



HUMAN  
RIGHTS  
WATCH

## A BITTER HARVEST

Child Labor and Human Rights Abuses on Tobacco Farms in Zimbabwe





# **A Bitter Harvest**

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in Zimbabwe**

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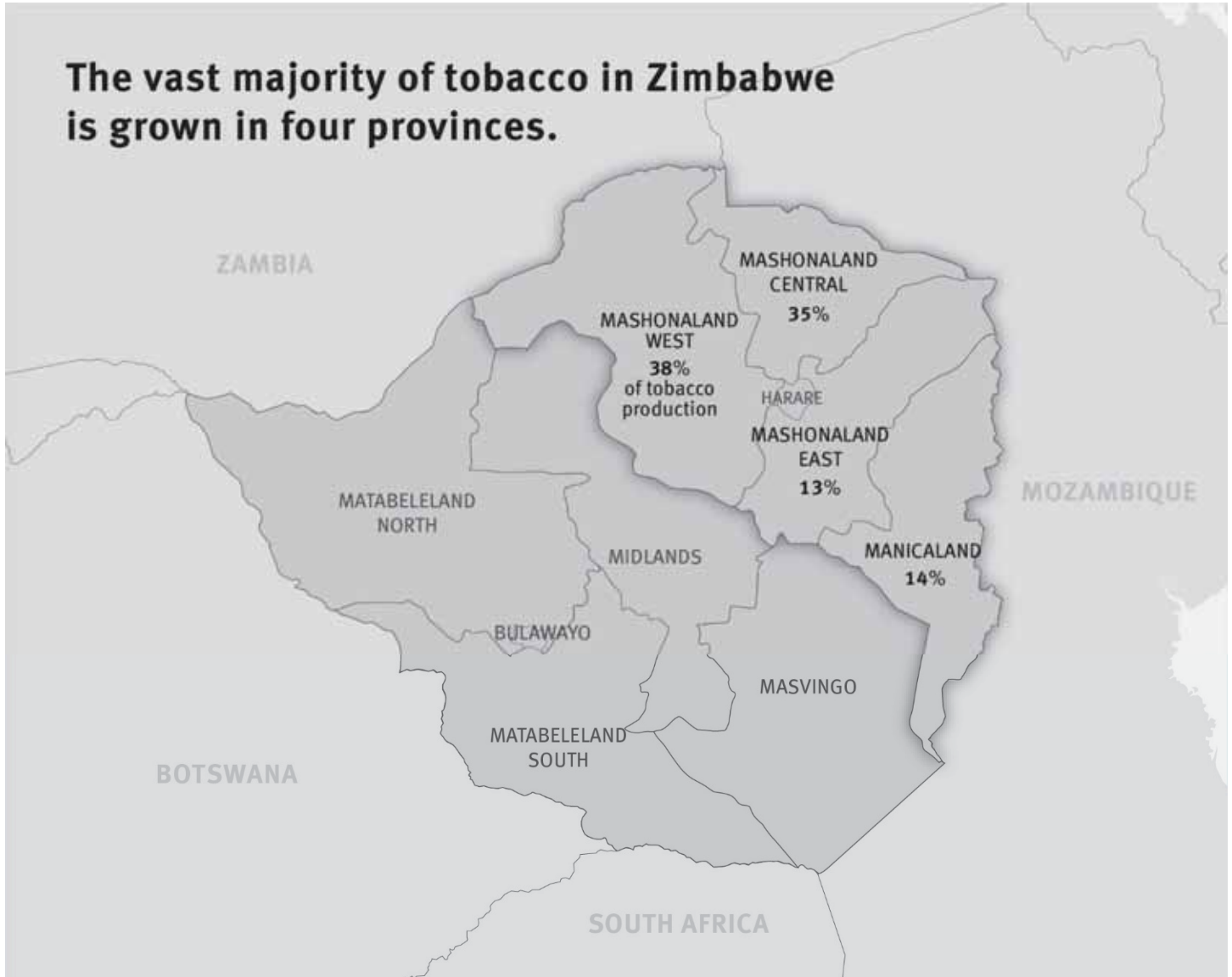
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## Map

**The vast majority of tobacco in Zimbabwe is grown in four provinces.**





## Summary

I hope that my children will go back to school, and become better people, because they can't do that working in tobacco farming. Tobacco growing is a very difficult field. It makes one grow old before their time.

— Anne, 36-year-old hired tobacco worker and mother of three child tobacco workers, ages 11, 13, and 15, December 2016

In November 2017, President Robert Mugabe's 37-year rule of Zimbabwe came to an end on the back of military intervention, and Emmerson Mnangagwa, his former deputy, took office as the country's new president. In an inauguration address delivered in Harare on November 24, 2017, Mnangagwa outlined his plans to help the country's troubled economy recover, saying, "Our economic policy will be predicated on our agriculture, which is the mainstay." He added, "Our quest for economic development must be premised on our timeless goal to establish and sustain a just and equitable society firmly based on our historical, cultural and social experience, as well as on our aspirations for better lives for all our people."

Tobacco farming is a pillar of Zimbabwe's economy. Tobacco is the country's most valuable export commodity—generating US\$933.7 million in 2016—and the crop is particularly significant to Zimbabwean authorities' efforts to revive the economy. However, Human Rights Watch research in 2016 and 2017 into conditions on tobacco farms in Zimbabwe revealed an industry tainted by child labor and confronted by other serious human rights problems as well. Zimbabwean authorities and tobacco companies should take urgent steps to address child labor and other human rights abuses that may be undermining the sector's contributions to economic growth and improved livelihoods.

In March 2017, Human Rights Watch met Panashe, a 50-year-old small-scale tobacco farmer in Manicaland, and one of 125 people involved in tobacco production interviewed for this report. Panashe supported his family with earnings from cultivating a half hectare of tobacco. In 2016, he did not make any profit. "Last year, we had the problem of hail, and we failed to get anything," he said. Without any earnings from the previous season, Panashe said he was unable to pay workers to help on his farm: "We face the problem of labor. In tobacco, you cannot work alone.... I cannot manage to hire workers because I



don't have anything." As a result, he relied on help from his 16-year-old daughter and 12-year-old niece. "They do everything," he said. "They are overworked."

Panashe described how he and his wife often felt sick while working in tobacco farming, suffering headaches and dizziness—both symptoms consistent with acute nicotine poisoning, which happens when workers absorb nicotine through their skin while handling tobacco plants. No one had ever informed Panashe or his family about nicotine poisoning, or how to prevent and treat it, even though he and his wife both suffered symptoms frequently. "I haven't ever heard about it," he said. "I haven't heard of anyone knowing about this." He also said he handled pesticides without adequate protective equipment, and sometimes suffered chest pain and blurred vision. "It really does affect us," he said.

This report—based on extensive field research and interviews with 64 small-scale tobacco farmers like Panashe, as well as 61 hired workers on tobacco farms in the largest tobacco-growing provinces in Zimbabwe—found several serious human rights problems in the tobacco sector. Many children under 18 work in hazardous conditions on tobacco farms in Zimbabwe, often performing tasks that threaten their health and safety or interfere with their education. Adults involved in tobacco production—both small-scale farmers and hired workers—face serious health and safety risks, but the government and tobacco companies are failing to ensure that workers have sufficient information, training, and equipment to protect themselves. Hired workers on some large-scale tobacco farms said they were pushed to work excessive hours without overtime compensation, denied their wages, and forced to go weeks or months without pay.

Zimbabwe is among the top tobacco producers in the world. Tobacco production is central to the country's economy, and tens of thousands of small-scale farmers, and thousands of hired workers on tobacco farms, rely on tobacco cultivation for their livelihoods. Yet, the government of Zimbabwe is failing to meet its international human rights obligations to protect children's rights and is also failing to tackle other workers' rights abuses in the tobacco sector. As President Mnangagwa's administration strives to promote Zimbabwe's economic growth, authorities should address human abuses faced by the small-scale farmers and hired workers sustaining the tobacco industry.

Tobacco companies also have an important role in respecting human rights in Zimbabwe's tobacco sector. Many major global tobacco product manufacturers, such as British

American Tobacco, and leaf merchant companies like Alliance One International and Universal Leaf Tobacco who supply to other major manufacturers, purchase tobacco in Zimbabwe. Human Rights Watch contacted these companies and 28 others regarding human rights concerns in tobacco farming in Zimbabwe and requested information about the policies and systems companies have in place to identify, prevent, and address human rights abuses in their supply chains.

Most companies, including nearly all of the major global tobacco companies, said they have detailed human rights due diligence policies in place and gave overviews of their efforts to conduct training on and monitoring of those policies in Zimbabwe. Human Rights Watch's research, however, found that small-scale farmers and hired workers on some large-scale tobacco farms faced abuses that these policies intend to prevent and remedy. Our research suggests companies are generally not doing enough to prevent and address human rights abuses throughout the supply chain.

Companies should review their human rights policies to ensure training and communication of standards to all farmers and workers, including in remote areas, using clear, straightforward materials and methods; ensure all workers and farmers are provided written contracts, with labor requirements and protections clearly articulated, and receive copies of these contracts; and that company representatives, especially field staff visiting farms, are adequately trained and held accountable for communicating standards to farmers and workers and implementing human rights policies throughout the supply chain.

Understanding the effectiveness of company policies, implementation, and monitoring is hindered by the fact that none of the companies that Human Rights Watch contacted for this report have publicly disclosed sufficient and detailed information about how they apply their policies to their supply chain, how they monitor to prevent or address problems, or how they evaluate their efforts to address human rights concerns in their supply chains. Transparency is a crucial element of effective human rights due diligence and facilitates external assessments of the effectiveness of companies' human rights policies.

With respect to child labor, most tobacco companies that Human Rights Watch contacted now have policies prohibiting children from performing most tasks in which they have direct contact with green tobacco, a significant step toward protecting children from health hazards such as nicotine poisoning. However, none of the companies contacted for this

report prohibit children from all contact with tobacco, including handling dried tobacco, which Human Rights Watch research in Zimbabwe and other countries has linked to respiratory symptoms, such as coughing, sneezing, difficulty breathing, or tightness in the chest, and other adverse health impacts on children. Human Rights Watch calls on all companies and the government of Zimbabwe, to prohibit children from any work involving contact with tobacco, as a policy that is both maximally protective and the most straightforward for companies to communicate, implement, and monitor throughout the supply chain.

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Farmers have cultivated tobacco in Zimbabwe for more than a century. Though the volume of production fluctuates from year to year based on economic and political factors and weather, in 2016, the last year for which data is available, Zimbabwe was the world's sixth-largest producer of tobacco.

Poverty in Zimbabwe is widespread, particularly in rural areas. In 2011, nearly three-quarters of the population lived below the national poverty line. A cash shortage in recent years has crippled the economy, leading the nation's Central Bank to impose limits on cash withdrawals and to introduce a form of local currency—bond notes—triggering widespread fears of inflation and further economic deterioration.

The controversial “fast track” land reform program introduced in 2000 by the ruling party—the Zimbabwe African National Union-Patriotic Front (ZANU-PF)—has radically altered the nature of tobacco production in Zimbabwe. Under the program, the government seized thousands of large-scale commercial farms owned by white farmers and redistributed plots of land, including many that were given to landless black Zimbabweans. Since the start of the fast track land reform process, the number of active tobacco growers in Zimbabwe increased dramatically, from around 8,500 growers in 2000, to more than 73,000 in 2016, at least in part due to the government subdividing and redistributing some large farms. Zimbabwe's Tobacco Industry and Marketing Board (TIMB) reports that 99 percent of tobacco is grown in one of four provinces: Mashonaland West, Mashonaland Central, Mashonaland East, and Manicaland.



Workers sort dried tobacco leaves on a farm outside of Harare, Zimbabwe.  
© 2017 REUTERS/Philimon Bulawayo

## Child Labor in Tobacco Farming

Human Rights Watch interviewed 14 child tobacco workers, ages 12 to 17, as well as 11 young adults, ages 18 to 22, who started working in tobacco farming as children. In addition, many other interviewees told Human Rights Watch that children work on tobacco farms in Zimbabwe. More than half of the 64 small-scale farmers interviewed for this report said that children under 18 worked on their tobacco farms—either their own children or family members, or children they hired to work on their farms. About half of the hired adult tobacco workers we interviewed said children under 18 worked with them, either also as hired workers, or informally assisting their parents, who were hired workers. Primary and secondary school teachers from tobacco-growing regions described to Human Rights Watch how children’s participation in tobacco farming contributed to absenteeism and made it difficult for their students to keep up with schoolwork.

In all of the provinces where Human Rights Watch conducted research, regardless of the size of farms or the nature of the work, interviewees explained that children work on tobacco farms in Zimbabwe due to poverty.

Zimbabwean law sets 16 as the minimum age for children to work in any sector and prohibits children under 18 from performing hazardous work. A 2001 amendment to the Children's Act specifies several types of work that are considered hazardous work for children, including any work, "which is likely to jeopardise or interfere with the education of that child or young person" and any work "involving contact with any hazardous substance, article or process." However, Zimbabwean law and regulations do not specifically prohibit children from handling tobacco.

### *Hazardous Work*

Human Rights Watch found that work in tobacco farming in Zimbabwe poses significant risks to children's health and safety, consistent with our findings in Kazakhstan, the United States, and Indonesia. Children working on tobacco farms in Zimbabwe are exposed to nicotine and toxic pesticides. They sometimes work very long hours handling green or dried tobacco leaves. The children interviewed for this report described sickness while working in tobacco farming, including specific symptoms associated with acute nicotine poisoning and pesticide exposure.

