

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the right to food; and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

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Excellency,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the right to food; and Special Rapporteur on contemporary forms of slavery, including its causes and consequences, pursuant to Human Rights Council resolutions 35/7, 36/15, 33/9, 32/8 and 33/1.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged human rights violations resulting from exposure of workers including children, to toxic chemicals while working in tobacco farms in Zimbabwe, specifically in Mashonaland West, Mashonaland Central, Mashonaland East, and Manicaland.**

According to the information received:

Zimbabwe is the largest producer of tobacco leaf in Africa and the world's sixth-largest producer of flue-cured tobacco. In 2000, following land reform, the tobacco industry transformed from its then characteristic large-scale farming to include increased small-scale farming. Large-scale farming employs high levels of mechanization, overhead and drip-line irrigation, and permanent wage labor. Small-scale farms are characterized by basic equipment, including ox ploughs and carts, hand sprayers, barns for curing tobacco, and baling equipment.

The majority of tobacco reportedly is grown in Mashonaland West, Mashonaland Central, Mashonaland East, and Manicaland. Tobacco production accounts for a significant part of the agriculture labor market, with tens of thousands of small-scale farmers, and thousands of hired workers on tobacco farms relying on tobacco cultivation for their livelihoods. Seasonal sales for 2017 indicate total revenue from auction and contract sales in Zimbabwe valued at USD 559 million from an area of approximately 80,000 hectares of planted tobacco, illustrating the significant contribution of tobacco production to the economy of Zimbabwe.

In 2018, there are approximately 100,000 registered tobacco farmers, comprising both large-scale and small-scale farmers. It is alleged that workers involved in tobacco production in Zimbabwe face serious health and safety risks. Workers allegedly have insufficient information, training, and equipment to protect themselves from exposure to pesticides and other toxic chemicals. Reports of workers hired on large-scale farms suggest that many workers, including some children, are coerced into working hours that are in excess of agreed time without overtime compensation. It is further alleged that some workers are denied their wages and forced to go weeks or months without pay. Workers who have refused to work overtime without additional pay have allegedly been dismissed or have been threatened with dismissal.

Chronic exposure to a myriad of toxic chemicals implicated by tobacco farming poses serious risks to human life and health. Tobacco farming can result in the exposure of workers to nicotine and toxic pesticides. Workers reportedly suffer from nausea, vomiting, loss of appetite, stomach pain, headaches, dizziness, skin irritation (particularly of the face), chest pain, blurred vision, eye irritation, respiratory irritation, and other symptoms of Green Tobacco Sickness (GTS), a type of nicotine poisoning that occurs while handling tobacco plants. Some of these adverse health impacts are reportedly developed from the application of pesticides on the tobacco farms. Long-term and chronic health effects of pesticide exposure include respiratory problems, cancer, depression, neurologic deficits, and reproductive health problems. Furthermore, nearby communities also report similar adverse health impacts from the use of pesticides on the tobacco farms.

It is reported that neither government officials nor company representatives have provided workers with adequate information about nicotine poisoning and pesticide exposure, or with sufficient training or comprehensive education to protect themselves. Some workers reportedly are not provided with, and often lack the means to procure equipment necessary to protect themselves, despite legal provision requiring employers to ensure that workers handling hazardous substances, including pesticides, are informed about the risks of the work, and provided with proper protective equipment. Furthermore, it is alleged that there is insufficient information among nearby communities about pesticides used on the farms, which has direct bearing on the ability of these communities to make informed decisions and participate in public debates regarding risks to their health from contamination of the air, water and soil.

Children

It is alleged that in the tobacco industry in Zimbabwe children are involved in work on farms and other parts of the production process and do so in hazardous conditions, often performing tasks that threaten their health and safety or interfere with their education. It is reported that during the labor-intensive planting and harvesting seasons, high rates of absenteeism are recorded in

schools near tobacco farms as children are engaged in work either as individuals or as part of their families. It tends to be the poorest and the most vulnerable people in rural areas that work as agricultural workers. A lack of social protection and minimum living conditions force parents to bring their children to work with them. Pre-set production volumes further force families to employ their children in order to reach these pre-set targets.

