it is important to answer the following questions:

- Which are the reasons that are generating the conflicts or stresses between the inhabitants and the communities that are in the influence area of the project?
- Are those identified conflicts related to actions or omissions by the governmental entities, by environmental liabilities prior to the project execution and generated by other business stakeholders, by actions or omissions of the economic stakeholders related to the project?
- Do the identified conflicts have a differential approach toward a particular population group—women, girls, children, adolescents, people with disabilities, and elder people, among others—?

Identifying the possible impacts that the type of infrastructure to be developed can have on the people and communities settled in the project’s adjacent area. This is aimed at seeking alternatives that can prevent such impacts—for example, non-wind-blocking infrastructures—.

Clearly identify the institutions in charge of each topic or activity within this stage of the project cycle, including the following relevant aspects:

- Functions and competences of the entities
- Monitoring capability or accompaniment in the process that is carried out during this phase or stage of the project
- Monitoring capability or accompaniment to the guild businesses, communities, and, in general, all the stakeholders and group stakeholders of the project.
It is during this stage that the projects that, in the previous stages, have been consulted, designed, and passed through legal processes for acquiring licenses are developed. Along this stage, it has been identified that the main challenges for respecting human rights are addressed through transparency and accountability, as well as the fulfillment of the legal obligations of the companies in the value chain of the construction sector. At this stage, the workforce—qualified and not qualified—reaches its maximum recruitment level. Workers face a greater vulnerability due, among other reasons, to the noncompliance of their wages or social security payments, the lack of necessary elements of security for work, and the differential wages—for being a woman, a migrant, an indigenous person or having a diverse sexual orientation, etc.—.

During 2018 and 2019, CREER and the Ombudsman Office—Defensoría del Pueblo—carried out a project where they identified that the Venezuelan migrants were victims of abuses by their employers because they always offered them a lower remuneration than the Colombian workers. This situation occurred even if the migrants had their work permits.

In the case of Cartagena, it is very important to strengthen the verification mechanisms on the compliance of the legal labor regulations as well as having processes that reduce discrimination by gender, race, or precedence. According to the figures published by the Ministry of Labor, during 2022, about 7,500 complaints were filed for alleged labor rights violations. The construction sector had the third-highest number of complaints, overwhelmed by the trade and manufacturing sectors⁶. The departments of Cundinamarca and Bolivar have the highest percentages of labor inequity by gender condition⁷.

Additionally, in general terms, for November 2022, the informal occupation rate in the city was 60.1%, representing a decrease compared to the same period in 2021, where the rate was 62.8%.⁸ Cartagena is one of the cities in the Caribbean region with the highest levels of informality, after Valledupar (69.5%), Riohacha (68.3%), and Santa Marta (66.5%)⁹.

Therefore, considering the context described above, it is very important at this stage that the knowledge and validation of the consequences be reflected in the decision-making processes of the companies and in the mechanisms that are generated to ensure that any impact of a violation can be prevented or mitigated. In this case, the mechanisms to ensure transparency in the different building stages of the project

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⁹ Ibid.
will be of special attention for strengthening the role of the citizens’ oversights as well as the channels for complaints on possible labor legal noncompliance. The following are some recommendations that help the construction companies strengthen their due diligence in human rights:

Identifying which contractors or suppliers inside the value chain may be more likely to violate wages payments or the social security of their workers.

- Are there complaints against the company for not paying these legal concepts to its employees?
- Are there any complaints against the company about poor management or other types of corruption that could jeopardize the development of the project?
- Are there reports of business misconduct by that contractor or supplier, which may harm the company and affect the development of the project?

Identifying the existence, or lack thereof, of verification mechanisms inside the company to ensure that the contractors and suppliers comply with the legal obligations in labor matters as well as with the clauses or conditions of the contract.

- What controls exist inside the company to monitor contractors and ensure compliance with the rules and standards?
- Which are the activities that must be carried out for the development of the project, and which contractors and suppliers are linked to these activities? Have there been complaints about possible violations to the workers from these contractor/supplier companies?
- Are there channels or procedures to identify possible violations to the rights of the workers by their contractors/suppliers inside the company?
- Are there mechanisms or procedures in place to deal with cases or situations involving potential violations of workers’ rights by contractors/suppliers inside the company?
Identifying the possible ways of discrimination that can happen inside the company, of the suppliers, or the contractors. There can be situations related to discrimination based on gender, ethnicity, disability, and the condition as migrants, among others.

Before the execution of this project, have there been reported situations of discrimination in the company or in the contractor/supplier companies?

Which are the mechanisms or procedures that exist in the company for the hiring process and for defining tasks/activities throughout the project that can generate situations of discrimination based on gender, ethnicity, disability, and the condition as migrants, among others?