All of the child workers interviewed for this report said they had experienced at least one symptom consistent with acute nicotine poisoning—nausea, vomiting, headaches, or dizziness—while handling tobacco. For example, Davidzo, 15, started working on a neighbor's tobacco farm with his grandmother when he was 14. He said he vomited the first time he worked with the crop in 2015. "The first day I started working in tobacco, that's when I vomited. I was feeling that I didn't have power," he said describing how his body felt weak. Though he only vomited once, Davidzo said he often gets headaches while working with tobacco, especially when he carries the harvested leaves. "I started to feel like I was spinning," he said. "Since I started this [work], I always feel headaches and I feel dizzy. I feel like I don't have the power to do anything."

Children are particularly vulnerable to nicotine poisoning because of their size, and because they are less likely than adults to have developed a tolerance to nicotine. The

long-term effects of nicotine absorption through the skin have not been studied, but public health research on smoking suggests that nicotine exposure during childhood and adolescence may have lasting consequences on brain development.

In addition, many of the child tobacco workers interviewed for this report said they were exposed to pesticides while working on tobacco farms. Some children mixed, handled, or applied pesticides directly. Others were exposed when pesticides were applied to areas close to where they were working, or by re-entering fields that had been very recently sprayed. Many children reported immediate illness after having contact with pesticides.

Sixteen-year-old Tanaka described how he got sick after he poured a chemical used to help color the tobacco leaves into a backpack sprayer and applied it to the crop. “The smell affects me,” he said. “It stays with me and only clears after I take a bath. It causes nausea, and you lose your appetite.” He said he had experienced the feeling many times, most recently three days prior to his interview with Human Rights Watch. He said he wore overalls and a coat, but he had no gloves and nothing to cover his nose and mouth.

Rufaro and Zendaya, both 15, worked together on a tobacco farm in Mashonaland Central. Both girls said they had vomited after entering fields that had just been sprayed. “[It happens] when they spray the chemicals. It’s because of the smell. It’s so bad,” said Zendaya. “Most of the people, they vomit,” added Rufaro. “We were working in fields that had been sprayed. We were picking worms [off of the leaves]. They spray first, and then the worms come out, and then we go [into the field] and get them. Every time they spray, people go home sick [after work].”

Pesticide exposure has been associated with long-term and chronic health effects including respiratory problems, cancer, depression, neurologic deficits, and reproductive health problems. Children are particularly vulnerable to the adverse effects of toxic exposures as their brains and bodies are still developing.

Several children also reported respiratory symptoms while working with dried tobacco, such as coughing, sneezing, difficulty breathing, or tightness in the chest. Fungai, 16, worked on five tobacco farms in Mashonaland Central, where he lived with his mother and two older siblings. He said he suffered respiratory symptoms while grading dried tobacco:

“During grading, you’re sneezing and having trouble breathing. It’s the smell of the tobacco. Once it hits you it’s like you’ve been burned.”

### *Child Labor and Education*

Zimbabwe has committed to the United Nations Sustainable Development Goals (SDGs) which sets a target for all countries to offer all children free, equitable, and quality primary and secondary education by 2030. The goals are also in line with the country’s international and regional human rights obligations to realize the right to primary and secondary education for all. While Zimbabwe’s constitution requires the government to promote “free and compulsory basic education for children,” many families have to pay fees or levies for their children to go to public schools. Children are only required to attend school through age 12, even though the minimum age to begin working is 16. The compulsory education age is low relative to many other countries in the African Union, and Human Rights Watch research suggests that children in Zimbabwe face barriers to completing their compulsory education and accessing secondary school.

Interviewees told Human Rights Watch that primary school fees were typically \$10 to \$15 per term, and secondary school fees were higher—sometimes close to \$150 for the first term, and \$35 to \$50 for subsequent terms. Parents, children, teachers, and worker advocates interviewed for this report said that school fees posed a barrier to children’s education, and many interviewees said the fees became prohibitively expensive for their families, particularly in secondary school. Some interviewees said school administrators sent children home, or refused to provide end-of-year exam results if school fees were unpaid. Interviewees also described how indirect educational costs for things like books and uniforms posed a challenge for many families.

It was beyond the scope of this report to investigate barriers in access to primary and secondary education across all sectors, as the focus of our research was child labor and human rights abuses on tobacco farms. In research in other countries, Human Rights Watch has found that school fees pose a barrier to education for many children. In Zimbabwe, the difficulties accessing education because of school fees likely affect many low-income families outside of the tobacco sector, though our research suggests children in small-scale tobacco farming families may face particular risks continuing their education, due to the nature of their financial cycles. Many small-scale tobacco farmers

told Human Rights Watch that they received earnings only during one part of the year after selling tobacco, and therefore often struggled to pay school fees at the start of the academic term beginning in January. Small-scale farmers in other types of agricultural production may face similar challenges due to their financial cycles.

Teachers in tobacco growing regions told Human Rights Watch that their students were often absent during the tobacco growing season, particularly during the labor-intensive periods of planting and harvesting, making it difficult for them to keep up with their school work. Joseph, a grade 5 teacher in Mashonaland West, said one-quarter of his 43 students worked on tobacco farms. “It causes a lot of absenteeism,” he said. “You find out of 63 days of the term, a child is coming 15 to 24 days only,” he said.

Northern Tobacco, in its 2017 monitoring of one tobacco-growing region from which it sources in Zimbabwe, confirmed high rates of absenteeism due to farmers’ difficulty paying school fees and risks of child labor during the most labor-intensive tobacco farming periods.

Some children missed school to work for hire on tobacco farms to raise money for their school fees. For example, Davidzo, a 15-year-old boy in Mashonaland Central, missed 15 days of class to work in tobacco farming. He said, “I had to absent myself from school because I needed school fees.” When he returned to school, he was punished by his teachers. “I was beaten.... I was so disappointed because I was trying to make an effort to work to raise my school fees. I thought I was doing good for myself.” Davidzo said he could not continue to secondary school due to the recurring challenge of paying school fees, so he dropped out.

Other interviewees said children missed school to help their own families with tobacco farming tasks. Some children and young adults interviewed for this report had never attended school or had dropped out before completing their desired level of education to work in tobacco farming. In most of these cases, interviewees said families were unable to cover the cost of their school fees. “I stopped [school] at grade 6,” said, Farai, a 14-year-old tobacco worker in Mashonaland Central. “We couldn’t afford to pay the fees. It was very painful.”



## Health and Safety Risks for Adult Tobacco Workers

Like the child workers we interviewed, adult tobacco workers—both small-scale farmers and hired workers on farms of various sizes—were exposed to nicotine and toxic pesticides while working, and many suffered health effects that they attributed to their work on tobacco farms. Interviewees reported that neither government officials nor company representatives had provided them with adequate information about nicotine poisoning and pesticide exposure, or with sufficient training to protect themselves. They also said that they were not provided with, and often lacked the means to procure equipment necessary to protect themselves.

Almost none of the small-scale farmers or hired workers interviewed by Human Rights Watch knew about acute nicotine poisoning, or Green Tobacco Sickness (GTS), or how to protect themselves from it. However, most had experienced symptoms consistent with nicotine poisoning while working, including nausea, vomiting, loss of appetite, headaches, and dizziness. Even the contract farmers interviewed for this report, who regularly met with representatives of tobacco companies, had very little, if any, information about nicotine poisoning.

For example, Admire, a 43-year-old tobacco farmer from Manicaland, had sold tobacco through a contract with a tobacco company for seven years, yet he said no one from the company ever informed him about GTS, even though he and most of his family members had suffered symptoms consistent with nicotine poisoning. Admire said his 17-year-old son had even vomited while handling tobacco. “When we’re hanging tobacco, we normally feel weak or vomit, and get a headache and dizziness,” he said. “We have never heard that kind of education,” he said. “You fall sick, but you don’t know what it is.”

Nearly all small-scale farmers and many hired farmworkers interviewed for this report said they handled toxic chemicals while working on tobacco farms. While most small-scale farmers and hired farmworkers had some understanding that pesticides could be dangerous, many had not received comprehensive education or training about how to protect themselves and other workers from exposure. Many interviewees handled chemicals without any protective equipment, or with improper or incomplete protection. Interviewees reported illness after coming into contact with toxic chemicals, including 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. Zimbabwean regulations require employers to ensure that workers handling hazardous substances, including pesticides, are informed about the risks of the work, and provided with proper protective equipment.

Union organizers in multiple provinces told Human Rights Watch that the lack of protective equipment was a chief concern among the workers on farms they served. At the time of writing, stakeholders were working to develop a regulation on health and safety in the agricultural sector. In the absence of this regulation, the legal and regulatory framework has lacked comprehensive safety and health protections for agricultural workers, leaving them particularly vulnerable to occupational illnesses and injuries.

## **Labor Rights Abuses**

Human Rights Watch documented serious labor rights abuses on large-scale tobacco farms, including excessive working hours without overtime compensation and late or non-payment of wages.

Many of the hired workers interviewed by Human Rights Watch, including some children, said employers pressured them to work past their designated working hours without additional compensation. Some workers said they were asked to work on Sundays, their designated rest days, without overtime compensation or compensatory time off (the ability to take another day to rest). While some workers said overtime work was voluntary, others said they feared reprisals for refusing to work overtime, citing examples of fellow employees who had been dismissed from work for several days, or permanently, after declining to work overtime.

Many workers reported that employers delayed payments to workers, from a few days up to weeks or months. On some farms, when employers delayed wage payments, they allowed employees to buy basic foodstuffs and household goods on credit in employer-owned shops, sometimes at inflated prices. The money spent in these shops was then deducted from their wages. In the absence of wages, several workers explained that they had no choice but to acquire essential items through their employers. Some workers said they were paid less than they were owed or promised, without explanation.

In many cases, the incidents described to Human Rights Watch appear to constitute violations of Zimbabwean labor law and regulations. The 2014 collective bargaining agreement for the agricultural industry stipulates that agricultural workers should not exceed 208 hours of work per month, and requires employers to pay “double the employee’s current wage” for overtime worked on a day off, and “one and a half times the employee’s current wage for time worked in excess of the ordinary monthly hours of work.” The agreement requires employers to provide wages in cash within two to four days of the end of the working period (week or month, respectively).

## Other Human Rights Problems

Very few of the hired workers on small or large-scale farms who were interviewed for this report said they had ever seen a labor inspector or other government official visit their workplace to inspect working conditions. Most workers said that as far as they knew, union organizers were the only people to inspect conditions at their workplaces and speak with them about grievances. In response to Human Rights Watch’s request for information regarding labor inspection in the agricultural sector, the Zimbabwean government stated that it has 120 labor inspectors, and carried out 2,500 labor inspections in all sectors between 2015 and early 2018. It reported that “no record of any violations were received,” though it reported that a 2014 labor force survey found the prevalence of child labor across sectors is around 4.6 percent. According to the government’s response, there were “no cases of child labour in the tobacco sector which the government is aware of.”

According to the US Department of Labor (DOL), the Zimbabwean government carried out 866 labor inspections at worksites in 2016 and documented 436 child labor violations in all sectors that year. DOL maintained that the Zimbabwean government lacked sufficient labor inspectors to enforce labor laws effectively.

Among the small-scale contract farmers interviewed for this report, many reported that they did not receive copies of the contracts they signed with tobacco companies, leaving them vulnerable to risks if a company was to modify the terms of a contract unilaterally, or deny the existence of a contractual relationship. Many farmers told Human Rights Watch that only company representatives retained a copy of the contract agreements. Human Rights Watch did not document any instances of companies unilaterally modifying the terms of a contract or denying the existence of a contract.

Many farmers said there were provisions of the contract that they did not understand or that company representatives did not explain to them. Some farmers said they felt rushed during the contract-signing process and did not have sufficient time to understand fully their contractual requirements. For example, Winston, a 28-year-old farmer in Mashonaland Central, said, “The form is too long. They just tell you where to sign. Reading and understanding it, that’s another thing altogether.” Winston said he was part of a group of 10 farmers who were all contracted with the same company. He said a company representative asked them to sign their contract forms as a group: “Normally, they only have an hour to get us to sign the forms. He [the company representative] attends to us as a group.... 10 farmers in one hour. He’ll be telling you he’s in a hurry.”

## The Tobacco Supply Chain

Tobacco grown in Zimbabwe enters the supply chains of some of the world’s largest tobacco companies. Companies sourcing tobacco from Zimbabwe have a responsibility to ensure that their business operations do not contribute to child labor and other human rights abuses, in line with the United Nations (UN) Guiding Principles on Business and Human Rights. Human Rights Watch shared its findings with the largest tobacco companies operating in Zimbabwe and requested information about their human rights policies and practices. Based on the responses we received and publicly-available information, we analyzed current practices regarding human rights due diligence in the tobacco industry in Zimbabwe.

Since 2004, Zimbabwe has had two systems for the sale of tobacco: contract farming and auction. In 2016, the last year for which data is available, contract tobacco sales accounted for 82 percent of Zimbabwe’s total tobacco production, while auction sales accounted for 18 percent.

Under the auction system, tobacco growers independently cover the costs associated with cultivation, deliver their crop to an auction floor of their choice, and sell it to the highest bidder. Under the contract farming system, farmers sign contracts agreeing to sell tobacco leaf to specific companies. The companies provide the inputs required for tobacco production, such as seeds and chemicals, and guarantee to buy all the tobacco contracted at prices equal to or higher than those offered on the auction floors at the end of the season.



Tobacco farmers sleep in an auction house in Harare, Zimbabwe waiting to sell their tobacco crop to buyers. © 2017 AP Photo/Tsvangirayi Mukwazhi

Human Rights Watch wrote to 31 tobacco companies, including the eight companies that accounted for 86 percent of the tobacco purchase market share in Zimbabwe in 2016. We also wrote to several companies with whom we had previously corresponded regarding child labor on tobacco farms in other countries. The companies included 12 multinational tobacco companies: Altria Group, Alliance One International (AOI), British American Tobacco (BAT), China National Tobacco Corporation, Intercontinental Leaf Tobacco (ILT), Contraf Nicotex Tobacco GmbH (CNT), Imperial Tobacco (Imperial), Japan Tobacco International (JTI), Rift Valley Corporation/Northern Tobacco (NT), Premium Tobacco Group (Premium)/Premium Tobacco Zimbabwe (PTZ), Philip Morris International (PMI) and Universal Corporation (Universal); and three Zimbabwean tobacco leaf merchant companies: Boostafrica Traders (Boostafrica), Chidziva Tobacco Processors (Chidziva), and Curverid Tobacco Limited (Curverid). We did not contact other Zimbabwean companies with smaller market shares.

