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22nd May 2018



The Chief
Special Procedures Branch
Office of the High Commissioner
Human Rights
UNITED NATIONS

Attention: Ms. Beatriz Balbin

Dear Madam

JOINT COMMUNICATION FROM SPECIAL PROCEDURES

Thank you for your letter dated 22nd May 2018 with respect to the above. We take this matter very seriously and as we did with the Human Rights Watch matter, we will endeavour to work together to provide you with both the information requested and address any alleged issues necessary. We understand the sensitivities around confidentiality but would ask if further details could be provided on precise locations of the alleged incidents to facilitate our ability to investigate further and/or put any necessary actions in place.

We recognize the impacts and risks associated with agricultural supply chains and tobacco growing, on farmers, their families and local communities. As of 2017, 80% of our tobacco volume is provided by commercial growers and 20% by small-scale growers. The information we have provided covers both groups.

We are responding as Northern Tobacco (Private) Limited (NT) and in terms of the processes we follow and do not speak for the other tobacco companies operating in Zimbabwe.

HUMAN RIGHTS WATCH

We received a letter dated 16th August 2017 from Human Rights Watch (HRW) regarding their preliminary findings in respect of their research on human rights abuses on tobacco farms in Zimbabwe and they raised concerns which are very similar to the concerns raised in your letter. We responded to HRW on 23rd August 2017 and provided documents in support of our responses (Annexure "A" and Annexure "B")

We received another letter from HRW on 8th December 2017 wherein we were requested to provide an update on our activities in relation to their concerns subsequent to their letter

Directors: R.W.J. Strong, P.W. West

dated 16th August 2017. Again we responded via our letter dated 13th December 2017 which included documents in support of our response (Annexure "C" and Annexure "D").

We found all our deliberations with HRW to be cordial and constructive and HRW were satisfied with the detailed and comprehensive responses and supporting documents that they had received from NT.

SUSTAINABLE TOBACCO PROGRAMME

NT follows the requirements of the Sustainable Tobacco Programme (STP) which supports the production of tobacco using good agricultural practices, good environmental practices and good labour practices. The STP is divided into the Crop Pillar, the Environment Pillar, the Facilities Pillar and the People Pillar. Each pillar sets out criteria that either the grower or NT or both has to comply with. The concerns raised by HRW and subsequently by yourselves, are covered by the criteria of the STP programme. We are required to monitor growers on an on-going basis to ensure compliance and from the data gathered, we are to complete an on-line assessment in November each year. Every three years we are independently reviewed. This process is similar to the previous Social Responsibility in Tobacco Production (SRTP).

We are provided with a guide relating to the STP requirements which details the criteria, guidance notes and the indicators in relation to each Pillar. A copy of the STP Guide (Annexure "E") is attached. We have provided every commercial grower with both an electronic copy as well as a hard copy of the STP Guide. We have visited all the commercial growers to discuss and provide an overview of the STP requirements an overview of the Best Practices and Agricultural Labour Best Practices Booklet and associated Monitoring processes. After each discussion the grower signs an acknowledgement confirming that the matters were discussed and that they understand the requirements. A copy of the acknowledgement (Annexure "F") is attached.

As far as the small-scale growers are concerned, we do not think that an electronic version is necessarily the most appropriate method to communicate and we have undertaken more focused training sessions. In our training sessions, small-scale growers are provided with an overview of the STP and copies of the training material. In 2017, 500 small scale farmers received training and a further 500 small-scale growers have been identified for training in the coming season with all 1000 small- scale growers being monitored for compliance in the coming season (Copies of the Training Reports are attached) (Annexure "G").

POLICY DOCUMENTS AND CUSTOMER STANDARDS

One of the requirements of the STP is a Company Policy document. We have prepared a STP Policy Document that is placed throughout the NT offices. This makes reference to NT's commitment to the production of quality tobacco in Zimbabwe and recognizes that its

operations have an impact on the local communities and environment at all levels. The document makes reference to elimination of child labour and health and safety issues. A copy of the Policy Document (Annexure "H") is attached.

There are a number of specific customer policies and procedures that we need to adhere to throughout our supply chain. For example, for BAT this includes the Standards of Business Conduct and specifically the Supplier Code of Conduct, which include child labour, human rights and aligned with UNGP. There is also a specific Environmental Policy that includes water and soil standards. BAT is also in the process of rolling out its new Child Labour Operating Standard, which was considered when compiling NT's Child Labour Policy which was updated in 2018.