Are there other mechanisms or procedures for the company to apply to monitor that its suppliers and contractors have policies or procedures to prevent and avoid discrimination based on gender, ethnicity, disability, and the condition as migrants, among others?

Identify whether the mechanisms or spaces of communication with the project’s stakeholder groups to share the advances/reversals of the construction, accountability, among others, allow access to information in a timely manner—prior to these spaces—in such a way that citizens’ oversights have the information necessary to know and understand the state of the project. Consequently, they can actively participate in the spaces and comply with their work agenda.

Have the community or social leaders who have the power and legitimacy to speak for and represent the community in scenarios of participation and dialogue been identified?

Does the project—and the company—have spaces and mechanisms for getting related with the community and with the citizens’ oversights that are linked with the development of the project?

Do you know if previously there have been complaints of intimidation or threats situations against social and community leaders—or to the citizens’ oversights—that are related to socializing information about the infrastructure projects in the city or in the direct environment of the project?
Defining contractual clauses so that contractors and suppliers comply with the legal requirements of hiring, in such a way that the duty to respect labor rights is ensured. These clauses can be specific about the non-tolerance of the company toward breaches in the rules and to actions that may mean discrimination processes based on gender, ethnicity, and the condition as migrants.

Is the institutionality in charge of each topic/stage, its functions and competences clearly identified, and has it accompanied the process permanently with the companies of the guild, communities, and, in general, all the actors and stakeholder groups of the chain?
This fifth stage refers to the moment when the infrastructure is used, whether for residential, industrial, commercial, cultural, or recreational purposes. During this stage, risks may arise in the fulfillment of rights associated with the tenants of the residential buildings, as well as those of the workers, consumers, or users of these urban spaces. The stage calls today to governmental and private companies, by means of Law 1581 of October 17, 2012, and the Decree 1074 of 2015, to consider the impacts caused by the use of data and private information, either from those who inhabit the buildings or from those who frequent these urban spaces.

During this stage, unlike the previous stages, the spectrum of the stakeholders is expanded within the governmental scenario: the intervention of control and surveillance entities in the construction sector continues to ensure that the civil constructions have complied with the established regulations. Additionally, entities such as the superintendencies emerge, who are in charge of controlling and supervising sectors like the private security, general services, and maintenance, among others.

Although, in a strict sense, the companies that are in charge of the construction of this infrastructure are not responsible for managing its use —whether residential or commercial—, it is obvious that part of the value chain of the sector is constituted by stakeholders who exploit and enjoy the infrastructure of a city.

Situations like those occurred in Bogota and Cali in previous years, where the staff of the private security companies of two malls demanded that two gay couples withdraw from the facilities because they did not approve of their relationships, are the ones that this stage wants to prevent and mitigate, according to the case. This constitute violations on the fundamental rights of the people in relation to the use of the infrastructure that the city makes available for all its inhabitants. In one of these cases, the Constitutional Court issued a pronouncement with Judgment T-909/11, where it demanded that the mall make an act of symbolic repair and ask for public apologies to the affected persons.

This information is useful for the construction sector in those circumstances in which the delivery of the infrastructure is made by stages. Once a stage is delivered and the third party can use and manage it, the construction company continues to build, in the same space, other phases or stages of the project. An example of it, is the case of housing or mixed projects —residential and commercial— that are increasingly frequent in the national context.

Therefore, it is important to provide a series of recommendations for the construction sector that will be useful for preventing possible conflict caused by the relationships that must be established with different private and institutional stakeholders. The following are some recommendations that help the construction companies strengthen their due diligence in human rights:
Designing complaint and claim channels addressed to human rights that, although they can correspond with third parties outside the construction companies, they can clarify to the citizens or any stakeholder group where to go to initiate a claim.

Publishing to the third parties that manage the use of the physical infrastructure a policy or commitment to respect human rights, as one way to make clear the will to respect human rights among the chain.

STAGE 6. Demolition and Redevelopment

This last stage is related to the processes of reuse and resignification of the built environments, either by making adjustments to the infrastructure or by building new urban projects. Although this stage is a long way from the others in time, it is expected and desirable that urban projects have a long-term vision. This will allow end-users and government entities to draw a path for the proper planning of the territory.

Regularly, cities develop projects related to the recovery or reorganization of public space. For example, in 2016, Bogota developed some actions for the recovery of the Bronx sector —where the Urban Renewal Plan of the National Vote - La Estanzuela was advanced— with the aim of transforming this historic place of crime and drug use into a space intended for arts and creativity. There are also cases that require the demolition of old or new buildings in order to respond to urban expansion, which includes infrastructure for housing, commerce, institutional buildings, or for governmental services, transportation, or roads inside the city.