Altria Group and Philip Morris International stated that they do not purchase tobacco in Zimbabwe. Intercontinental Leaf Tobacco, and China National Tobacco Company, which operates in Zimbabwe through its wholly-owned subsidiary, Tian Ze, did not respond to Human Rights Watch. Boostafrica responded to Human Rights Watch but requested that the response be kept confidential.

Human Rights Watch also wrote to 16 additional companies authorized to purchase tobacco from auction floors in Zimbabwe in 2017. None of these companies responded to our letters.

Most tobacco companies purchasing tobacco in Zimbabwe that responded to Human Rights Watch stated they have detailed child labor and labor policies in place, including a prohibition on children performing most tasks involving contact with green tobacco, which they implement in their direct contracting. Companies also consistently stated that they have systems in place to monitor implementation of these policies and to take action in the event of identification of non-compliance, largely focused on correction and improvement, with the option of non-renewal of contract in the event of serious abuses or ongoing non-compliance.

No company that responded to Human Rights Watch indicated that they conduct any type of human rights due diligence in the auction system. Several companies, including Imperial and Universal, acknowledged the difficulty or impossibility of monitoring labor conditions among growers who sell tobacco on auction floors.

For contracted growers, in their responses to Human Rights Watch, all companies said that they provide training on health and safety through group meetings with farmers in farming communities and during visits to farms by company technicians. Topics include GTS, pesticide and chemical use, the use of protective equipment, as well as the prohibition of child labor. Few of the contracted farmers interviewed by Human Rights Watch stated that they had received the type of comprehensive training described by the companies. Most farmers stated that they had received some training and education about health and safety on pesticides. No farmers stated that they had received sufficient personal protective equipment from the contracting company, and few had purchased complete equipment themselves, due to the costs. Very few said they had comprehensive information about nicotine poisoning or GTS and how to prevent it; most had never heard of GTS. Some

farmers stated that they received information about child labor, although many had not. Very few reported any known penalties for children performing hazardous work. Other farmers said that company representatives who visited farms largely, or exclusively, shared information related to successful tobacco cultivation.

Hired farmworkers on large-scale contract farms told Human Rights Watch that company representatives visited the farms where they worked, but that representatives spoke only with farm management, not workers. Many hired workers said their employers did not provide them with complete or effective protective equipment.

Human Rights Watch found that while companies made an effort to provide overviews and some details of their efforts in response to our inquiries, they did not disclose sufficient information to allow for external stakeholders to make an objective assessment as to whether a company is identifying key human rights problems, addressing them effectively, and improving human rights compliance in its supply chain. Northern Tobacco, one of the largest buyers of tobacco in Zimbabwe, provided the most complete report of the methods and outcomes of monitoring in 2017 in one tobacco growing region in Zimbabwe, which can serve as a good example of transparent reporting.

None of the companies contacted publish sufficient information on their websites or otherwise. Publishing clear, comprehensive information about a company's monitoring system is an essential component of effective due diligence and sends a message that companies are willing to be accountable when human rights abuses are found in their supply chain.

## Key Recommendations

### *To the Government and the Parliament of Zimbabwe*

- Revise the list of hazardous occupations for children set out in the 2001 amendment to the Children's Act, or enact a new law or regulation, to explicitly prohibit children from working in direct contact with tobacco in any form.
- Vigorously investigate and monitor child labor and human rights violations on tobacco farms, including small-scale farms.

### *To the Ministry of Health and Child Care*

- Develop and implement an extensive public education and training program to promote awareness of the health risks of work in tobacco farming. At a minimum, ensure that the program includes information on the risks of exposure to nicotine, pesticides, and the special vulnerability of children; prevention and treatment of acute nicotine poisoning (Green Tobacco Sickness); the safe handling and storage of pesticides; methods to prevent occupational and take-home pesticide exposure; and the use of personal protective equipment.

### *To All Companies Purchasing Tobacco from Zimbabwe*

- Adopt a global human rights policy prohibiting the use of child labor anywhere in the supply chain, if the company has not yet done so. The policy should specify that hazardous work for children under 18 is prohibited, including any work in which children have direct contact with tobacco in any form. The policy should also include specific provisions regarding labor rights and occupational safety and health.
- Conduct regular and rigorous monitoring in the supply chain for child labor and other human rights risks, and engage entities with expertise in human rights and child labor to conduct regular third-party monitoring in the supply chain.
- Regularly publish detailed information about internal and external monitoring in a form and frequency consistent with the guidelines on transparency and accountability in the United Nations Guiding Principles on Business and Human Rights.



## Methodology

Human Rights Watch conducted field research for this report in 2016 and 2017 in five provinces of Zimbabwe: Harare, Mashonaland West, Mashonaland Central, Mashonaland East, and Manicaland.

We interviewed 125 people involved in tobacco farming in Zimbabwe, including 64 small-scale tobacco farmers and 61 hired workers on tobacco farms of various sizes. Human Rights Watch interviewed 14 child workers, ages 12 to 17, and 11 young adults, ages 18 to 22, who started working on tobacco farms as children. Human Rights Watch did not seek to interview owners of large-scale farms.

In addition, we interviewed 22 other individuals, including representatives of nongovernmental organizations and trade unions, teachers, school administrators, journalists, and others. In total, Human Rights Watch interviewed 147 people for this report.

Human Rights Watch identified interviewees through outreach in tobacco farming communities, and with assistance from journalists and independent organizations. The small-scale farmers and hired workers we interviewed may not be representative of the broader population of tobacco workers nationwide. Still, Human Rights Watch observed patterns and similarities in our field research in multiple provinces, which we present in this report. We make no claims about the prevalence of child labor or the other human rights abuses we documented, but we describe patterns of abuses that may be present across the tobacco sector.

Interviews were conducted in English or Shona, at times with help from interpreters. Human Rights Watch held most interviews individually and in private, though some people were interviewed in pairs or small groups. Interviews were held primarily in homes or in the offices of independent organizations assisting with our research. Some participants were interviewed in public spaces in their communities or near tobacco auction floors in Harare. No one was interviewed in the presence of their employer or any government official.

Human Rights Watch informed all interviewees of the purpose of the interview, its voluntary nature, and the ways in which the information would be collected and used. Interviewers assured participants that they could decline to participate, end the interview at any time, or decline to answer any questions, without any negative consequences. All interviewees provided verbal informed consent to participate. Some interviewees chose not to share their names with Human Rights Watch for security reasons. The names of all interviewees quoted in this report have been changed to protect their safety.

Human Rights Watch did not provide anyone with compensation in exchange for an interview. We provided funds to our partner organizations to reimburse the costs of transportation for all interviewees who traveled to central locations to meet with us. We also provided modest meal stipends to those who spent several hours in transit to participate in interviews.

Interviews were semi-structured and covered topics related to tobacco production in Zimbabwe, health and safety, and access to education for children. Most interviews lasted 30 to 60 minutes, and all interviews took place in person. All the accounts reported here, unless otherwise noted, reflect experiences interviewees had on tobacco farms in 2016 or 2017.

Human Rights Watch also analyzed relevant laws and policies and conducted a review of secondary sources, including public health studies, reports prepared by the Zimbabwean government and international groups, and other sources.

Due to security concerns for interviewees, and the difficult environment in Zimbabwe for civil society activists, we did not reach out to government officials until we had concluded our interviews with tobacco workers. In September 2017, and again in January 2018, we sent letters to Zimbabwean authorities, including the Office of the President and Cabinet; the Ministry of Agriculture, Mechanisation, and Irrigation; the Ministry of Environment; the Ministry of Health and Child Care; the Ministry of Justice and Legal Affairs; the Ministry of Lands, Land Reform, and Resettlement; the Ministry of Media, Information, and Publicity; the Ministry of Primary and Secondary Education; and the Ministry of Public Service, Labour, and Social Welfare. The Ministry of Health and Child Care, the Ministry of Lands, Land Reform, and Resettlement, and the Ministry of Public Service, Labour and Social Welfare responded acknowledging that they received our letters. In March 2018, Human Rights Watch received a response from the Ministry of Public Service, Labour, and Social

Welfare via an email from a labor officer. We did not receive responses from any other government entities. We published our correspondence with the government in an appendix to this report on the Human Rights Watch website.

In August and September 2017, Human Rights Watch sent letters to 31 tobacco product manufacturing and leaf supply companies. These include the companies responsible for 86 percent of the market share of tobacco purchases in Zimbabwe in 2016, as well as some of the world’s largest multinational tobacco companies Human Rights Watch had previously met and corresponded with regarding child labor in tobacco farming in other countries.<sup>1</sup> In the letters, we shared our research findings and requested information about each company’s human rights policies and practices. Thirteen companies responded. In December 2017, Human Rights Watch exchanged additional correspondence with several of the companies. We published our full correspondence with the companies in the appendix to this report, available on the Human Rights Watch website.

## Terminology

In this report, “child” and “children” are used to refer to anyone under the age of 18, consistent with usage under international law.

The term “child labor,” consistent with International Labour Organization standards, is used to refer to any work performed by children below the minimum age of employment or children under age 18 engaged in hazardous work.

Throughout the report, we use the terms “hired worker” or “hired farmworker” to refer to individuals paid to work on tobacco farms of various sizes. In general, we use the term “farmer” to refer to the person with primary responsibility for a farm’s operations. We use

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<sup>1</sup> Human Rights Watch’s previous correspondence with tobacco companies is published on the Human Rights Watch website in the appendix to the following reports: Human Rights Watch, *“Hellish Work”: Exploitation of Migrant Tobacco Workers in Kazakhstan*, July 2010, <https://www.hrw.org/report/2010/07/14/hellish-work/exploitation-migrant-tobacco-workers-kazakhstan>; Human Rights Watch, *Tobacco’s Hidden Children: Hazardous Child Labor in United States Tobacco Farming*, May 2014, <https://www.hrw.org/report/2014/05/13/tobaccos-hidden-children/hazardous-child-labor-united-states-tobacco-farming>; Human Rights Watch, *Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming*, December 2015, <https://www.hrw.org/report/2015/12/09/teens-tobacco-fields/child-labor-united-states-tobacco-farming>; Human Rights Watch, *“The Harvest is in My Blood”: Hazardous Child Labor in Tobacco Farming in Indonesia*, May 2016, <https://www.hrw.org/report/2016/05/24/harvest-my-blood/hazardous-child-labor-tobacco-farming-indonesia#f46c72>.

the term “worker” to refer to any individual involved in tobacco production, including family workers and hired workers.

We use the term “small-scale farm” to refer to farms that cultivated three hectares of tobacco or less (some were communal farms, and some were A1 farms, as explained in Section I). We use the term “large-scale farm” to refer to larger farms ranging in size from several dozen to several hundred hectares that required a large workforce (some were large-scale commercial farms, and some were A2 farms). Some children and adults interviewed for this report were unable to specify the size of the farms where they worked, so we asked them to estimate the number of workers to give a sense of the scale.

# I. Background

Farmers have cultivated tobacco in Zimbabwe for more than a century.<sup>2</sup> Though the volume of production fluctuates from year to year based on economic and political factors and weather, in 2016 Zimbabwe was the world's sixth-largest producer of tobacco and is consistently one of the largest producers in Africa.<sup>3</sup> In November 2017, following military intervention, Emmerson Mnangagwa succeeded Robert Mugabe as president and pledged to pursue economic recovery through an economic policy "predicated on our agriculture."<sup>4</sup>

In a context marked by broader economic challenges, tobacco production remains a pillar of Zimbabwe's economy; it is the country's most valuable export commodity, with tobacco exports generating more than US\$933 million in 2016.<sup>5</sup> According to the Tobacco Industry and Marketing Board (TIMB), a body established to "control and regulate the marketing of tobacco in Zimbabwe," more than three-quarters of Zimbabwe's tobacco is exported.<sup>6</sup> Tobacco from Zimbabwe is exported to 62 countries. Top export destinations include China (responsible for 42 percent of the country's tobacco exports), South Africa, Belgium, United Arab Emirates, and Indonesia.<sup>7</sup>

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<sup>2</sup> Zimbabwe Tobacco Association, "History of Flue Cured Tobacco," undated, <http://www.fctobacco.com/index.php/about/history-of-tobacco> (accessed June 21, 2017).

<sup>3</sup> For yearly estimates of global tobacco production by country, see Food and Agriculture Organization of the United Nations, Statistics Division (FAOSTAT), "Food and Agricultural Commodities Production: Countries by Commodity," [http://www.fao.org/faostat/en/#rankings/countries\\_by\\_commodity](http://www.fao.org/faostat/en/#rankings/countries_by_commodity) (accessed August 18, 2017); FAOSTAT, "Food and Agricultural Commodities Production: Countries by Commodity, Tobacco, unmanufactured," 2016, [http://www.fao.org/faostat/en/#rankings/countries\\_by\\_commodity](http://www.fao.org/faostat/en/#rankings/countries_by_commodity) (accessed March 19, 2018).

<sup>4</sup> Emmerson Mnangagwa, inauguration speech delivered at the National Sports Stadium in Harare, Zimbabwe, November 24, 2017, printed in, "President Mnangagwa's Inauguration Speech in Full," *The Chronicle*, November 25, 2017, <http://www.chronicle.co.zw/president-mnangagwas-inauguration-speech-in-full/> (accessed January 3, 2018).