One of the key documents is the BAT Leaf Supplier Manual (LSM) which details the specific requirements and standards expected by all suppliers. This includes a requirement to participate in STP and lists minimum standards in areas such as child labour, health and safety, GTS, water, soil, use of CPAs, etc.

In addition to STP, NT also takes part in the BAT specific THRIVE programme which looks at sustainable agriculture and farmer livelihoods in a more holistic way. We provide data to BAT in a range of areas such as child labour, health and safety, PPE and Grievance mechanisms. This only includes Commercial growers at the moment and we are working with BAT to include Small-Sale growers in the future.

BEST PRACTICES AND AGRICULTURAL LABOUR PRACTICES.

There are twenty-one (21) criteria in the STP that requires a Best Practice. We have prepared a booklet called the Best Practices and Agricultural Labour Practices Booklet to assist growers in meeting these criteria. The labour practices are in line with the requirements of the Labour Act and the National Employment Council for the Agricultural Sector Collective Bargaining requirements. The commercial growers have received an electronic copy and a hard copy which they are required to sign that they have read and understood the requirements during our visits.

Although a large number of our small-scale growers do speak English (and have been provided with a copy of the Booklet that has been discussed during the training sessions mentioned earlier); we recognize the need to improve communications in local languages and the booklet is also translated into Shona (vernacular) for distribution to the small-scale growers.

A copy of the booklet (Annexure "I") is attached.

BIODIVERSITY STUDY

One of the requirements of the STP is that we carry out a Biodiversity Survey to assess the impact of tobacco production on biodiversity. This survey was carried out between May and July 2017 in the following areas:

Guruve (Mashonaland Central)
Nyazura/Odzi (Manicaland)
Marondera (Mashonaland East)
Karoi (Mashonaland West)
Beatrice/Goromonzi (Harare South)

This is a multi-stakeholder exercise and we engaged with commercial and small-scale growers, schools, hospitals and clinics, NT Field Technicians, the Environmental Management Agency, District Councils etc. The discussions included topics of relevance to the HRW research and concerns raised by yourselves, such as child labour, chemical storage, use and disposal, personal protective equipment, etc.

The purpose of our Biodiversity Survey was to collect data on the impact of tobacco on the biodiversity and develop and implement an action plan to mitigate the risks and monitor progress. Having collected the baseline data, we have started identifying the key risks and have developed an ongoing-plan for implementation.

A Copy of the Biodiversity Survey for Guruve (Annexure "J") is attached. This includes an overview of actions we have taken such as the training of both Growers and Field Technicians on the People Pillar in general and on Child Labour in specific and providing educational material in the form of the Best Practice Booklets, Child Labour Booklets and Best Practice Notes in the vernacular (Shona) and carrying out monitoring of Growers and Field Technicians on both announced and unannounced basis.

TRAINING

We have provided training on the understanding of the STP to the NT Field Technicians and part of their role is to provide training to their small-scale growers and to assist them should they require help with any of the STP criteria and Best Practice requirements.

We also have a training programme that applies specifically to the small-scale growers. As mentioned above, approximately 500 growers received training in 2017 to facilitate the understanding of the STP and associated best practice requirements. This involved provision of materials in Shona (vernacular), and discussion of topics such as child labour, use and storage of chemicals, disposal of chemical containers, personal protection equipment, etc. Copies of the training material on the implementation of the STP (Annexure "K"), the Phase One Monitoring (Annexure "L") and Certificates of Attendance (Annexure "M") are attached. A further 500 small-scale Growers have been identified for training this coming season which commenced in May 2018

Subsequent to our response to the HRW letter dated 16th August 2017, we carried out further training, paying particular attention to the issues raised by HRW. We have enclosed herewith copies of the training presentations in both English and Shona (vernacular) (Annexures "N" and "O") and you will note that insofar as some of the criteria is concerned, there was specific reference to HRW. These criteria were given particular attention during the training sessions to ensure that the Field Technicians understood the importance of the eradication of child labour.

Following the training given to the Field Technicians, they were tasked with visiting the growers with the purpose of training them in line with the training they received above. Following each training session with the growers, each field Technician is required to complete a Monthly Reporting Tool, a copy of which we have attached hereto (Annexure "P"). A consolidated report based on the all Monthly Reporting Tools is attached (Annexure "Q"). Commercial growers are also monitored and questionnaires completed. A copy of the relevant section is attached hereto ("Annexure "R").

