

ANNEX 8. PROCEDURE REPAIR MECHANISMS

PROCEDURE REPAIR MECHANISMS WITH A FOCUS ON HUMAN RIGHTS

Next, the reparation mechanisms with a focus on Human Rights that TGI S.A. will adopt are established. ESP to comply with the declaration of commitments established by the Human Rights Policy and which covers the Manual of the Rights Management System in order to comply with the following:

1. OBJECTIVE

As part of the duty of protection, due diligence and prevention against possible human rights violations, within the framework of TGI's business activity, the company seeks to take appropriate measures to manage and guarantee by legal, administrative, or any other means that appropriate, effective and efficient reparation mechanisms and measures in the area of prevention and attention to human rights.¹

2. SCOPE

It is important to understand the concept of effective reparations in a broad sense, such that it includes a series of preventive, compensatory and dissuasive repairs, and not just the payment of compensation. The concept of effective redress is closely related to the idea of corporate accountability, therefore, the application of this procedure gives rise to some form of institutional accountability and vice versa.

Within the framework of what is established by the United Nations Guiding Principles on Business and Human Rights (UNRP), reparation is understood as the process of providing a solution for a damage (real or potential) that has a direct or indirect origin. in the context of the activities and the operation of the Company, this in cases in which the Company has in fact found an adverse impact attributable to its activities, that is, as long as there is a question as to whether or not an impairment was caused.

The appropriate process to enable redress will depend on a number of factors, including legal obligations, stakeholder preferences, availability of mechanisms, nature of the negative impact, and where the negative impact occurs (i.e., within of the company's own activities or in its supply chain)².

3. MEDIDAS (FORMAS) DE REPARACIÓN

Reparation for human rights violations / violations in Colombia can include multiple measures, which, through judicial or administrative channels, seek a comprehensive restoration of rights. For the present procedure, the remedial measures that propose to apply will be in principle of a NON-

¹ Empresas "Las empresas desempeñan un papel independiente pero complementario a la hora de lograr reparaciones efectivas. Tienen cuatro responsabilidades relacionadas con la reparación derivadas de los componentes II y III de los Principios Rectores. En primer lugar, una lectura combinada de los Principios Rectores 11 y 12 deja claro que todas las empresas tienen la responsabilidad de respetar todos "los derechos humanos internacionalmente reconocidos". Esto incluye el derecho a una reparación efectiva, reconocido en la Declaración Universal de Derechos Humanos (art. 8) y el Pacto Internacional de Derechos Civiles y Políticos (art. 2.3). En otras palabras, las empresas no deben provocar acciones que socaven el derecho a una reparación efectiva o contribuir o estar directamente vinculadas a las mismas, es decir, no pueden adoptar ninguna medida que "elimine o reduzca la capacidad de una persona a disfrutar" de este derecho". Tomado de: <https://undocs.org/pdf?symbol=es/a/72/162>

² Tomado de: https://www.pactoglobal-colombia.org/booklibrary/63_ocde/140_guias-de-la-ocde-de-debida-diligencia-para-una-conducta-empresarial-responsable.html

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JUDICIAL nature, this without ignoring the existing JUDICIAL measures. Among the NON-JUDICIAL remedy measures are established ³:

3.1. Symbolic Reparation (satisfaction)

These are measures that seek to restore the dignity of those affected, publicly acknowledge the damage and spread the truth about what happened. These measures may take place in open spaces for dialogue between various actors or in writing where the Company or Contractors will publicly acknowledge the impact, this will allow to rebuild ties of trust and relationship with those affected and the community.

3.2. Material Repair

It implies the payment of compensation / financial compensation for the damage suffered (effective and verifiable causation of damage). In reference to the reparation of the damage, various International Principles embrace the integral reparation of the same and establish that the damage includes any loss suffered and any gain of which the affected party was deprived. In addition, they establish that the damage can be non-pecuniary and includes, for example, physical suffering and emotional anguish. Material reparation applies to both pecuniary and non-pecuniary damages, and may involve economic recognition, which represents the conversion of the damage into monetary units.

For this, it will be necessary for the Company at the head of the Directorate of Judicial Proceedings and with the accompaniment of the Directorate of Lands and Social Sub-Directorate, and other areas involved, to carry out the activities that may take place, including technical visits, case analysis, receipt of supporting material and probative material, among others, that allows identifying the causal link between the damage and the condition generated by the operation of the Company according to the claim or petition filed by the affected party, said report must include an estimate of the cost of the affectation presented. This report must be presented by the PQRS and Critical Cases Commission, before the Sustainable Development Committee, which must analyze the case and define whether or not to repair it.

3.3. Restitution

It seeks to restore the rights and the life project of those affected or communities, including the relocation processes generated by the operation and / or projects. The process for this case is detailed in the M-ASI-044 Manual for Involuntary Resettlement and Relocations.

3.4. Rehabilitation

Rehabilitation is a fundamental repair in many situations, it includes the restoration of physical and psychosocial conditions, this includes medical and psychological care. In the event that the effects occur within the framework of a relocation process due to the operation or projects of the company, the provisions of M-ASI-044 Manual for Involuntary Resettlement and Relocations must be applied.

