



UK Mission
Geneva

**From the Permanent
Representative**
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24 July 2018

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Anita Ramasastry

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Baskut Tuncak

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Dainius Puras

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Hilal Elver

Special Rapporteur on the right to food

Urmila Bhoola

Special Rapporteur on contemporary forms of slavery, including its causes and consequences

OHCHR
Palais des Nations
CH-1211 Geneva 10

Dear Ms Ramasastry, Mr Tuncak, Mr Puras, Ms Elver and Ms Bhoola,

Thank you for your letter dated 22 May 2018 regarding alleged human rights violations resulting from exposure of workers, including children, to toxic chemicals while working in tobacco farms in Zimbabwe. Our observations on the points raised in your letter are provided in the attached annex.

Yours sincerely,

JULIAN BRAITHWAITE

ANNEX

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The United Kingdom is concerned by allegations of human rights abuses resulting from exposure of workers to toxic chemicals while working in tobacco farms in Zimbabwe. We are especially concerned regarding the allegations of children working in hazardous conditions on tobacco farms. Zimbabwean law sets at 16 the minimum age for children to work in any sector and prohibits children under the age of 18 from performing hazardous work.

We recognise that there is limited data on and transparency around the problem of child labour in the commercial agricultural and mining sectors in Zimbabwe. We welcome the recent Human Rights Watch report on alleged child labour and human rights abuses on tobacco farms for drawing attention to some of the significant issues in these sectors. We note that British American Tobacco have published a statement in response to this report on its website.

In future we hope to work with the Government of Zimbabwe to improve further the national child protection system that we support, in partnership with UNICEF, the Ministry of Labour and Social Welfare and nine NGOs, so that it is better able to identify and respond to cases in relation to these challenges and to more broadly address child labour as a policy issue with both Government and the private sector.

The UK believes it is very important that chemicals and wastes are managed in such a way as to protect humans and the environment. We fully support multilateral frameworks such as the Strategic Approach to International Chemicals Management (SAICM) and legally binding agreements such as the Stockholm, Rotterdam and Basel Conventions which work together to ban the most hazardous substances, provide information on globally traded chemicals and make sure that hazardous wastes are not illegally transported. As part of the Post 2020 framework process, we are keen that all stakeholders, including industry stakeholders, take ownership of their responsibilities and will seek to strengthen commitments which protect vulnerable populations from exposure to harmful substances.

2. Please provide information on existing measures taken by your Excellency's Government to protect against human rights abuses by companies, including ensuring that the companies within your territory and/or jurisdiction implement their responsibility to respect human rights, as set forth by the UN Guiding Principles of Business and Human Rights.

The UK was proud, in September 2013, to become the first UN Member State to develop a National Action Plan to implement the UN Guiding Principles of Business and Human Rights. The National Action Plan was updated in 2016, in order to reflect actions taken by the Government in setting out the role Government can play in helping business to fulfil its responsibility to respect human rights. The updated Action Plan is published on the Government's Website ([here](#)). The Government believes the promotion of business, and the respect for human rights, go hand in hand.

The UK is committed to fully implementing the UN Guiding Principles on Business and Human Rights. The UK Government has encouraged other countries to follow our example by creating and implementing their own National Action Plan. We work through intergovernmental institutions including the European Union, to encourage and support companies to meet their obligations and responsibilities in the prevention of human rights abuses. The UK is also; committed to ensuring the effective implementation of The Global Goals for Sustainable Development including the commitments to end modern slavery and human trafficking (SDG 8.7) and to protect labour rights, promote safe and secure working environments for all workers (SDG 8.8).

The Government has helped to develop an increased emphasis, within the business community, on the importance of reporting, benchmarking companies' social and ethical performance, and corporate transparency. This has included;

- Clarifying legislation to ensure that eligible companies are required to report on human rights as part of their annual strategic reports;
- Transposing the EU non-financial reporting Directive 2014/95/EU to enable greater consistency and comparability of public information on the human rights policies and performance of listed companies in Europe;
- Supporting the development of the UN Guiding Principles Reporting Framework, a comprehensive tool including guidance for companies to report on human rights issues in line with their responsibility to respect human rights; and
- Supporting the development of the Corporate Human Rights Benchmark, which seeks to rank the top 500 globally listed companies on their human rights policies, processes and performance.

The United Kingdom is a signatory to the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises (the Guidelines). The Guidelines are voluntary standards intended to promote responsible business conduct by enterprises based in the signatory countries. The complaints mechanism can include the examination of instances where abuses of human rights may have occurred. The UK National Contact Point (UK NCP) raises awareness of the Guidelines and implements a complaints mechanism. The UK hosts information about the UK NCP on its website available [here](#).

We believe the UK's approach strikes an appropriate balance between encouraging strong corporate behaviour on human rights and avoiding an over-regulated approach, which could potentially drive companies to take a minimalist approach to compliance; our aim is to encourage a "race to the top".

3. Please indicate specific initiatives taken to ensure that those affected by business-related human rights abuses within your jurisdiction and/or territory have access to effective remedy, in accordance with the UN Guiding Principles on Business and Human Rights.

The National Action Plan contains a list of actions taken by the UK Government to promote access to remedy. Domestically these include supporting access to remedy for human rights abuses by business enterprises through its employment tribunals for cases of labour rights, avenues for civil law claims and specific criminal law provisions

under the Bribery Act 2010, Modern Slavery Act 2015, Serious Crime Act 2007, Corporate Manslaughter and Corporate Homicide Act 2007 and Gangmasters (Licensing) Act 2004. The UK NCP considers allegations of non-compliance by UK companies with the OECD Guidelines for Multinational Enterprises. The Equality and Human Rights Commission monitors and promotes human rights compliance and can conduct inquiries, investigating alleged human rights abuses in business sectors. Many industry sectors also have an Ombudsman, Regulator or other Government Complaint Offices that hear complaints, impose sanctions and award compensation where appropriate.

The Government has also sought to promote access to remedy by taking the following actions:

- Advising UK companies on establishing or participating in grievance mechanisms for those potentially affected by their activities and in collaborating with local authorities in situations where further State action is warranted to provide an effective remedy;
- Encouraging companies to extend their domestic UK practice of providing effective grievance mechanisms to their overseas operations;
- Supporting projects on remedy procedures in other countries, encouraging States to develop their human rights protection mechanisms and reduce barriers to remedy; and
- Commissioning an independent survey of UK provision of remedy, in order better to understand judicial and non-judicial remedies available to victims of human rights harms involving business enterprises.