We have also prepared a guide on Child Labour in Tobacco Growing where information extracted from Understanding, Identifying and Eliminating Child Labour in Tobacco Growing - Eliminating Child Labour in Tobacco Growing Foundation was used. The guide has been provided to the growers and the field technicians. A copy of both documents is attached (Annexure "S" and "T").

Insofar as Child Labour Policies are concerned, firstly, all employers are required to meet the requirements of Section 11 of the Labour Act. This section as well as other sections of the Act comply with the International Labour Organisation (ILO) Conventions. Secondly, as mentioned above, we are required to comply with the requirements of the STP Guide. The People Pillar of the STP Guide provides various criteria including criteria relating to child labour. These criteria are all in line with the ILO Conventions. We have also prepared a Child Labour Policy which is distributed throughout the NT premises. (Annexure "U"). Child labour is included in detail in STP, the LSM (from BAT) and associated customer policies and standards such as the Supplier Code of Conduct.

In addition to the training above, we have identified other training such as Occupational Health & Safety, First Aid and Wealth Management Courses to small scale farmers and attendance Registers are kept.

MONITORING

NT completes ongoing monitoring processes as part of STP and completion of the Annual Self-Assessments. Monitoring of the STP is carried out in three phases throughout the season i.e. seedbeds, transplanting, reaping and curing, grading and presentation. Before each phase we provide training to the Commercial Growers in respect of the requirements of each phase. In addition to the follow up visits by Field Technicians following training on the People Pillar which covers the criteria relating to child labour, we also carry out monitoring exercises covering all criteria relating to the particular phase of the crop. The monitoring exercise will always include elements of the People Pillar. In addition to the monitoring exercises, we also carry out unannounced visits and have carried out such unannounced visits to Chiweshe, Goromonzi, Karoi and Beatrice areas in 2017 and 2018. The unannounced visits provide us with insight as to how the grower is performing and whether he is meeting the requirements of the STP. From the information gathered, we are able to establish any shortcomings of growers and to develop training programmes to assist the growers to put any actions in place and continuously improve, which is the aim of the STP. Where growers have failed to meet the required standards, these are deemed to be Prompt Action issues which needs urgent attention to be resolved. A copy of the Chiweshe Unannounced Visit Report is attached (Annexure "V").

As far as third party monitoring is concerned, as mentioned above, we are reviewed independently by ab.Sustain. They will include both NT and growers and will carry out unannounced visits to growers to ensure their compliance with the criteria of the STP. The 2018 review was delayed due to the political situation and will be conducted in December 2018. NT has continued to conduct unannounced visits to our farmers in the meantime and we have also cooperated and fully responded to separate BAT due-diligence processes and unannounced visits, that occurred in early 2018.

CONTRACT GROWER AGREEMENTS

Both the commercial and small-scale Contract Grower Agreement make provision for the compliance with the criteria of the STP by having growers acknowledge as follows:

- a) The NT Sustainable Tobacco Programme Guidelines have been made available to me;*
- b) I have read the NT Sustainable Tobacco Programme Guidelines and understand how they apply to me and are committed to abide by the Criteria of the Programme;*
- c) I authorise NT to undertake periodic assessments of our compliance with the criteria of the Sustainable Tobacco Programme using NT personnel or nominated third parties.*

STANDARDS OF BUSINESS PRACTICE

We have a document which we require suppliers of goods and services to NT sign which make provision for human rights issues, child labour, health and safety etc. A copy of the Standards of Business Practice (Annexure "W") is attached.

AGROCHEMICAL POSTERS

Agrochemical posters have been designed, printed and distributed amongst commercial and small-scale growers. A copy of the poster (Annexure "X") is attached.

FORMS

We have designed the following forms for use by Commercial and small scale growers:

- Chemical Application Record
- Fertilizer Application Record
- PPE Issue Record

Copies of the Chemical Application Form (Annexure "Y"), Fertilizer Application Form (Annexure "Z") and PPE Issue Record (Annexure "AA") are attached.

REQUEST FOR INFORMATION (further answer to questions)

1. Please provide an additional information and/or comments you may have on the above-mentioned allegations

NT takes the above-mentioned allegations very seriously, however to respond effectively, it is necessary to be provided with all the information, such as the growers of whom the information is allegedly related, and the nature of the alleged non-compliance involved. We are also cognizant of the social and environmental risks that are associated with any form of agriculture in Zimbabwe, but through programmes such as the Sustainable Tobacco Programme (STP), we believe we are taking the necessary steps to mitigate the risks. In addition to the criteria of the STP, we have a number of policies and procedures in place to ensure that all those in the NT supply chain recognize their responsibilities in ensuring compliance with the requirements relating to human rights abuses.