<sup>5</sup> FAOSTAT, "Exports/ Commodities by Country: Zimbabwe," 2013, [http://www.fao.org/faostat/en/#rankings/commodities\\_by\\_country\\_exports](http://www.fao.org/faostat/en/#rankings/commodities_by_country_exports) (accessed June 2, 2017); Tobacco Industry and Marketing Board (TIMB), "2016 Annual Statistical Report," 2016, <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf> (accessed January 2, 2018), p. 9.

<sup>6</sup> TIMB, "About Us," undated, <https://www.timb.co.zw/about-us/functions-and-services> (accessed January 2, 2018). According to TIMB, Zimbabwe produced a total 202,284,589 million kilograms of tobacco in 2016, 164.5 million kilograms of which was exported. TIMB, "2016 Annual Statistical Report," p. iv.

<sup>7</sup> TIMB, "2016 Annual Statistical Report," <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, p. 10.

## Economic Context

The Zimbabwean Ministry of Agriculture reports that agriculture provides livelihoods to 80 percent of the country's 15.6 million people, accounting for 14 to 18.5 percent of the Gross Domestic Product (GDP) and 33 percent of foreign earnings.<sup>8</sup> Poverty in Zimbabwe is widespread, particularly in rural areas.<sup>9</sup> In 2011, the last year for which data is available, nearly three-quarters of the population lived below the national poverty line, and more than one in five Zimbabweans survived on less than \$1.90 per day.<sup>10</sup>

Major droughts in 2015 and 2016 reduced agricultural output and exacerbated rural poverty.<sup>11</sup> A cash shortage in recent years has crippled the economy, leading the Central Bank to impose limits on cash withdrawals and to introduce bond notes—a form of local currency—triggering widespread fears of inflation and further economic deterioration.<sup>12</sup>

At the start of the tobacco sales season in 2017, government officials praised tobacco farmers, calling them “heroes,” and projected that tobacco sales could boost Zimbabwe's troubled economy.<sup>13</sup> However, tobacco sales and earnings in 2017 fell short of government projections, likely due to excessive rainfall.<sup>14</sup>

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<sup>8</sup> Ministry of Agriculture, Government of Zimbabwe, “Welcome to Our Ministry,” undated, <http://www.moa.gov.zw/index.php/2-uncategorised/8-welcome-to-our-ministry> (accessed June 21, 2017).

<sup>9</sup> UNICEF Zimbabwe, The World Bank, and Zimbabwe National Statistics Agency (ZIMSTAT), “Zimbabwe Poverty Atlas: 2015,” December 2015, [https://www.unicef.org/zimbabwe/resources\\_17478.html](https://www.unicef.org/zimbabwe/resources_17478.html) (accessed March 13, 2018).

<sup>10</sup> The World Bank, “Country Profile: Zimbabwe,” undated, <http://data.worldbank.org/country/zimbabwe> (accessed August 22, 2017), citing 2011 data for “poverty headcount ratio at national poverty lines (% of population)” and “poverty headcount ratio at \$1.90 a day (2011 PPP) (% of population).”

<sup>11</sup> The World Bank, “Zimbabwe: Overview,” April 1, 2017, <http://www.worldbank.org/en/country/zimbabwe/overview> (accessed June 21, 2017); The World Bank, “Zimbabwe Economic Update: The State in the Economy,” June 2017,

<sup>12</sup> See, for example, “Zimbabwe to Print Own Version of US Dollar,” *BBC News*, May 5, 2016, <http://www.bbc.com/news/world-africa-36210680> (accessed August 1, 2017); Brezhnev Malaba, “Cash Shortage Paralyzes Zimbabwe,” *African Independent*, April 11, 2017, <https://www.africanindy.com/news/cash-shortage-paralyzes-zimbabwe-8614985> (accessed August 1, 2017).

<sup>13</sup> See, for example, Sebastian Mhofu, “Zimbabwe Hopes Tobacco Will Revive Battered Economy,” *Voices of America News*, March 16, 2017, <https://www.voanews.com/a/zimbabwe-economy-tobacco/3767637.html> (accessed August 18, 2017); Columbus Mavhunga, “Hopes High as Tobacco Selling Starts in Zimbabwe,” *Deutsche Welle*, March 17, 2017, <http://www.dw.com/en/hopes-high-as-tobacco-selling-starts-in-zimbabwe/a-37999236> (accessed August 18, 2017); Zvamaida Murwira and Runyararo Muzavazi, “Tobacco Selling Season Opens on High Note,” *The Herald*, March 16, 2017, <http://www.herald.co.zw/tobacco-selling-season-opens-on-high-note/>.

<sup>14</sup> “Zimbabwe Tobacco Sales, Earnings Fall amid Dollar Crunch,” *Reuters*, August 16, 2017, <https://www.reuters.com/article/zimbabwe-economy-tobacco-idUSL8N1L24FR> (accessed August 18, 2017); “Zim Misses Tobacco Target,” *Daily News*, August 22, 2017, <https://www.dailynews.co.zw/articles/2017/08/22/zim-misses-tobacco-target> (accessed September 5, 2017).

## Land Reform

The controversial “fast track” land reform program, introduced in 2000 by the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF), radically altered the nature of tobacco production in the country.<sup>15</sup> Under the program, the government announced it would seize thousands of large-scale commercial farms owned by white farmers and redistribute plots of land to landless black Zimbabweans. In the chaotic process that followed, in some cases veterans of Zimbabwe’s liberation war and militias loyal to the ruling party invaded farms and seized lands that they then redistributed in a highly politicized and largely unregulated process, at times carrying out serious acts of violence.<sup>16</sup>

By 2009, the government had expropriated 10 million hectares of agricultural land (more than 6,000 properties), and allocated plots to more than 168,000 beneficiaries, creating nearly 146,000 new smallholder (known as A1) farms and nearly 23,000 new larger-scale (A2) farms.<sup>17</sup> Since the start of the fast track land reform process, the number of active tobacco growers in Zimbabwe increased dramatically, from around 8,500 growers in 2000, to more than 73,000 in 2016.<sup>18</sup> TIMB assigns tobacco growers one of four designations based on the land they farm: A1 resettlement farms, A2 resettlement farms, communal farms (small-scale farms where residents traditionally practiced subsistence agriculture), or commercial farms. Almost half of all registered growers in 2016 farmed in communal areas.<sup>19</sup>

## Tobacco Production in Zimbabwe

Zimbabwe’s Tobacco Industry and Marketing Board (TIMB) reports that nearly all of the country’s tobacco is grown in one of four provinces: Mashonaland West (38 percent),

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<sup>15</sup> For a detailed discussion of agrarian change following land reform in Zimbabwe, see, for example, Ian Scoones, Blasio Mavedzenge, Felix Murimbarimba, and Chrispen Sukume, “Tobacco, Contract Farming, and Agrarian Change in Zimbabwe,” *Journal of Agrarian Change* (2017), pp. 1-21.

<sup>16</sup> See Human Rights Watch, *Fast Track Land Reform in Zimbabwe*, vol. 14, no. 1(A), March 2002, <https://www.hrw.org/reports/2002/zimbabwe/ZimLando302.pdf>.

<sup>17</sup> Sam Moyo, “Three Decades of Agrarian Reform in Zimbabwe,” *The Journal of Peasant Studies*, vol. 38, no. 3 (2011), p. 496-497.

<sup>18</sup> There were 81,801 registered tobacco growers in Zimbabwe in 2016, but only 73,437 growers delivered tobacco that year. TIMB, “2015 Annual Statistical Report,” 2015, p. 21, on file with Human Rights Watch; TIMB, “2016 Annual Statistical Report,” <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, pp. 1-2.

<sup>19</sup> *Ibid.*, p. 1.

Mashonaland Central (35 percent), Manicaland (14 percent), and Mashonaland East (13 percent).<sup>20</sup>

### *Tobacco Farming and Curing Process*

Flue-cured tobacco, a type of tobacco that is dried in heated curing barns, is the most common type of tobacco leaf grown in Zimbabwe.<sup>21</sup> Human Rights Watch interviewed people involved in flue-cured tobacco production on small-scale farms and larger commercial farms. The tobacco farming and curing process differed slightly depending on the size of the farm, the size of the labor force, and the level of mechanization.

On small-scale farms (A1 or communal farms), farmers interviewed by Human Rights Watch typically planted between one-half of a hectare and three hectares of tobacco to sell for profit. Many of these farmers also grew maize, vegetables, or other crops for subsistence. Most small-scale tobacco farmers relied primarily on family labor, and then hired daily workers to assist with tasks at labor-intensive points of the growing season, such as planting, harvesting, and grading. In the description that follows, we refer to all individuals working in tobacco farming as “farmworkers,” a term that includes farmers, their family members who worked on their farms, and hired workers involved in tobacco production.

For small-scale farmers who lacked irrigation equipment, the tobacco growing season began with the preparation of seedbeds and fields sometime between June and September. At the onset of the rainy season in October or November, farmworkers transplanted tobacco plants into the fields. As the plants matured, farmworkers weeded the fields and applied pesticides and fertilizers to the crop as needed. Some farmworkers told Human Rights Watch they “topped” tobacco (removed large flowers that grew from the tops of plants) and removed “suckers” (nuisance leaves) to help the plant grow. When the plants had matured, usually between January and March, farmworkers harvested the leaves in stages, through a series of separate harvests, starting from the bottom of the plant. Farmworkers picked tobacco leaves by hand, carried them under their arms or

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<sup>20</sup> Data for 2016. TIMB, “2016 Annual Statistical Report,” <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, pp. 2, 16.

<sup>21</sup> TIMB reports that flue-cured tobacco was the only type of leaf sold in Zimbabwe in 2015 or 2016: there were no sales of burley or dark air-cured tobacco. TIMB, “2015 Annual Statistical Report,” 2015 pp. 14-15, on file with Human Rights Watch; TIMB, “2016 Annual Statistical Report,” <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, pp. 7-8.



stacked them on the ground in fields, and then carried them to carts to be transported to curing barns.

Flue-cured tobacco is dried in heated curing barns. Farmworkers typically tied or clipped tobacco leaves onto wooden sticks, and loaded the sticks into the rafters of brick curing barns heated by fire. Farmworkers maintained fires that distributed heat through pipes (“flues”) in barns. After several days, farmworkers removed the dried leaves, sorted them according to color and size (a process called “grading”), and then compressed them to form bales.

Tobacco production on large-scale farms (A2 or large-scale commercial farms) followed the same farming and curing process described above, though the scale of cultivation was significantly greater. Human Rights Watch interviewed hired farmworkers who worked on large farms between 25 and 600 hectares in size, which produced tobacco, as well as in some cases other crops such as maize or potatoes. These farms often had irrigation equipment that allowed farmworkers to begin transplanting tobacco seedlings into fields in September, before the start of the rainy season, and to harvest the crop earlier, beginning around December. Due to the considerable size of these farms, and the diversity of crops, farmers typically employed farmworkers all year, or for many months at a time. Workers often specialized in particular tasks, such as spraying pesticides, harvesting (reaping) tobacco, hanging tobacco in barns, or grading. Some of these farms used newly constructed metal barns (often called “tunnels” by workers) to cure tobacco.

### *Tobacco Supply Chain*

Since 2004, Zimbabwe has had two systems for the sale of flue-cured tobacco: contract farming and auction. The Tobacco Industry and Marketing Board (TIMB) regulates both systems, “to ensure the orderly exchange of tobacco between the grower and the buyer,” including by determining the dates for tobacco sales to begin and end.<sup>22</sup>

Under the auction system, tobacco growers independently cover the costs associated with cultivation, deliver their crop to an auction floor of their choice, and sell it to the highest bidder. In the 2017 growing season, TIMB licensed three auction floors, all located in

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<sup>22</sup> TIMB, “Procedures for the Sale of Flue-Cured Tobacco under the Dual (Contract and Auction) System in 2017,” 2017, <http://www.timb.co.zw/downloads/Doc1.pdf> (accessed August 21, 2017).

Harare: Tobacco Sales Floor (TSF), Boka Tobacco Floors (BTF), and Premier Tobacco Auction Floor (PTAF). TIMB authorized 24 entities to purchase tobacco from these floors.<sup>23</sup> Growers book a sales slot and deliver their crop to one of these floors, and a TIMB classifier judges the quality of the leaf. Different quality leaf earns different prices. TIMB regulates the buying and selling process and resolves any disputes between growers and buyers regarding the quality or price of the crop.<sup>24</sup>

In 2004, contract farming was introduced in Zimbabwe. Under this system, farmers sign contracts agreeing to sell tobacco leaf to specific companies. The companies provide the inputs required for tobacco production, such as seeds and chemicals, and guarantee to buy all the tobacco contracted at prices (per grade) equal to or higher than those prevailing on the auction floors at the end of the season, as required by the TIMB.<sup>25</sup> In 2017, TIMB authorized 20 companies to contract with tobacco growers in Zimbabwe.<sup>26</sup>

In 2016, the last year for which data is available, contract tobacco sales accounted for 82 percent of Zimbabwe's total tobacco production, while auction sales accounted for 18 percent.<sup>27</sup> Sixty-five percent of growers sold their tobacco through contracts, while 35 percent sold through auction floors.<sup>28</sup>

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<sup>23</sup> Ibid., pp. 5-6.

<sup>24</sup> Ibid., pp. 6-7.

<sup>25</sup> TIMB, "Our History in Brief," undated, <http://www.timb.co.zw/history.php> (accessed August 22, 2017).

<sup>26</sup> TIMB, "2017 Licensed Contractors," 2017, <http://www.timb.co.zw/downloads/2017%20Licenced%20Contractors.pdf> (accessed August 22, 2017).

<sup>27</sup> TIMB, "2016 Annual Statistical Report,"

<https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, p. 3.

<sup>28</sup> Ibid., p. 2.