Children are allegedly exposed to pesticides while working on tobacco farms in Zimbabwe. Some children mix, handle, or apply pesticides directly. Others are exposed when pesticides are applied to areas close to where they were working, or by re-entering fields that had been very recently sprayed. It is reported that many of these children fall ill immediately after having contact with pesticides. Children are particularly vulnerable to the adverse health effects of exposures to toxic chemicals. Not only is a child's developing body more sensitive and vulnerable to toxic exposures, but children also ingest higher concentrations of toxic chemicals into their bodies than adults.

The exposure of children to pesticides has been associated with long-term and chronic health effects including respiratory problems, cancer, depression, neurologic deficits, and reproductive health problems. Due to the possible neurological effects of chronic exposure to pesticides and nicotine, these children may suffer neurodevelopmental impacts which could also reduce their capacities to pursue education. It is further reported that children work long hours handling green or dried tobacco leaves and as a result suffer specific symptoms associated with acute nicotine poisoning and pesticide exposure. Allegedly, the symptoms of GTS are clearly visible in child laborers, and monitoring systems are reportedly inadequate to detect health impacts of chronic exposure to pesticides and other toxic chemicals.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned about the reports of alleged infringement and violation of fundamental human rights to life, to health, and to access to information. Serious concern is addressed to reports that your Excellency's Government is failing to meet its international human rights obligations to protect the rights of children and the rights of workers in the tobacco industry. This is underscored by the obligation under the international human rights framework for your Excellency's Government to protect against human rights abuse within its territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps in relation to business enterprises to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on existing measures, including policies, legislation, and regulations your Excellency's Government has put in place to ensure occupational health and safety and the protection of workers from pesticides, industrial chemicals and other hazardous substances.
3. Please provide information on the existing initiatives to ensure workers 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.
4. Please indicate specific initiatives taken to ensure the protection of agricultural workers exposed to hazardous substances. Please also indicate specific regulations if any, relating to the handling and exposure of toxic chemicals and other hazardous substances in relation to agricultural workers.
5. Please provide information on any mechanisms or initiatives by your Excellency's Government in relation to data collection, measuring, monitoring, reporting and verification of information on health of workers in the tobacco industry and nearby communities, as well as contamination of water, air, soil, and food.
6. Please indicate any steps your Excellency's Government plans to take to fulfil its obligation to respect, protect and fulfill human rights in a way that complies with international human rights standards especially the right to the highest attainable standard of physical and mental health of the affected children, including access to healthcare and access to education.
7. Please indicate particular measures, including policies, legislation, and regulations your Excellency's Government has put in place to uphold its international human rights obligations to protect children from the worst forms of child labor including addressing work of children in an unhealthy environment where they are exposed to hazardous substances, agents or processes. Please specify how existing measures, policies, legislation and regulations are effectively implemented.
8. Please indicate if your Excellency's Government has put in place legislation on labor standards. Please also refer to any oversight mechanisms which inspect the working conditions in tobacco farms and specify the regularity of such inspections.

9. Please provide information on initiatives by your Excellency's Government aimed at guaranteeing minimum living conditions of vulnerable families in rural Zimbabwe. Please indicate any prevention measures aimed at reducing the entry of children into the labor market.
10. Please provide information on any measures, including policies, legislation, regulations and adjudication, your Excellency's Government has put in place to prevent, investigate, punish and redress human rights abuses by business enterprises in the tobacco industry within its territory and/or jurisdiction especially with respect to hazardous substances.
11. Please indicate what measures your Excellency's Government has put in place to ensure that companies, including companies sourcing tobacco from Zimbabwe, respect human rights, conduct human rights diligence and provide victims with access to an effective remedy as set forth in the UN Guiding Principles on Business and Human Rights.