2. Please provide information as to what human rights due diligence has been undertaken by your company to prevent and remedy the adverse human rights impacts of the activities of businesses in accordance with the UN Guiding Principles on Business and Human Rights.

All the major tobacco manufacturing companies have subscribed to the Sustainable Tobacco Programme (STP) and as a supplier to BAT, which has also subscribed to STP, NT is guided by the requirements and the criteria of the STP. The STP is made up of a number of criteria which meets with a number of international standards such as the conventions of the ILO. In addition we are required to meet the criteria of the Leaf Supplier Manual provided by BAT which also meets the requirements of a number of international standards

Additional due-diligence includes the Biodiversity Survey to assess the impact of tobacco production by our growers on a range of issues. This survey was carried out between May and July 2017 in the following areas:

Guruve (Mashonaland Central)
Nyazura/Odzi (Manicaland)
Marondera (Mashonaland East)
Karoi (Mashonaland West)
Beatrice/Goromonzi (Harare South)

This was a multi-stakeholder exercise and we engaged with commercial and small-scale growers, schools, hospitals and clinics, NT Assessors, the Environmental Managements Agency, District Councils etc. The topics covered were similar to those relevant to HRW's research, such as child labour, chemical storage, use and disposal, personal protective equipment, etc.

The purpose of the survey was to collect data on the impact of tobacco on the biodiversity and develop and implement an action plan to mitigate the risks and monitor progress.

Since carrying out the survey, we have provided training to growers, particularly in the area of child labour, and we have met a number of the targets that we had set out to achieve such as educating growers on not only the legal requirements relating to child labour but also the need for ensuring that the social, moral and educational needs of children are considered at all times. In addition, growers are trained and educated on the risks of involving children in tobacco growing which might subject them to the harms of nicotine poisoning (GTS) as well as other hazardous tasks.

3. Please provide information on steps taken by your company to provide for effective remedy or cooperate in remediation of adverse human rights impacts, which they have caused or contributed to, through legitimate processes, as set forth out in the UN Guiding Principles on Business and Human Rights.

The STP Programme is designed for continuous improvement. Therefore, growers receive training on each criteria of each Pillar following which they are monitored to ensure not only that they are compliant but also to ensure that they have an understanding of the criteria to enable them to become compliant. The monitoring process is carried out on both an announced and unannounced basis. From the information gathered from the monitoring process, if additional training is required, then suitable training programmes will be designed and implemented. If, however, there are issues which require urgent attention, they will be deemed Prompt Action Items which will be dealt with as a matter of urgency.

4. Please provide information on existing measures including policies your company has put into place to ensure occupational health and safety protection of workers in your supply chain from pesticides, industrial chemicals and other hazardous substances.

Health and Safety is covered in a range of policies and procedures that are implemented throughout our supply chain, such as the STP, LSM, Supplier Code of Conduct and NT's associated procedures and range of documentation to increase awareness of these issues and requirements.

Insofar as the growers are concerned, they are provided with a copy of the STP Agronomy Guide, the NT Best Practices Booklet and Agricultural Labour Practices Booklet and the NT Best Practices Notes, all of which provide guidelines on health and safety and the use and storage of agrochemicals and the use of Personal Protection Equipment. In addition, third party stakeholders such as the National Social Security Authority and the Environmental Management Authority are engaged to conduct health and safety training.

As far as NT is concerned, the requirements of the Safety Health and Environment Policy applies.

- 5. Please indicate specific initiatives taken to ensure the protection of agricultural workers in your supply chain exposed to hazardous substances. Please also indicate specific policies if any, relating to the handling and exposure of toxic chemicals and other hazardous substances in relation to agricultural workers in your supply chain. Please specify any measures your company has taken to ensure that workers in your supply chain are fully informed on the chemicals and other hazardous substances they handle or could potentially be exposed to and on the required precautions to avoid and respond to exposure.**

Section P4.3 (Secure Storage of Crop Protection Agents) and Section P4.4 (Handling and Use of Crop Protection Agents) of the STP Agronomy Guide provide criteria for the use and storage of agrochemicals. The small-scale growers are provided with trunks in which to store their chemicals. The LSM, NT Best Practices Booklet and Agricultural Labour Best Practices Booklet make provision for the safe use and storage of chemicals. In addition, we provide growers with Best Practice Notes on the Handling and Use of CPA's. Growers are required to train their workers on the use and storage of chemicals and to keep training records thereof.