## II. Findings

Human Rights Watch documented instances of child labor on tobacco farms in Zimbabwe, including children under 18 performing hazardous work and children working as hired laborers below the national minimum age of employment. In addition, Human Rights Watch found that adults involved in tobacco production face serious health and safety risks, labor rights abuses, and other human rights problems.

### Child Labor in Tobacco Farming

Children and young adults interviewed for this report described working in dangerous conditions on tobacco farms. In addition, many other interviewees told Human Rights Watch that children work on tobacco farms in Zimbabwe. More than half of the small-scale farmers interviewed for this report said that children under 18 worked on their tobacco farms—either their own children or family members, or children they hired to work on their farms. About half of the hired adult tobacco workers we interviewed said children under 18 worked with them, either also as hired workers, or informally assisting their parents, who were hired workers. Primary and secondary school teachers from tobacco-growing regions described to Human Rights Watch how children’s participation in tobacco farming contributed to absenteeism and made it difficult for their students to keep up with schoolwork.

Zimbabwean labor law sets 16 as the minimum age for children to be employed in any sector, and prohibits children under 18 from performing hazardous work.<sup>29</sup> In addition, the Children’s Act specifies that no parent or guardian may allow any child to engage in hazardous labor, or cause or allow “a child or young person of school-going age” to miss school in order to work.<sup>30</sup> Many companies purchasing tobacco from Zimbabwe have policies in place that prohibit children under 18 from performing many or most tobacco farming tasks, as detailed in Section IV of this report.

Some small-scale farmers said that company representatives or government workers had told them children under 18 were prohibited from working in tobacco farming. Others had never

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<sup>29</sup> Government of Zimbabwe, Labour Act, ch. 28:01, sec. 11.

<sup>30</sup> Government of Zimbabwe, Children’s Act, ch. 5:06, sec. 10A.

received information about hazardous child labor, health risks for children working in tobacco farming, or the minimum age for children to work. Most small-scale farmers we interviewed, even those who were aware of a rule regarding children’s participation in tobacco farming, said they were not aware of any penalties associated with child labor violations.

Human Rights Watch documented child labor in tobacco farming among both children who were still enrolled in school and children who had dropped out, most often in secondary school, or during the transition from primary to secondary school. In some cases, interviewees told Human Rights Watch that children under 18 worked only on their own families’ small-scale tobacco farms without pay.<sup>31</sup> Some children combined family labor and hired labor on other farms.<sup>32</sup> In other cases, interviewees said children were hired to work as paid laborers on tobacco farms of various sizes, including on some large-scale farms.<sup>33</sup>

The types of tasks children performed, and the nature of their work varied. Some interviewees said children performed only a few tasks on tobacco farms, while others said that children worked throughout the growing season and performed a range of tasks such as planting, weeding, harvesting, and grading tobacco.

### *Hazardous Child Labor in Tobacco Farming*

While not all work is harmful to children, the International Labour Organization (ILO) defines hazardous work as “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.”<sup>34</sup> The ILO considers agriculture “one of the three most dangerous sectors in terms of work-related fatalities, non-fatal accidents, and occupational diseases.”<sup>35</sup>

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<sup>31</sup> For example, Human Rights Watch interviews with Emerald, 37, Karoi, Mashonaland West, March 21, 2017; Panashe, 50, Headlands, Manicaland, March 22, 2017; Admire, 43, Headlands, Manicaland, March 22, 2017; Nicola, 39, Karoi, Mashonaland West, March 30, 2017.

<sup>32</sup> For example, Human Rights Watch interviews with Farai, 14, Mvurwi, Mashonaland Central, March 15, 2017; Fungai, 16, Mvurwi, Mashonaland Central, December 13, 2016; Masimba, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>33</sup> For example, Human Rights Watch interviews with Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016; Faith, 18, Marondera, Mashonaland East, December 16, 2016; Sean, 18, Mutare, Manicaland, March 24, 2017.

<sup>34</sup> International Labor Organization (ILO) Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Worst Forms of Child Labor Convention), adopted June 17, 1999, 38 I.L.M. 1207 (entered into force November 19, 2000), ratified by the United States on December 2, 1999, art. 3.

<sup>35</sup> According to the ILO, mining and construction are the other two most hazardous sectors of activity. ILO, “Agriculture: A Hazardous Work,” undated, [http://www.ilo.org/safework/areasofwork/hazardous-work/WCMS\\_110188/lang-en/index.htm](http://www.ilo.org/safework/areasofwork/hazardous-work/WCMS_110188/lang-en/index.htm) (accessed August 31, 2017).

Zimbabwean law prohibits children under 18 from performing hazardous work, defined as, “any work which is likely to jeopardise that person’s health, safety or morals, which shall include but not be limited to work involving such activities as may be prescribed.”<sup>36</sup> A 2001 amendment to the Children’s Act specifies that hazardous work for children includes any work, “which is likely to jeopardise or interfere with the education of that child or young person”; “involving contact with any hazardous substance, article or process...”; “that exposes a child or young person to electronically-powered handtools, cutting or grinding blades”; and “that exposes a child or young person to extreme heat, cold, noise or whole body vibration...”<sup>37</sup> This list does not specifically prohibit children from handling tobacco. According to the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), the Zimbabwean government first indicated in 2003 that it was in the process of revising the list of types of hazardous work prohibited for children under 18, but it has not yet adopted any revisions.<sup>38</sup>

Human Rights Watch found that work in tobacco farming in Zimbabwe poses significant risks to children’s health and safety, consistent with our findings in Kazakhstan, the United States, and Indonesia.<sup>39</sup> Children working on tobacco farms in Zimbabwe are exposed to nicotine, toxic pesticides, and other dangers. All of the children interviewed for this report described sickness while working in tobacco farming, including specific symptoms associated with acute nicotine poisoning and pesticide exposure, as described below. Some children also reported health problems while working with dried tobacco. Some small-scale farmers described how their children experienced these symptoms while working on the family farm.

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<sup>36</sup> Government of Zimbabwe, Labour Act, ch. 28:01, sec. 11; Government of Zimbabwe, Children’s Act, ch. 5:06, sec. 10A(4).

<sup>37</sup> Government of Zimbabwe, Children’s Protection and Adoption Amendment Act, 2001.

<sup>38</sup> ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Observation: Worst Forms of Child Labour Convention, 1999 (No. 182) - Zimbabwe, adopted 2016, published 106th ILC session (2017), [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3289918](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289918) (accessed November 7, 2017).

<sup>39</sup> Human Rights Watch, *“Hellish Work”: Exploitation of Migrant Tobacco Workers in Kazakhstan*; Human Rights Watch, *Tobacco’s Hidden Children: Hazardous Child Labor in United States Tobacco Farming*; Human Rights Watch, *Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming*; Human Rights Watch, *“The Harvest is in My Blood”: Hazardous Child Labor in Tobacco Farming in Indonesia*.

Based on our field research and analysis of international law and public health literature, Human Rights Watch has concluded that any work involving direct contact with tobacco in any form is hazardous and should be prohibited for children under 18.<sup>40</sup>

### **Nicotine Poisoning**

All children interviewed for this report described handling and coming into contact with tobacco plants and leaves at various points in the growing season, and many other interviewees, including small-scale farmers and adult hired workers, said children performed farming tasks that involved direct contact with tobacco. Nicotine is a toxin that is present in tobacco plants and leaves in any form.<sup>41</sup> Public health research has shown that tobacco workers absorb nicotine through their skin while handling tobacco.<sup>42</sup> Studies have found that non-smoking adult tobacco workers have similar levels of nicotine in their bodies as smokers in the general population.<sup>43</sup>

In the short-term, absorption of nicotine through the skin can lead to acute nicotine poisoning, called Green Tobacco Sickness, an occupational health risk specific to tobacco farming. Green Tobacco Sickness occurs when workers absorb nicotine through their skin while having contact with tobacco plants, particularly when plants are wet.<sup>44</sup> Research has shown nausea, vomiting, dizziness, and headaches are the most common symptoms of acute nicotine poisoning.<sup>45</sup> All the child workers interviewed for this report said they had

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<sup>40</sup> For a detailed description of Human Rights Watch's conclusions regarding hazardous work in tobacco farming, see Human Rights Watch, *Tobacco's Hidden Children: Hazardous Child Labor in United States Tobacco Farming*; Human Rights Watch, *Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming*; Human Rights Watch, *"The Harvest is in My Blood": Hazardous Child Labor in Tobacco Farming in Indonesia*.

<sup>41</sup> Human Rights Watch telephone interview with Dr. Thomas Arcury, director, Center for Worker Health at Wake Forest School of Medicine, February 24, 2014.

<sup>42</sup> Thomas A. Arcury, Sara A. Quandt, et al., "High Levels of Transdermal Nicotine Exposure Produce Green Tobacco Sickness in Latino Farmworkers," *Nicotine & Tobacco Research*, vol. 5 (2003).

<sup>43</sup> Individual variation would be expected based upon the use of personal protective equipment, season, and contact with tobacco, and abrasions on the skin, as well as other factors. Natalie M. Schmitt, Jochen Schmitt, Dimitris J. Kouimintzis, and Wilhelm Kirch, "Health Risks in Tobacco Farm Workers—A Review of the Literature," *Journal of Public Health*, vol. 15, (2007), p. 255.

<sup>44</sup> See for example, Thomas A. Arcury, Sara A. Quandt, and John S. Preisser, "Predictors of Incidence and Prevalence of Green Tobacco Sickness Among Latino Farmworkers in North Carolina, USA," *Journal of Epidemiology and Community Health*, p. 818; Thomas A. Arcury, Sara A. Quandt, et al., "The Incidence of Green Tobacco Sickness Among Latino Farmworkers," *Journal of Occupational and Environmental Medicine*, pp. 601-602.; Thomas A. Arcury, Sara A. Quandt, et al., "High levels of transdermal nicotine exposure produce green tobacco sickness in Latino farmworkers," *Nicotine & Tobacco Research*, p. 315; Stephen H. Gehlbach, Wilton A. Williams, and J.I. Freeman, "Nicotine Absorption by Workers Harvesting Green Tobacco," *Lancet*, pp. 478-80.

<sup>45</sup> *Ibid.*

experienced at least one symptom consistent with acute nicotine poisoning while weeding in tobacco fields, pruning tobacco plants, removing suckers (nuisance leaves), harvesting leaves, carrying harvested leaves, putting tobacco leaves in clips, or working in curing barns.

For example, Davidzo, 15, started doing piece work on a neighbor's tobacco farm with his grandmother when he was 14. He said he vomited the first time he worked with the crop in 2015. "The first day I started working in tobacco, that's when I vomited. I was feeling that I didn't have power," he said describing how his body felt weak. Though he only vomited once, Davidzo said he often gets headaches while working with tobacco, especially when he carries the harvested leaves. "I started to feel like I was spinning," he said. "Since I started this [work], I always feel headaches and I feel dizzy. I feel like I don't have the power to do anything."<sup>46</sup>

Fourteen-year-old Farai, who worked on his family's tobacco farm and several neighbors' farms in Mashonaland Central, described how he felt while harvesting tobacco. "I get headaches," he said, placing both of his hands on his head. "When we are in the field, the sun is too hot, and my head starts to ache. Usually it starts around my eyes, and the pain moves around until it's throbbing.... At times I have a sharp pain in my stomach when we are putting the leaves, carrying them to the tractor."<sup>47</sup>

"When we're plucking the suckers—maybe it's because of the smell of the tobacco—what affects me is headaches," said 15-year-old Zendaya, who also worked on several tobacco farms in Mashonaland Central. "[The pain], it's in the forehead." Rufaro, also 15, worked with Zendaya and described feeling lightheaded while removing suckers from tobacco plants. "You see dark," she said. "You fail to see, and then you see dark... The problem is with the eyes."<sup>48</sup>

Praise, a 17-year-old worker, also complained of headaches while working on a large-scale tobacco farm in Mashonaland West. "During the first harvest in December, ... the odor of the leaves feels like it gets in your body. For three to four days you are feeling that same odor [in your body] and it causes headaches. You feel like the veins in your head want to

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<sup>46</sup> Human Rights Watch interview with Davidzo, 15, Mvurwi, Mashonaland Central, March 15, 2017.

<sup>47</sup> Human Rights Watch interview with Farai, 14, Mvurwi, Mashonaland Central, March 15, 2017.

<sup>48</sup> Human Rights Watch interview with Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016.

come out. The pain is stretching all over your head.” He also said he suffered nausea while loading tobacco into “trolleys” for curing. “When we take the leaves into the trolleys, we have to work close to the leaves, so most of the time we feel nausea.... I felt like that strong odor settled on my chest, and I couldn’t eat. It moved downwards into my stomach,” he said.<sup>49</sup>

Acute nicotine poisoning generally lasts between a few hours and a few days,<sup>50</sup> and although it is rarely life-threatening, severe cases may result in dehydration which requires emergency treatment.<sup>51</sup> Children are particularly vulnerable to nicotine poisoning because of their size, and because they are less likely than adults to have developed a tolerance to nicotine.<sup>52</sup>

The long-term effects of nicotine absorption through the skin have not been studied, but public health research on smoking suggests that nicotine exposure during childhood and adolescence may have lasting consequences on brain development.<sup>53</sup> The prefrontal cortex, the part of the brain responsible for executive function and attention, is one of the last parts of the brain to mature and continues developing throughout adolescence and into early adulthood.<sup>54</sup> The prefrontal cortex is particularly susceptible to the impacts of stimulants, such as nicotine. Nicotine exposure in adolescence has been associated with mood disorders, and problems with memory, attention, impulse control, and cognition later in life.<sup>55</sup>

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<sup>49</sup> Human Rights Watch interview with Praise, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>50</sup> Thomas A. Arcury, Sara A. Quandt, et al., “High levels of transdermal nicotine exposure produce green tobacco sickness in Latino farmworkers,” *Nicotine & Tobacco Research*, p. 315.