We would appreciate receiving a response within **60 days**. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration. Please be informed that a letter on the same subject has also been sent to the Government of the People's Republic of China, the Government of Germany, the Government of Japan, the Government of Switzerland, the Government of the United Arab Emirates, the Government of the United Kingdom, the Government of the United States of America, and to companies allegedly involved.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release would be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release would indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Baskut Tuncak

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

Dainius Puras

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Urmila Bhoola

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Annex
Reference to international human rights law

In connection with the alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation. These include:

- The Universal Declaration of Human Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Covenant on Civil and Political Rights;
- The Convention on the Rights of the Child;
- The International Labour Organization Conventions;
- The World Health Organization Framework Convention on Tobacco Control;
- The Strategic Approach to International Chemicals Management Comprising the Dubai Declaration on International Chemicals Management, the Overarching Policy Strategy and the Global Plan of Action; and
- The UN Guiding Principles on Business and Human Rights.

Right to life

We wish to draw attention to your Excellency's Government's obligations under international human rights instruments to guarantee the right of every individual to life, liberty and security and not to be arbitrarily deprived of life, recalling Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), noting that your Excellency's Government acceded to the ICCPR on 13 May 1991.

In addition, Article 6 of the Convention on the Rights of the Child (CRC), which your Excellency's Government ratified on 11 September 1990, recognizes that every child has the inherent right to life and requires States parties ensure to the maximum extent possible, the survival and development of the child. It further requires States Parties to take all effective and appropriate measures to diminish infant and child mortality.

Further, the African Charter on Human and Peoples' Rights (ACHPR), which your Excellency's Government ratified on 30 May 1986, requires your Excellency's Government to respect and protect the rights of all people. In particular, we would like to draw the attention of your Excellency's Government to Article 4 on the right not to be arbitrarily deprived of the right to life and integrity of the person.

Right to health

We would like to draw your attention to Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by your Excellency's Government on 13 May 1991, which enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The right to health is also guaranteed as a part of the UDHR Article 25, which is read in terms of the individual's potential, the social and environmental conditions affecting health of the individual, and in terms of health services. Also, Article 24 of the CRC recognizes the right of the child to the enjoyment of the highest attainable standard of physical and mental health and to facilities for the treatment of illness and rehabilitation of health, and further mandated that States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures to among other objectives, "ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care".

Reference is made to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights (CESCR) which describes the normative content of Article 12 and the legal obligations undertaken by the States Parties to the ICESCR to respect, protect and fulfil the right to health. In paragraph 11 of General Comment No. 14, the CESCR interprets the right to health as "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information".

Also, the CESCR in General Comment No. 14 indicates that States are required to adopt measures against environmental and occupational health hazards and against any other threat as demonstrated by epidemiological data. For this purpose, they should formulate and implement national policies aimed at reducing and eliminating pollution of air, water and soil (para. 36). In relation to the right to healthy natural and workplace environments, General Comment No. 14 provides that improvement of all aspects of environmental and industrial hygiene comprises, inter alia, "preventive measures in respect of occupational accidents and diseases" and "the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health" (para 15).

In addition, the CESCR notes that "violations of the obligation to protect follow from the failure of a State to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to health by third parties. This category includes such omissions as the failure to regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to health of others; the failure to protect consumers and workers from practices detrimental to health, e.g. by employers and manufacturers of medicines or food..." (para 51).

Further, we would like to draw the attention of your Excellency's Government to Article 24 of the CRC, which recognizes the right of the child to the enjoyment of the highest attainable standard of physical and mental health and to facilities for the treatment of illness and rehabilitation. Furthermore, Articles 24 and 16 of the ACHPR confer upon all peoples the right to a general satisfactory environment favorable to their development and the right to health respectively. Article 16(1) states that '[e]very individual shall have the right to enjoy the best attainable state of physical and mental health'. The African Commission on Human and Peoples' Rights has stated, in Communication No. 155/96 (2001), that these two intertwined rights oblige "the State to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources".