The Torices neighborhood in Cartagena, which is near to the Historic Center and San Felipe’s Castle, is an example of the processes that have been carried out in recent years for the expansion of the city. Also, it represents the demolition and redevelopment stage. First, the neighborhood is advancing a process of relocation of more than 100 families for the recovery of Juan Angola’s canal. At the same time, the neighborhood is facing a boom in housing construction, which has doubled its population density, which until a few years ago did not exceed four streets.

This situation has triggered two situations: the first one is related to the purchase of these houses by the construction sector to continue or initiate the projects already approved in Torices. The second situation is the displacement of families that have traditionally lived in this neighborhood due to the consequences of this type of projects, including the increase in the costs of public services —water, energy, and gas— and mobility. These situations not only have an impact on the right to a dignified life but also on the right to the city.
Therefore, it is important to provide a series of recommendations for the construction sector that will be useful for preventing violations in the fulfillment of the rights of persons, families, and communities that currently live in sectors whose infrastructures will be demolished or redeveloped, with the aim of satisfying the own needs of the city that is in constant growth.

At this stage, it is almost necessary to go back to the stages of planning, land, design, and construction to ensure that the new projects have a focus on human rights and dignity. Therefore, it is recommended to return to these recommendations to strengthen due diligence at this stage of demolition and redevelopment. However, the following are some additional recommendations:

- Why should the infrastructure be demolished? Do families or people still live there? (Describe the population groups that are there).
- Which can be the consequences that the demolition of the infrastructure has on communities or specific sectors of the population?
- Are there conflicts arising from the decision to demolish the infrastructure? Between whom, and what type of the conflicts?
- Which can be the effects that the redevelopment process will have on the traditional inhabitants of the sector? Are specific situations identified that may affect the rights of communities or individuals in the sector? For example, difficulties for mobility, increased lease fees, rising public service costs, pollution, loss of strategic ecosystems, among others.

Developing a communication strategy with a specific approach to each stakeholder group of the project that contains relevant information regarding the neighborhood, streets, and sector in a language that is understandable for all those who receive the information about the project.
Defining, with the help of local governments and other key stakeholders, information about the project and the decisions that need to be made about the relocation of local people who must leave the area for the new project to be built:

- What will happen to the people who live in this neighborhood and will have to migrate to other sectors because of demolition or redevelopment?
- What will be the accompaniment that local authorities and respective government entities will do during the process of relocation or resettlement of families and inhabitants?
- How will better or equal housing conditions be guaranteed, including access to public services, public transport, and equipment, among others?
This document constitutes a first approach for the construction sector to advance in the integration of due diligence in human rights into its activities for the development of an urban or infrastructure project in the city of Cartagena. These recommendations are given in key to contribute to the construction of a city designed from human dignity; a city that represents its citizens and that works to close the gaps of social inequality that persist in the context of the heroic city.

For the above, two reference frameworks were addressed that allow community, institutional, and mainly business sector stakeholders to identify the importance of integrating the human rights approach into territorial planning and in the relationship that stakeholders and economic sectors have with the city. First, the DxD Framework was presented, which addresses six stages that are configured as a tool for the design of built environments from a dignity and human rights perspective. Secondly, due diligence in human rights was addressed as a procedure that companies must carry out to prevent and mitigate impacts on the fulfillment of the rights of the communities and inhabitants of the city in the framework of the development of the projects of the construction sector. Due diligence is the heart of the actions that companies must take to meet their obligation to respect human rights during their activities, in accordance with the current standards of the United Nations and the Organization for Economic Co-operation and Development (OECD).

The interrelationship of these two frameworks allows companies that are part of the infrastructure sector to identify which of the stages of the built environments have the greatest impact and, from there, to ask themselves a series of questions that allow them to determine how their activities and decisions can affect negatively or positively the rights of communities and people, either because the projects to be developed will be carried out in their plots or because they will be in the neighboring areas or are directly affecting their work or housing areas.

Cities, being environments or spaces that are built from the relations that people have with the natural and built environment, require an integral view of the city: the city for its inhabitants and the development of its life project, the city for the governmental entities and local authorities to exercise their role, the city for the actors and economic sectors to carry out their activities with guarantees, and the city for their visitors and tourists, among others.
Regarding the above, throughout this document, questions like the following arise: Which is the city of our dreams? Does the city we live in today allow me to develop my life project? Do the social actors that are part of the city understand the role that each of us has in the city we dream of and in which we want to live? Is the city focused from sustainability?

This document does not intend to solve all these questions, but it does contribute to the identification of best practices by the construction sector to help build the city that the inhabitants of Cartagena imagine.