<sup>51</sup> Thomas A. Arcury, Sara A. Quandt, et al., “The Incidence of Green Tobacco Sickness Among Latino Farmworkers,” *Journal of Occupational and Environmental Medicine*, p. 602.

<sup>52</sup> Robert H. McKnight and Henry A. Spiller, “Green Tobacco Sickness in Children and Adolescents,” *Public Health Reports*, vol. 120 (November-December 2005), p. 604.

<sup>53</sup> Natalia A. Goriounova and Huibert D. Mansvelder, “Short-and Long-Term Consequences of Nicotine Exposure during Adolescence for Prefrontal Cortex Neuronal Network Function,” *Cold Spring Harbor Perspectives in Medicine*, vol. 2, no. 12 (2012), pp. 1-14; Jennifer B. Dwyer, Susan C. McQuown, and Frances M. Leslie, “The Dynamic Effects of Nicotine on the Developing Brain,” *Pharmacology & Therapeutics*, vol. 122, no. 2 (2009), pp. 125-139; United States Department of Health and Human Services, Office of the Surgeon General, “The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General,” Atlanta: US Department of Health and Human Services, 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/50-years-of-progress-by-section.html> (accessed September 28, 2015), p. 126.

<sup>54</sup> Jay N. Giedd, “Structural Magnetic Resonance Imaging of the Adolescent Brain,” *Annals of the New York Academy of Sciences*, vol. 1021 (2004), pp. 77-85.

<sup>55</sup> Sara A. Quandt and Thomas A. Arcury, “Health Effects for Children of Working in Tobacco Production” (paper prepared for the Eliminating Child Labor in Tobacco Growing (ECLT) Foundation, July 2014), pp. 1-2. On file with Human Rights Watch.



## Exposure to Pesticides and Other Chemicals

Most child tobacco workers interviewed for this report said they were exposed to pesticides while working on tobacco farms. Some children mixed, handled, or applied pesticides directly. Others were exposed when pesticides were applied to areas close to where they were working, or by re-entering fields that had been very recently sprayed.<sup>56</sup> Many children reported immediate illness after having contact with pesticides. The 2001 amendment to the Children’s Act prohibits children under 18 from performing any work, “involving contact with any hazardous substance, article or process,”<sup>57</sup> and the Environmental Management Act of 2002 defines a “hazardous substance” as “any substance, whether solid, liquid, or gaseous, or any organism which is injurious to human health or the environment.”<sup>58</sup> Statutory Instrument 12 of 2007 outlines the Environmental Management Act’s regulations and specifically includes pesticides among the substances considered hazardous.<sup>59</sup> In its response to Human Rights Watch, the government confirmed that “the use of chemicals” would be considered hazardous work for children.<sup>60</sup>

Mercy, a 12-year-old child tobacco worker in Mashonaland Central, described how she applied pesticides to the small-scale farms where she worked: “We take the chemical and put it in the water. We carry the knapsack on our backs and start to spray. I feel like vomiting because the chemical smells very bad.” Mercy said her employer provided her with gloves to use while spraying, but she received no other protective equipment.<sup>61</sup>

Sixteen-year-old Tanaka described how he got sick after he poured a chemical used to help color the tobacco leaves into a backpack sprayer and applied it to the crop. “The smell affects me,” he says. “It stays with me and only clears after I take a bath. It causes nausea,

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<sup>56</sup> For more information on pesticide exposure, see for example, Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO), “International Code of Conduct on Pesticide Management Guidelines on Highly Hazardous Pesticides,” 2016, <http://www.fao.org/3/a-i5566e.pdf> (accessed October 22, 2017).

<sup>57</sup> Government of Zimbabwe, Children’s Protection and Adoption Amendment Act, 2001.

<sup>58</sup> Environmental Management Act, 2002, sec. 2.

<sup>59</sup> Statutory Instrument (S.I.) 12 of 2007, Environmental Management (Hazardous Substances, Pesticides, and Other Toxic Substances) Regulations, secs. 1-2

<sup>60</sup> Email from Ellah R. Chako, principal labour officer, to Human Rights Watch, March 6, 2018, sharing “Government Response to Questions Raised by Human Rights Watch Research on Tobacco Farms in Zimbabwe,” response to question 4.

<sup>61</sup> Human Rights Watch interview with Mercy, 12, Mvurwi, Mashonaland Central, December 13, 2016. The World Health Organization (WHO) lists the following as components of proper personal protective equipment for the use of pesticides in agriculture: protection of the head, eyes, and face; respiratory protection; and protective gloves, clothes, and footwear. WHO, “Preventing Health Risks from the Use of Pesticides in Agriculture: Protecting Workers’ Health Series No. 1,” 2001, [http://www.who.int/occupational\\_health/publications/en/oehpesticides.pdf?ua=1](http://www.who.int/occupational_health/publications/en/oehpesticides.pdf?ua=1) (accessed January 11, 2018), p. 16.

and you lose your appetite.” He said he had experienced the feeling many times, most recently three days prior to his interview with Human Rights Watch. He said he wore overalls and a coat, but he had no gloves and nothing to cover his nose and mouth.<sup>62</sup>

Some child workers said they did not apply chemicals on tobacco farms, but they helped to mix them, often without any protective equipment. For example, Terrence, a 14-year-old tobacco worker in Mashonaland Central, said, “I will be carrying the water buckets to put in the knapsack where they already have the chemicals. We just pour the water in [to the knapsack], we don’t spray. The smell that comes out once we pour the water in is strong. They [other workers] told me, ‘Don’t open your mouth because the smell will choke you,’” he said. Terrence waited next to the field to refill the knapsack with his bucket while other workers sprayed the fields. “We were waiting outside so when the chemical is finished, then we can pour in the water. We were just standing outside the field while he [an adult worker] was in the field [spraying],” he said. “We would smell it while he was spraying. When we go home, I start to feel dizzy,” he said. “I was feeling nausea, like I want to vomit, but I won’t vomit.”<sup>63</sup>

Other children interviewed for this report described working near areas where other workers were applying chemicals to tobacco fields. “They were fumigating the tobacco leaves, and we were weeding,” said 17-year-old Malcolm, a child tobacco worker in Mashonaland West. “We were feeling dizzy from the smell of the chemical,” he said. “It was in the same field. My face was itching.”<sup>64</sup> Praise, also 17, had a similar experience working on a large commercial farm in Mashonaland West: “There is this chemical called Carrot. If it’s sprayed and it’s windy, the wind carries the smell to my eyes. I feel like my eyes are burning.”<sup>65</sup>

In addition, some children said they were asked to enter fields that had been very recently sprayed with chemicals. Rufaro and Zendaya, both 15, worked together on a tobacco farm in Mashonaland Central. Both girls said they had vomited after entering fields that had just been sprayed. “[It happens] when they spray the chemicals. It’s because of the smell. It’s so bad,” said Zendaya. “Most of the people, they vomit,” added Rufaro. “We were working

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<sup>62</sup> Human Rights Watch interview with Tanaka, 16, Mvurwi, Mashonaland Central, March 15, 2017.

<sup>63</sup> Human Rights Watch interview with Terrence, 14, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>64</sup> Human Rights Watch interview with Malcolm, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>65</sup> Human Rights Watch interview with Praise, 17, Karoi, Mashonaland West, March 17, 2017.

in fields that had been sprayed. We were picking worms [off of the leaves]. They spray first, and then the worms come out, and then we got [into the field] and get them. Every time they spray, people go home sick [after work].”<sup>66</sup>

Pesticides enter the human body when they are inhaled, ingested, or absorbed through the skin. Pesticides pose serious health risks to the individuals applying them, as well as to other individuals nearby. Research has shown tobacco workers may also suffer chronic exposure through contact with pesticide residues remaining on plants and in soil.<sup>67</sup> Though Human Rights Watch could not determine the precise toxicity of the chemicals used on tobacco farms in Zimbabwe, pesticide exposure is associated with acute health problems including nausea, dizziness, vomiting, headaches, abdominal pain, and skin and eye problems.<sup>68</sup> Exposure to large doses of pesticides can have severe health effects including loss of consciousness, coma, and death.<sup>69</sup>

Long-term and chronic health effects of pesticide exposure are well documented and include respiratory problems, cancer, depression, neurologic deficits, and reproductive health problems.<sup>70</sup> Children are particularly vulnerable to the adverse effects of toxic exposures as their brains and bodies are still developing.<sup>71</sup> Many pesticides are highly toxic to the brain and reproductive health system,<sup>72</sup> both of which continue to grow and develop during childhood and adolescence.<sup>73</sup>

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<sup>66</sup> Human Rights Watch interview with Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>67</sup> Sara A. Quandt and Thomas A. Arcury, “Health Effects for Children of Working in Tobacco Production.”

<sup>68</sup> Leah A. McCauley, W. Kent Anger, Matthew Keifer, Rick Langley, Mark G. Robson, and Diane Rohlman, “Studying Health Outcomes in Farmworker Populations Exposed to Pesticides,” *Environmental Health Perspectives*, vol. 114, no. 6 (2006), p. 953.

<sup>69</sup> Thomas A. Arcury and Sara A. Quandt, “Pesticide Exposure among Farmworkers and Their Families,” in *Latino Farmworkers in the Eastern United States: Health, Safety, and Justice*, eds. Thomas A. Arcury and Sara A. Quandt, p. 106.

<sup>70</sup> Leah A. McCauley, W. Kent Anger, Matthew Keifer, Rick Langley, Mark G. Robson, and Diane Rohlman, “Studying Health Outcomes in Farmworker Populations Exposed to Pesticides,” *Environmental Health Perspectives*.

<sup>71</sup> Catherine Karr, “Children’s Environmental Health in Agricultural Settings,” *Journal of Agromedicine*, vol. 17, no. 2, (2012), p. 128.

<sup>72</sup> James R. Roberts and J. Routt Reigart, “Chapter 21: Chronic Effects” in *Recognition and Management of Pesticide Poisonings, 6th ed.*, eds. James R. Roberts and J. Routt Reigart (Washington, DC: Environmental Protection Agency, 2013), [http://www2.epa.gov/sites/production/files/documents/rmpp\\_6thed\\_ch21\\_chroniceffects.pdf](http://www2.epa.gov/sites/production/files/documents/rmpp_6thed_ch21_chroniceffects.pdf) (accessed November 25, 2015), pp. 212-238.

<sup>73</sup> Catherine Lebel and Christian Beaulieu, “Longitudinal Development of Human Brain Wiring Continues from Childhood into Adulthood,” *Journal of Neuroscience*, vol. 31, no. 30 (2011), pp. 10937–10947; Medline Plus, “Adolescent Development,” US National Library of Medicine, National Institutes of Health, updated January 27, 2013, <http://www.nlm.nih.gov/medlineplus/ency/article/002003.htm> (accessed September 28, 2015).

While pesticides are applied to many crops on farms around the world, tobacco workers may be at especially high risk for pesticide exposure given the nature of tobacco farming.<sup>74</sup> Tobacco plants are planted very close together and grow to one to three meters in height.<sup>75</sup> Workers often spend extended periods of time with much of their bodies brushing up against pesticide-treated leaves. In addition, directly handling pesticide-treated leaves during topping, suckering, or hand-harvesting increases exposure, particularly in the absence of effective protective gear and handwashing.<sup>76</sup>

### **Health Problems while Working with Dried Tobacco**

Several children reported respiratory symptoms while working with dried tobacco, such as coughing, sneezing, difficulty breathing, or tightness in the chest. Fungai, 16, worked on five tobacco farms in Mashonaland Central, where he lived with his mother and two older siblings. He said he suffered respiratory symptoms while grading dried tobacco: “During grading, you’re sneezing and having trouble breathing. It’s the smell of the tobacco. Once it hits you it’s like you’ve been burned.”<sup>77</sup> Some described these symptoms as “flu,” a term often used in Zimbabwe to describe the symptoms of a common cold: coughing, sneezing, and congestion.<sup>78</sup> Farai, a 14-year-old worker in Mashonaland Central, described how he felt when working around dried tobacco: “You feel like sneezing.”<sup>79</sup>

“During tobacco season, particularly curing time, I always have chest pains and coughing,” said 18-year-old Moses, who started working on his family’s tobacco farm in Mashonaland West at age 16. Moses said his family stored dried tobacco leaves inside their home before selling them. “We normally share our bedroom with cured tobacco, and the air isn’t good. It’s not safe. I also feel dizzy and have headaches.”<sup>80</sup>

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<sup>74</sup> Human Rights Watch interview with Sara Quandt and Thomas Arcury, July 24, 2015.

<sup>75</sup> International Tobacco Growers Association, “Tobacco Types,” <http://www.tobaccoleaf.org/conteudos/default.asp?ID=18> (accessed October 24, 2017).

<sup>76</sup> Human Rights Watch telephone interview with Thomas Arcury, director, Center for Worker Health at Wake Forest School of Medicine, February 24, 2014.

<sup>77</sup> Human Rights Watch interview with Fungai, 16, Mvurwi, Mashonaland Central, December 13, 2016.

<sup>78</sup> For example, Human Rights Watch interviews with Mercy, 12, Mvurwi, Mashonaland Central, December 13, 2016; Praise, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>79</sup> Human Rights Watch interview with Farai, 14, Mvurwi, Mashonaland Central, March 15, 2017.

<sup>80</sup> Human Rights Watch interview with Moses, 18, Harare, April 19, 2017.