Rights of workers

We wish to draw the attention of your Excellency's Government to Article 7 of the ICESCR, enshrining the right of everyone to the enjoyment of just and favorable conditions of work, including safe and healthy working conditions. General Comment No.14 of the CESCR provides that the improvement of all aspects of environmental and industrial hygiene comprises, inter alia, "preventive measures in respect of occupational accidents and diseases [and] the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health". Further, the ACHPR requires your Excellency's Government to guarantee the right to work under equitable and satisfactory conditions in Article 15, as well as the right to "a general satisfactory environment favorable to their development" provided in Article 24.

With particular reference to children, we would like to highlight Article 32 of the CRC which mandates States Parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. In this connection, States Parties are required to take legislative, administrative, social and educational measures to ensure the implementation of the present Article. To this end, and having regard to the relevant provisions of other international instruments, States Parties are called upon in particular to provide for a minimum age or minimum ages for admission to employment; provide for appropriate regulation of the hours and conditions of employment; and provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present Article.

We would like to refer your Excellency's Government to Article 18 of the World Health Organization (WHO) Framework Convention on Tobacco Control acceded to by your Excellency's Government on 4 December 2014, which provides that Parties shall have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories. In addition, reference is made to the International Labour Organization (ILO) Convention No. 182 (C182), to which your Excellency's Government

ratified on 11 December 2000. In particular, Article 3(d) of ILO Convention 182 enshrines the right of the child to be protected from hazardous work “which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” Further, according to Recommendation (No. 190), 1999 supplementary to ILO Convention 182, hazardous work includes “work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes ... damaging to their health; and work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer” (para 3).

Right to Food

In relation to the right to food, we would like to draw the attention of your Excellency’s Government to Article 25 of the UDHR, which recognizes the right of everyone “to a standard of living adequate for the health and well-being of himself and of his family, including food.” Furthermore, Article 11(1) of the ICESCR stipulates that States “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions” and requires them to “take appropriate steps to ensure the realization of this right.”

The CESCR has further defined the core content of the right to food in its General Comment No. 12, along with the corresponding obligations of States to respect, protect and fulfill the right to food. The CESCR considers that the core content of the right to adequate food implies, inter alia, availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand, and accessibility of food which encompasses both economic and physical accessibility.

The obligation to respect existing access to adequate food requires States Parties not to take any measures that result in preventing such access. The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfill (provide) that right directly.

The CESCR states that especially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food (E/C.12/1999/5, para. 13). Also, as a State Party to the ICESCR, Zimbabwe has an immediate minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of all economic, social and cultural rights including the right to food (CESCR, General Comment 3, para.10).

Right to information, participation & education

We wish to appeal to your Excellency's Government to take all necessary steps to secure the right to information. We would like to refer your Excellency's Government to the fundamental principles laid down in Article 19 of the UDHR, and Article 19(2) of the ICCPR which guarantee the right to "seek, receive and impart information" as part of the right to freedom of expression. Also, Articles 13 and 24(d) of the CRC provide respectively that "the child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice" and create an obligation for States Parties to "ensure that ... parents and children, are informed, have access to education and are supported in the use of basic knowledge of ... hygiene and environmental sanitation and the prevention of accidents". Further, Article 28 of the CRC provides for the right of children to education, and requires States Parties to, among other obligations, "take measures to encourage regular attendance at schools and the reduction of drop-out rates".

The right to information derives from the freedom of expression. However, the right to information has been recognized as a right in and of itself and one of the rights upon which free and democratic societies depend (E/CN.4/2000/63, para. 42). Access to information is a prerequisite to the protection of human rights, including worker rights, from hazardous substances, to public participation in decision-making and for monitoring governmental and private-sector activities. Public participation in decision-making is based on the right of those who may be affected to speak and influence the decision that will impact their basic human rights.

We would like to call the attention of your Excellency's Government to the importance of the right to information about hazardous substances to the general public, as emphasized in the Human Rights Committee's (HRC) Report of the Special Rapporteur (A/HRC/30/40) in paragraphs 7, 8 and 48, as well as in the HRC's General Comment No. 34 concerning Freedoms of Opinion and Expression (para.19). In addition, we would like refer your Excellency's Government to the HRC's General Comment No. 34 concerning Freedoms of Opinion and Expression. Paragraph 18 and 19 of General Comment No. 34 indicates that the right to access to information includes "access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production."