³Tomado de: <http://www.derechoshumanos.gov.co/Prensa/2018/Documents/180507-instancias-mecanismos-medidas-remedio-no-judicial.pdf>

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3.5. Garantías de no-repetición

The guarantees of non-repetition are a useful instrument for the future, both to avoid repetition and to prevent human rights violations related to the operation of the Company. For this, the Company at the head of the Supply Management, the Contractual Affairs Directorate and the Compliance Directorate will insert appropriate clauses in commercial contracts or conciliation agreements, raise awareness about the integration of human rights standards in business operations, the introduction of compliance programs, reporting to judicial authorities or competent authorities in cases of criminal or disciplinary conduct, and the introduction of legal reforms to fill regulatory gaps.

3.6 Other preventive repairs

Preventive repairs can be of a provisional or temporary nature, which can be used to prevent human rights violations related to the activity of the company; In case of evidence of possible Impacts, and a sufficient legal basis, the company officials must act proactively to avoid impacts or damages to human rights, acting in this way under the duty of due diligence.

It is noteworthy that, if the company is only "directly linked" to negative consequences on human rights through its operations due to a business relationship, the company is not obliged to offer redress, although it can play an important role in that process. in order to generate the positive actions necessary to avoid or repair possible rights affected. However, the company must use its influence to prevent and mitigate these negative consequences.

ATTRIBUTES OF NON-JUDICIAL REMEDY

Non-judicial remedial mechanisms, both institutional and non-institutional, must be:

- **Legitimate:** trusted by the Stakeholders that are destined.
- **Accessible:** For this, the Communications Sub-Directorate and Administrative Services Directorate will be in charge of disseminating through existing PQRS channels.
- **Predictable:** clear, easy to use and provide a timely background response.
- **Equitable:** with reasonable access, so that the claim process can be carried out under equal conditions, with full information and respect.
- **Transparent:** to keep the people directly affected informed of the evolution of the claim processes.
- **Compatible with rights:** that their results guarantee the protection of people's privacy and the confidentiality of the process.
- **A source of continuous learning:** This implies that the mechanism is continually being refined and improved. Human rights standards are increasingly reflected in the commitments assumed by companies such as Repsol, in the form of codes of conduct, operating standards, framework agreements., etc.⁴

4. INSTANCIAS Y MECANISMOS NO-JUDICIALES DE REMEDIACIÓN

Non-judicial mechanisms imply dialogue and agreement between the parties on equal terms and, therefore, can generate participatory remedial measures, and more efficient, effective and expeditious results. To reinforce and provide coherence to non-judicial mechanisms, the alliance between the Company and the Authorities for the effective provision of remedies is key⁵.

⁴ Adaptado de: <http://www.derechoshumanos.gov.co/Prensa/2018/Documents/180507-instancias-mecanismos-medidas-remedio-no-judicial.pdf>

⁵ Adaptado de: https://www.ohchr.org/Documents/Issues/Business/NationalPlans/PNA_Colombia_9dic.pdf

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Among the mechanisms established by the State, TGI, under its operation and activities, uses the following non-judicial remedial mechanisms:

Local consultation tables

Under the purpose of this mechanism, the aim is to bring the Company, the Community and local governments closer together, so that together programs, routes, resources or strategies are agreed that contribute to remedying adverse impacts with a focus on human rights attributable to business activity.

Intervention by Municipal Mayors and Police Inspectors

Municipal mayors and police inspectors are transcendental administrative authorities to achieve dialogue and agreement on human rights, fulfilling a fundamental role in the social dynamics of the field. It is up to them to resolve the conflicts that arise between individuals due to disturbances in the possession of property, launches for de facto occupations, disturbances to the enjoyment of easements, as well as a multiplicity of minor criminal behaviors, although of a great occurrence with everyday life, such as property crime and personal injury. Both authorities are a figure widely recognized by the community and of multiple interventions, who have the competence to bring the parties closer through alternative dispute resolution mechanisms, facilitating agreements between the parties.

Ombudsman

The conciliation that is carried out through the Ombudsman's Offices, as an alternative mechanism for conflict resolution, allows the direct understanding of the parties involved in a controversy of interest so that, through a healthy and respectful confrontation of points of view, they can achieve a solution agreed upon by themselves, without the need for a third party to decide.

Timely Socialization of Projects and Prior Consultations

In recognition of the constitutional and legal mandates, as well as the territorial rights of the inhabitants of an area and / or communities, the company will proactively advance the processes of socialization and participation, or prior consultations in the cases of ethnically differentiated communities, in compliance with Article 6 of ILO Convention 169, seeking in this way to advance proactive processes of knowledge and participation on projects, preventing possible impacts on human, fundamental and collective rights of people in the territories where they carry out their projects or operations.

5. EXPECTED RESULTS

With the implementation of this Annex to the Human Rights Management System Manual, the company is expected to comply with the objectives set forth therein, and in particular its commitments to respect, prevent and promote human rights.

The application of this mechanism and its effectiveness, as well as any adjustment that must be made to it, must be evaluated in the internal due diligence processes annually and every three (3) years through a specialized third party, in accordance with the provisions of the Human Rights Management System Manual.