A woman sorts dried tobacco leaves in Harare, Zimbabwe while a child sits nearby.  
© 2015 REUTERS/Philimon Bulawayo

Northern Tobacco (NT), the company with the second-largest market share of tobacco purchases in Zimbabwe in 2016, included information on the hazards to children of exposure to dust while working in tobacco farming in its 2017 Grower’s Guide on Child Labour in Tobacco Farming. In a section outlining hazards in agriculture, the document states, “Children who work in tobacco production are exposed to dust when preparing the land, weeding, harvesting, curing, grading and transporting tobacco leaves. Respiratory, skin and eye problems such as allergies and asthma, are common reactions.”<sup>81</sup>

### *Child Labor and Education*

Despite a constitutional requirement to promote “free and compulsory basic education for children,” the Zimbabwean government does not provide a truly free public education to all children. Many families have to pay fees or levies for their children to go to public

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<sup>81</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, December 13, 2017, annex E, “A Grower’s Guide on Child Labour in Tobacco Growing,” 2017.

schools, even at the primary level. Children are only required to attend school through age 12, even though the minimum age to begin working is 16.<sup>82</sup> The Children’s Act prohibits anyone from employing or engaging any school-age children in work during school hours.<sup>83</sup> Interviewees told Human Rights Watch that primary school fees were typically US\$10 to \$15 per term, and secondary school fees were higher—sometimes close to \$150 for the first term, and \$35 to \$50 for subsequent terms. Nearly everyone interviewed for this report said that school fees posed a barrier to children’s education, and many interviewees said the fees became prohibitively expensive for their families, particularly in secondary school. Though the government has stated that children should not be sent home from school for non-payment of fees, some interviewees said school administrators sent children home, or refused to provide end-of-year exam results if school fees were unpaid.

Human Rights Watch’s findings were consistent with a 2017 study into rural livelihoods by the Zimbabwe Vulnerability Assessment Committee (ZimVAC), a consortium of Zimbabwe government agencies, UN agencies, and other organizations. The report found, “The high proportion of children who were turned away from school due to non-payment of school fees is worrisome,” and called for stricter monitoring of the government’s policy that no child should be denied access to school for failing to pay fees.<sup>84</sup>

Interviewees also described how indirect educational costs for things like books and uniforms posed a challenge for many families. Some interviewees told Human Rights Watch that uniforms cost around \$15, and books cost from \$0.20 to \$6 each, depending on the subject and grade level.<sup>85</sup>

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<sup>82</sup> United Nations Educational, Scientific, and Cultural Organization (UNESCO) Institute for Statistics, “Zimbabwe,” undated, <http://uis.unesco.org/country/ZW> (accessed January 2, 2018). The Education Act, Chapter 25:04, sec. 5, states, “It is the objective in Zimbabwe that primary education for every child of school-going age shall be compulsory and to this end it shall be the duty of the parents of any such child to ensure that such child attends primary school.” Zimbabwe’s education system includes pre-primary education, followed by seven grades of primary school (entry at age 6), four grades of lower secondary school (forms 1 to 4, equivalent to grades 8 to 11), and upper secondary school (forms 5 and 6, equivalent to grades 12 and 13). Education is compulsory from age 6 to 12.

<sup>83</sup> Government of Zimbabwe, Children’s Act, ch. 5:06, sec. 10A(1).

<sup>84</sup> Zimbabwe Vulnerability Assessment Committee (ZimVAC), “2017 Rural Livelihoods Assessment Report,” 2017, [https://docs.wfp.org/api/documents/WFP-000019918/download/?\\_ga=2.11814903.2121128953.1513566366-340146079.1513566366](https://docs.wfp.org/api/documents/WFP-000019918/download/?_ga=2.11814903.2121128953.1513566366-340146079.1513566366) (accessed January 2, 2018), p. 198.

<sup>85</sup> For example, Human Rights Watch interviews with Anoono, 18, Marondera, Mashonaland East, December 15, 2016; Wataida, 26, Mvurwi, Mashonaland Central, December 13, 2016; Farai, 14, Mvurwi, Mashonaland Central, March 15, 2017; Prosper, 13, Mvurwi, Mashonaland Central, December 13, 2016; Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016.

It was beyond the scope of this report to investigate barriers in access to primary and secondary education across all sectors, as the focus of our research was child labor and human rights abuses on tobacco farms. In research in other countries, Human Rights Watch has found that school fees pose a barrier to education for many children.<sup>86</sup> In Zimbabwe, the difficulties accessing education because of school fees likely affect many low-income families outside of the tobacco sector. UNICEF reports that even though overall enrollment has increased in Zimbabwe, more than 1.2 million children ages 3 to 16 are out of school.<sup>87</sup> Still, our research suggests children in small-scale tobacco farming families may face particular risks continuing their education, due to the nature of their financial cycles. Small-scale farmers in other types of agricultural production may face similar challenges.

### **Tobacco Farming Financial Challenges and Education**

Many small-scale tobacco farmers told Human Rights Watch that due to the nature of their financial cycles—in which they received earnings only during one part of the year after selling tobacco—they often struggled to pay school fees at the start of the first academic term each year in January. For example, Edward, a 35-year-old contract farmer in Mashonaland Central, explained that he owed \$250 to the schools for his four children’s fees for the first term of 2017. “We haven’t sold tobacco yet,” he said. “When I go to the auction floors to sell my tobacco, that’s when I’ll be able to pay.” He said his children were sent home from school nearly half of the time when the fees were unpaid. “For that term, the children don’t learn well because they are constantly being sent home.... It affects their [academic] results. They won’t be in class when others are learning,” he said.<sup>88</sup>

Many tobacco companies recognize that children in tobacco farming families may be at risk of missing school, either to help on the farm or because of difficulty paying school fees.<sup>89</sup> A 2017 assessment by Northern Tobacco in one tobacco-growing region from which it sources in Zimbabwe confirmed high rates of absenteeism due to farmers’ difficulty paying school fees and risks of child labor during the most labor-intensive tobacco farming periods. The assessment found, “Some of small scale growers’ school-going children only

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<sup>86</sup> Human Rights Watch, *“I Had a Dream to Finish School”: Barriers to Secondary Education in Tanzania*, February 2017, <https://www.hrw.org/report/2017/02/14/i-had-dream-finish-school/barriers-secondary-education-tanzania>.

<sup>87</sup> UNICEF Zimbabwe, “Education,” undated, <https://www.unicef.org/zimbabwe/education.html> (accessed January 2, 2018).

<sup>88</sup> Human Rights Watch interview with Edward, 35, Guruve, Mashonaland Central, March 29, 2017.

<sup>89</sup> For additional information on tobacco companies’ policies on child labor and education, see the appendix to this report available on the Human Rights Watch website.

attend school during second term after tobacco sales. First term and third term there is high absenteeism due to lack of school fees. Child labor is high in some areas during tobacco peak season which leads to high absenteeism rate among local schools.”<sup>90</sup>

In a letter to Human Rights Watch, Alliance One International described how it allowed growers contracted with its subsidiary, Mashonaland Tobacco Company, to retain a portion of their earnings from tobacco sales prior to paying off their debts to the company, in order to allow growers to pay their hired laborers and to have money for school fees and other educational costs for their children: “This mitigates the risk of child labor and enables the children of both the farmer and his/her labor to attend school,” the company said.<sup>91</sup>

### **Missing School to Work**

Some teachers in tobacco growing regions told Human Rights Watch that their students often missed classes during the tobacco growing season, particularly during the labor-intensive periods of planting and harvesting, making it difficult for them to keep up with their school work.

Joseph, a grade 5 teacher in Mashonaland West, said about one-quarter of his 43 students worked on tobacco farms. “It causes a lot of absenteeism,” he said. “You see right from the onset of the tobacco growing season these children start being absent. Right from nursing [the seedbed stage] children will be involved in tobacco activities and you don’t see them at school. You find out of 63 days of the term, a child is coming 15 to 24 days only,” he said. He explained that attendance improved in the second term of the year after tobacco sales: “[T]here is an improvement in the attendance aided by their ability to pay school fees after selling their tobacco.” However, he said attendance declined again in the third term as the next tobacco growing season began. Joseph said his students showed signs of exhaustion after working in tobacco farming: “After working over the night, they will be sleeping in class. It affects our pass rates. Even our administrators ask why pass rates are this low but it’s difficult for me as a teacher to change that.”<sup>92</sup>

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<sup>90</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017, annex F.

<sup>91</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017.

<sup>92</sup> Human Rights Watch interview with Joseph, grade 5 teacher in Mashonaland West, Harare, April 19, 2017.



Anthony, who taught grade 5 in Mashonaland Central, said five or six children in his class of 38 students worked in tobacco farming:

It affects them a lot in terms of schooling because tobacco is a demanding crop... They have targets on planting. Most of their work is on target, so they will be busy, working very hard, and even overnight. Children will be tired and absenteeism is very high [during] curing and planting mostly.... If they are absent Monday and Tuesday, that's when we introduce concepts so when they come Wednesday, they won't be able to catch up. Even if they are there, ... they are sleeping, they miss out a lot too.”<sup>93</sup>

“Over 90 percent of the students are working on tobacco farms,” said Sydney, a secondary school teacher in Mashonaland Central, a major tobacco-growing province, who taught forms 1 to 4. “You find they are absent two days of the week consistently during the reaping period.”<sup>94</sup>

Other interviewees also said children missed school to help their own families with tobacco farming tasks.<sup>95</sup> Rufaro and Zendaya, both 15, said they dropped out of school after grade 7 because their families were unable to continue paying their school fees. However, both girls said that when they were still enrolled in school, they often missed classes to help their parents, who were hired workers, complete work on tobacco farms. “My parents were working on a ticket system,” Zendaya explained. “When the ticket [list of tasks to complete] was too big, they'd ask us to be absent from school during the period of weeding. I'd miss school two or three times a week. If we combine the days, one week out of the month, we'd miss school,” she said.<sup>96</sup>

### **Missing School to Earn Money for School Fees**

Some children missed school to work for hire on tobacco farms to raise money for their school fees. For example, Davidzo, a 15-year-old boy in Mashonaland Central, missed 15

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<sup>93</sup> Human Rights Watch interview with Anthony, grade 5 teacher in Mashonaland Central, Harare, April 19, 2017.

<sup>94</sup> Human Rights Watch interview with Sydney, forms 1 to 4 teacher in Mashonaland Central, Harare, April 19, 2017.

<sup>95</sup> Human Rights Watch interview with five farmers, ages 32, 29, 43, 37, and 35, Harare, March 27, 2017; Human Rights Watch interview with Rejoice, 44, Karoi, Mashonaland West, March 21, 2017; Human Rights Watch interview with two farmers, 36 and 60, Harare, March 26, 2017.

<sup>96</sup> Human Rights Watch interview with Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016.

days of class in one term to work in tobacco farming. He said, “I had to absent myself from school because I needed [to raise money for my] school fees.” When he returned to school, he was punished by his teachers. “I was beaten.... I was so disappointed because I was trying to make an effort to work to raise my school fees. I thought I was doing good for myself.” Davidzo said he could not continue with secondary education due to the recurring challenge of paying school fees, and he dropped out.<sup>97</sup>

Many of the other children and young adults interviewed for this report said they were exposed to corporal punishment at school, a problem that many students outside of tobacco farming communities may also face.<sup>98</sup> In 2017, the High Court of Zimbabwe ruled that corporal punishment for children was unconstitutional.<sup>99</sup>

### **Education Cut Short**

Some children and young adults interviewed for this report had dropped out of school before completing their desired level of education to work in tobacco farming. In most of these cases, interviewees said families were unable to cover the cost of their school fees. “I stopped [school] at grade 6,” said Farai, a 14-year-old tobacco worker in Mashonaland Central. “We couldn’t afford to pay the fees. It was very painful.”<sup>100</sup>

Masimba, a 17-year-old tobacco worker in Mashonaland West, said he dropped out of primary school in grade 6 and began working full-time in tobacco farming. When asked why he left school, he answered simply: “Because of money.”<sup>101</sup>

Anesu, 16, told Human Rights Watch she dropped out of secondary school in form 2 because she had no money for school fees. Now she works six days per week, from 6 a.m. to 4 p.m. on tobacco farms. “If I see other kids going to school, I cry,” she said.<sup>102</sup> Teachers

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<sup>97</sup> Human Rights Watch interview with Davidzo, 15, Mvurwi, Mashonaland Central, March 15, 2017.

<sup>98</sup> Dewa Mavhinga (Human Rights Watch), “Zimbabwe: Mnangagwa Government Should Address Barriers to Education” commentary, *Newsday*, <https://www.hrw.org/news/2017/12/21/zimbabwe-mnangagwa-government-should-address-barriers-education>.

<sup>99</sup> Global Initiative to End All Corporal Punishment of Children, “Zimbabwe High Court Declares Corporal Punishment Unconstitutional,” March 2017, <http://www.endcorporalpunishment.org/news/03/2017/zimbabwe-high-court-declares-corporal-punishment-unconstitutional.html> (accessed January 2, 2018).

<sup>100</sup> Human Rights Watch interview with Farai, 14, Mvurwi, Mashonaland Central, March 15, 2017.

<sup>101</sup> Human Rights Watch interview with Masimba, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>102</sup> Human Rights Watch interview with Anesu, 16, Mvurwi, Mashonaland Central, December 14, 2016.

interviewed by Human Rights Watch said that they knew children who dropped out of school to work in tobacco farming or for other reasons.<sup>103</sup>

One child tobacco worker interviewed by Human Rights Watch completed lower secondary school through form 4, but his parents, who worked with him on a large-scale tobacco farm in Mashonaland West, were unable to raise the money to pay for him to take his end-of-year exams, which he said would cost \$12 per subject for nine subjects. “I dropped in form 4,” he said. “I couldn’t find the exam registration fee. It’s very painful because I spent all the past years going to school and made it to the final stage, and now my parents can’t afford the registration fee.”<sup>104</sup> Most hired tobacco workers interviewed for this report earned around \$3 per day, or approximately \$72 to \$85 per month, making it difficult for families to afford to pay exam fees.