Further, we wish to refer to Article 9(1) of the ACHPR creates an obligation for your Excellency's Government to ensure that "every individual shall have the right to receive information". Also, Article 20(4) of the WHO Framework Convention on Tobacco Control provides that Parties shall, subject to national law, promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco..."

In order to fully realize the right to information for transparent public institutions, implementation through frameworks for measuring, monitoring, reporting and verification of information are necessary for Governments to ensure accountability on their obligations. States should ensure collection and proper management of information on working conditions, exposure levels, contamination, and long-term health implications of exposure to chemicals including toxic pesticides, especially with regard to workers and communities living near areas of use. In this connection, we wish to refer your Excellency's Government to General Comment No. 14 of the CESCR provides that States should establish and maintain mechanisms to monitor implementation of policies and plans towards achieving the right to health (para 56). General Comment No. 15 of the Committee on the Rights of the Child provides that States should regulate and monitor the environmental impact of business activities that may compromise children's right to health. Maintaining disaggregated information is necessary to understand specific events in the realization of the impact of particular actions on various groups including workers and children. The CESCR has in relation to various country evaluations recommended States to improve national statistics and data collection and disaggregation.

We wish to draw the attention of your Excellency's Government to the Strategic Approach to International Chemicals Management comprising the Dubai Declaration on International Chemicals Management, the Overarching Policy Strategy and the Global Plan of Action, to which your Excellency's Government nominated a focal point, under which parties state that they are "determined to implement the applicable chemicals management agreements to which we are Party, strengthen the coherence and synergies that exist between them and work to address, as appropriate, existing gaps in the framework of international chemicals policy" (clause 8, Dubai Declaration) and "commit ... to respecting human rights and fundamental freedoms, understanding and respecting ecosystem integrity and addressing the gap between the current reality and our ambition to elevate global efforts to achieve the sound management of chemicals" (clause 10, Dubai Declaration). Paragraph 10 of the Global Action Plan identifies measures to strengthening knowledge and information, and in so doing promote achievement of the right to information in relation to chemicals, to include "stepped-up monitoring of the impacts of chemicals on health and the environment, harmonized risk assessments, efforts to implement the Globally Harmonized System of the Classification and Labelling of Chemicals, and the development and publication of national pollutant release and transfer registers".

We would like to refer your Excellency's Government to Article 10 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, acceded to by your Excellency's Government on 1 March 2012, which requires States to cooperate in monitoring the effects of the management of hazardous waste on human health and the environment; and to Articles 9 to 11 of the Stockholm Convention on Persistent Organic Pollutants, ratified by your Excellency's Government on 23 May 2001, which provides for collection and dissemination of information on persistent organic pollutants and their effect on human health and the environment, as well as implementation of public awareness programs for various categories of society including workers in general and children in particular.

Business and human rights

Finally, we would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) following years of consultations involving Governments, civil society and the business community. The Guiding Principles have been established as the authoritative global standard for all States and business enterprises with regard to preventing and addressing adverse business-related human rights impacts. These Guiding Principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

It is a recognized principle that States must protect against human rights abuse by business enterprises within their territory. As part of their duty to protect against business-related human rights abuse, States are required to take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (Guiding Principle 1). In addition, States should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (Guiding Principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

The Guiding Principles also clarify that business enterprises have an independent responsibility to respect human rights. However, States may be considered to have breached their international human rights law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures, including adequate monitoring of pesticide use and labor conditions.

Furthermore, business enterprises should remedy any actual adverse impact that it causes or contributes to. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to Guiding Principle 25).

In addition, the CESCR stated that “corporate activities can adversely affect the enjoyment of Covenant rights”, including through harmful impacts on the right to health, standard of living, the natural environment, and reiterated the “obligation of States Parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities” (E/C.12/2011/1, para. 1).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.