There is a provision within the standard commercial grower's cash flow for protective clothing, meaning that the grower is provided with funding for his/her/its protective clothing requirements. The small scale growers, on the other hand, are provided with protective clothing as part of their standard inputs.

- 6. Please provide information on any mechanisms or initiatives by your company in relation to data collection, measuring, monitoring, reporting and verification of information on health of workers in your supply chain and nearby communities, as well as on contamination of water, air, soil and food.**

The STP Agronomy Guide outlines the criteria to be met in relation to all the issues raised above. NT will monitor the growers in three stages each stage relevant to the stage of the crop. A questionnaire is prepared for each stage and each questionnaire will consist of questions relating to the Crop, Environment and People Pillars, relative to the stage of the crop. In addition to the three questionnaires, questionnaires specific to a Pillar will be prepared. In other words, if we want to concentrate on labour issues, we will prepare a People Pillar question for this purpose.

Having gathered the responses to the questionnaires, the information will be captured into an online assessment. This process is carried out every year and every third year we are reviewed by ab.Sustain based in the United Kingdom.

- 7. Please indicate particular measures your company has put in place to uphold international human rights obligations to protect children from the worst forms of child labour including addressing work of children in an unhealthy environment where they are exposed to hazardous substances, agents or processes.**

The Preamble to the Labour Act contains the following in part:

“AN ACT to declare and define the fundamental rights of employees; to give effect to the international obligations of the Republic of Zimbabwe as a member state of the International Labour Organisation and as a member of or party to any other international organisation or agreement governing conditions of employment which Zimbabwe would have ratified; to define unfair labour practices; to regulate conditions of employment and other related matters;”

Furthermore, the STP Agronomy Guide and the BAT Leaf Suppliers Manual, and associated Standard provide for criteria based on the requirements of the ILO. The NT Best Practice and Agricultural Labour Practice Booklet and the NT Best Practice Notes take into consideration the guidelines of the STP Guide and the Labour Act and corresponding Collective Bargaining Agreements.

In addition, growers and Field Technicians have been provided with a Guide on Child Labour in Tobacco Growing Areas which is an adaptation of the *Understanding, Identifying and Eliminating Child Labour in Tobacco Growing* – Eliminating Child Labour in Tobacco Growing Foundation

Lastly, insofar as NT is concerned, the NT Policy on Child Labour is displayed throughout the NT premises.

We trust we have answered your questions satisfactorily and should you require further information, please do not hesitate to contact us.

Yours sincerely
for RIFT VALLEY SERVICES (ZIMBABWE) (PRIVATE LIMITED)


R.W.J STRONG
GROUP CHIEF EXECUTIVE OFFICER

APPENDICES

- A. Letter from Human Rights Watch to Rift Valley Corporation dated 16th August 2017
- B. Response letter from Rift Valley Corporation to Human Rights Watch dated 23rd August 2017
- C. Letter from Human Rights Watch to Rift Valley Corporation dated 8th December 2017
- D. Response letter from Rift Valley Corporation to Human Rights Watch dated 13th December 2017
- E. Sustainable Tobacco Programme (STP) Guide
- F. Acknowledgement of Receipt by Grower
- G. Small Scale Grower Training Report
- H. Northern Tobacco Sustainable Tobacco Programme Policy
- I. Northern Tobacco Best practices & Agricultural Labour Best Practices Booklet
- J. Biodiversity Study and Implementation Report
- K. Training Presentation on the Implementation of the STP
- L. Training Presentation on Phase One Monitoring
- M. Certificate of Attendance
- N. Training Presentation on the People Pillar (English)
- O. Training Presentation on the People Pillar (Shona)
- P. Monthly Reporting Tool
- Q. Consolidated Monitoring Report
- R. Extract of Commercial Grower Monitoring Report
- S. Growers Guide on Child Labour
- T. Field Technicians Guide on Child Labour
- U. Northern Tobacco Child Labour Policy
- V. Chiweshe People Pillar Unannounced Visit Report
- W. Northern Tobacco Standards of Business Conduct
- X. Agrochemical Poster

Y. Chemical Application Record

Z. Fertilizer Application Record

AA. Personal Protection Equipment Issues Record