The Zimbabwean government’s Basic Education Assistance Module (BEAM) program provides government financial assistance for children’s education costs, including tuition and exam fees.<sup>105</sup> Established in 2001, the program aimed to provide government funds for access to education for the poorest 30 percent of school-going children. However, a 2012 evaluation found that the program “is much more widely needed than available resources permit,” and would require a 172 percent increase in resources to reach all children in need of assistance.<sup>106</sup> The 2017 ZimVAC report on rural livelihoods concluded, “The proportion of children of school going age who were not in school due to financial constraints remains significant. There is need for the Government to increase Basic Education Assistance Module (BEAM) funds.”<sup>107</sup> In its response to Human Rights Watch,

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<sup>103</sup> For example, Human Rights Watch interviews with Sydney, forms 1 to 4 teacher in Mashonaland Central, Harare, April 19, 2017; Emily, grade 6 teacher in Mashonaland West, Harare, April 19, 2017; Muradali, forms 1 and 2 teacher in Mashonaland West, Harare, April 19, 2017.

<sup>104</sup> Human Rights Watch interview with Praise, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>105</sup> United States Department of Labor (DOL), Bureau of International Labor Affairs, “2016 Findings on the Worst Forms of Child Labor: Zimbabwe,” September 2017, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/zimbabwe> (accessed October 22, 2017), p. 5.

<sup>106</sup> CfBT Education Trust, Impact Research International & Paul Musker and Associates, “Process and Impact Evaluation of the Basic Education Assistance Module (BEAM) in Zimbabwe: Final Evaluation Report Submitted to Ministry of Labour and Social Services Government of Zimbabwe,” March 2012, [https://www.unicef.org/zimbabwe/ZIM\\_resources\\_beam.pdf](https://www.unicef.org/zimbabwe/ZIM_resources_beam.pdf) (accessed November 7, 2017), p. 9.

<sup>107</sup> ZimVAC, “2017 Rural Livelihoods Assessment Report,” 2017, [https://docs.wfp.org/api/documents/WFP-0000019918/download/?\\_ga=2.11814903.2121128953.1513566366-340146079.1513566366](https://docs.wfp.org/api/documents/WFP-0000019918/download/?_ga=2.11814903.2121128953.1513566366-340146079.1513566366), p. 198.

the Zimbabwean government referenced the BEAM program as one of its initiatives to address child labor.<sup>108</sup>

Programs that provide poor families with a guaranteed monthly income—often known as “cash transfer programs”—are a strategy used in many countries to reduce family poverty, increase school enrollment, and reduce child labor.<sup>109</sup> In 2011, Zimbabwe’s Ministry of Public Service, Labour, and Social Welfare (MPSLSW) introduced a cash transfer program to provide economic support to very poor families.<sup>110</sup> According to the US Department of Labor, “cash transfers reached at least 52,000 poor households in 19 districts” in 2016, but noted that the scope of Zimbabwe’s existing programs to target child labor is insufficient to fully address the extent of the problem.<sup>111</sup>

### *Why Children Work*

In all of the provinces where Human Rights Watch conducted research, regardless of the size of farms or the nature of the work, interviewees explained that children work on tobacco farms in Zimbabwe due to poverty. The International Labour Organization (ILO) reports that globally, “poverty is the main cause of child labor in agriculture.”<sup>112</sup> Some children worked on tobacco farms in Zimbabwe to raise money for their school fees or other basic necessities. Other children worked because their families could not afford to hire workers and relied on family labor to cultivate tobacco.

For example, Prosper, a 13-year-old grade 6 student who lives with his grandmother and his three siblings in Mashonaland Central, told Human Rights Watch he started working for hire on small-scale tobacco farms in his community in 2016 when his mother died: “I was

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<sup>108</sup> Email from Ellah R. Chako, principal labour officer, to Human Rights Watch, March 6, 2018, sharing “Government Response to Questions Raised by Human Rights Watch Research on Tobacco Farms in Zimbabwe,” response to question 5.

<sup>109</sup> UNESCO, “Education for All 2000-2015: Achievements and Challenges, EFA Global Monitoring Report,” 2015, <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>, pp. 89-91.

<sup>110</sup> UNICEF, “Zimbabwe Harmonized Social Cash Transfer Programme (HSCT): Analysis of the Process and Results of Targeting Labour Constrained Food Poor Households in the First 10 Districts,” April 2012, [https://www.unicef.org/zimbabwe/ZIM\\_resources\\_hsctprogreport.pdf](https://www.unicef.org/zimbabwe/ZIM_resources_hsctprogreport.pdf) (accessed January 2, 2018); and American Institutes for Research, “Process Evaluation of Zimbabwe’s Harmonized Social Cash Transfer Program,” 2014, [https://transfer.cpc.unc.edu/wp-content/uploads/2015/09/Zimbabwe\\_HSCT-Process-Evaluation-Report.pdf](https://transfer.cpc.unc.edu/wp-content/uploads/2015/09/Zimbabwe_HSCT-Process-Evaluation-Report.pdf) (accessed January 3, 2018).

<sup>111</sup> DOL, Bureau of International Labor Affairs, “2016 Findings on the Worst Forms of Child Labor: Zimbabwe,” <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/zimbabwe>, p.5.

<sup>112</sup> ILO International Programme on the Elimination of Child Labour (IPEC), “Child Labor in Agriculture,” undated, <http://www.ilo.org/ipecc/areas/Agriculture/lang-en/index.htm> (accessed August 31, 2017).

looking [to raise money] for school fees,” he said. Prosper said he only worked on tobacco farms on weekends and school holidays, doing piece work like planting or harvesting tobacco, and he typically earned \$3 per day. He said he used his earnings to buy food and to pay his school fees. “The way I’m growing up is not a good starting point,” he said. “The money I get doesn’t meet my needs.” But he expressed gratitude that he could continue attending school: “At least I go to school and work on the weekend, rather than not going to school at all.”<sup>113</sup>

Although education through age 12 is compulsory in Zimbabwe, some interviewees said children had never attended school, or had dropped out, and worked in tobacco farming to earn money to cover their families’ basic needs. “I am looking for money for survival,” said Anesu, a 16-year-old child tobacco worker who earned \$3 per day doing piece work on tobacco farms in Mashonaland Central. She dropped out of lower secondary school after form 2 because she was unable to pay school fees and now uses her earnings for clothing and food. “We buy pants and bras, clothes,” she said. “Even cooking oil and food if we have no food at home.”<sup>114</sup> Mercy, a 12-year-old girl, also earned \$3 per day doing piece work on small-scale tobacco farms. She worked with her mother, a widow, to help support the family. “I saw that my mom can’t work alone,” she said. Though Mercy dreamed of being a teacher, she had never attended school. “My mother never made [enough] money to send me to school,” she said.<sup>115</sup>

Some interviewees said children worked in tobacco farming because their families could not afford to pay workers. Many farmers interviewed for this report said tobacco was their primary source of livelihood and the only crop they cultivated for profit. But many families struggled to survive on the earnings from tobacco sales, particularly when the quality or yield of the crop, or the prices offered by buyers, did not meet their expectations.

For example, Panashe, a small-scale tobacco farmer in Manicaland, supported his family with earnings from cultivating a half hectare of tobacco. In 2016, he did not make any profit. “Last year, we had the problem of hail, and we failed to get anything,” he said. Without any earnings from the previous season, Panashe said he was unable to pay

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<sup>113</sup> Human Rights Watch interview with Prosper, 13, Mvurwi, Mashonaland Central, December 13, 2016.

<sup>114</sup> Human Rights Watch interview with Anesu, 16, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>115</sup> Human Rights Watch interview with Mercy, 12, Mvurwi, Mashonaland Central, December 13, 2016.

workers to help on his farm: “We face the problem of labor. In tobacco, you cannot work alone.... I cannot manage to hire workers because I don’t have anything.” As a result, he relied on help from his 16-year-old daughter and 12-year-old niece. “They do everything,” he said. “They are overworked.”<sup>116</sup>

## Health and Safety Risks for Adult Tobacco Workers

Like the child workers interviewed for this report, adult tobacco workers—both small-scale farmers and hired workers on farms of various sizes—were exposed to nicotine and toxic pesticides while working, and many suffered health effects that they attributed to their work on tobacco farms. Workers reported that neither government officials nor company representatives had provided them with sufficient information about nicotine poisoning and pesticide exposure, or with sufficient training or equipment to protect themselves.

Under Zimbabwean labor law, an employer may not, “require any employee to work under any conditions or situations which are below those prescribed by law or by the conventional practice of the occupation for the protection of such employee’s health or safety.”<sup>117</sup> The Labour Act stipulates that minimum wages, maximum working hours, overtime work, and other conditions of employment in specific industries may be established through collective bargaining agreements negotiated by trade unions, employers, and employers’ organizations.<sup>118</sup> The 2014 collective bargaining agreement for the agricultural industry, states, “Health and Safety issues; refer to an Agriculture Industry statutory instrument.”<sup>119</sup>

Trade union representatives told Human Rights Watch that stakeholders were working to develop a collective bargaining agreement on health and safety in agriculture. At the time of writing, there was no agriculture-specific health and safety law or regulation in effect in Zimbabwe, though certain provisions of other laws such as the Environmental Management Act of 2002, which regulates the use of pesticides and other hazardous substances, are applicable to agricultural workplaces.<sup>120</sup> One trade union representative

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<sup>116</sup> Human Rights Watch interview with Panashe, 50, Headlands, Manicaland, March 22, 2017.

<sup>117</sup> Labour Act [Chapter 28:01], sec. 6(d).

<sup>118</sup> *Ibid.*, sec. 74.

<sup>119</sup> Statutory Instrument (S.I.) 116 of 2014, sec. 24.

<sup>120</sup> The Environmental Management Act of 2002, and corresponding regulations, establish a process for the government to regulate the use of hazardous substances, including pesticides. The law established the Environmental Management

explained, “Currently that [health and safety] provision [for agriculture] is not there, hence employees are compromised.”<sup>121</sup> Companies purchasing tobacco in Zimbabwe have policies regarding health and safety of workers, as detailed below.

### *Nicotine Poisoning*

Almost none of the small-scale farmers or hired workers interviewed by Human Rights Watch knew about acute nicotine poisoning, or Green Tobacco Sickness (GTS), or how to protect themselves from it.<sup>122</sup> However, most had experienced symptoms consistent with nicotine poisoning while working, including nausea, vomiting, loss of appetite, headaches, and dizziness. Even the contract farmers interviewed for this report, who regularly met with representatives of tobacco companies, had very little, if any, information about nicotine poisoning.

A 36-year-old farmer from Mashonaland West said she often felt dizzy, weak, and nauseated while working in tobacco farming: “Normally when we are reaping, or removing it from the barn, we experience those symptoms.” She said she had vomited many times, including one week prior to her interview with Human Rights Watch: “I was vomiting some foam. It was about a week ago after work. We were tying [the dried tobacco leaves] after grading.” She had been farming tobacco independently and selling it on auction floors for nine years and said she had been sick while handling tobacco “many times,” but no one had ever informed her about nicotine exposure prior to her interview with Human Rights Watch.<sup>123</sup>

Daniel, a 23-year-old small-scale farmer in Manicaland, said, “I’ve had the experience where after hanging tobacco [in the curing barn], I feel like throwing up. But it’s not just me. Even my little brother and sister—I’ve heard them complain about it.” Daniel and his family had been contract farmers for six years, but when Human Rights Watch asked if he

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Agency, which in a 2017 article, stated “Employers should ensure that persons handling the hazardous substances: are aware of the prescribed warnings, signs, symbols and risks involved in the exposure to such substances and have all the necessary protective clothing. A person to administer appropriate first aid treatment should be on standby.” Environmental Management Agency, “Safety Precautions in Handling Hazardous Substances,” March 14, 2017, <https://www.ema.co.zw/index.php/220-safety-precautions-in-handling-hazardous-substances.html> (accessed February 6, 2018).

<sup>121</sup> Email from trade union to Human Rights Watch, January 17, 2018.

<sup>122</sup> For detailed information about Green Tobacco Sickness, see above.

<sup>123</sup> Human Rights Watch interview with two farmers, 36 and 60, Harare, March 26, 2017.

had ever received any information about nicotine poisoning or Green Tobacco Sickness, he said, “I haven’t heard about it.”<sup>124</sup>

Two small-scale contract farmers in Mashonaland West described symptoms consistent with acute nicotine poisoning: “When we’re grading [dried tobacco leaves], there’s a cold, like the flu, and headaches,” said Brian, age 41. Nodding in agreement, his wife said, “When I’m reaping, I feel nausea. And this flu. Then also when I’m grading, I feel headaches, dizziness, and flu.” Brian, who was in his seventh year as a contract farmer, told Human Rights Watch that no one had ever informed him or his family about nicotine exposure. “We don’t know exactly what is behind it [the illness],” he said. “We just think it’s a normal part of life.”<sup>125</sup>

Similarly, Admire, a 43-year-old tobacco farmer from Manicaland, had sold tobacco through a contract with a tobacco company for seven years, yet he said no one from the company ever informed him about Green Tobacco Sickness, even though he and most of his family members had suffered symptoms consistent with nicotine poisoning. Admire said his 17-year-old son had vomited while handling tobacco. “When we’re hanging tobacco, we normally feel weak or vomit, and get a headache and dizziness,” he said. “We have never heard that kind of education,” he said. “You fall sick, but you don’t know what it is.”<sup>126</sup>

Even the few small-scale farmers who had heard of Green Tobacco Sickness did not have comprehensive information about what caused the symptoms they experienced, and how to prevent and treat the illness. For example, a few people interviewed had booklets with written information about GTS, but they did not fully understand the materials.<sup>127</sup>

Hired adult farmworkers interviewed for this report also described symptoms consistent with nicotine poisoning, and said that their employers had not educated them about the risks of nicotine exposure or Green Tobacco Sickness and how to protect themselves.<sup>128</sup> “When we’re topping, we can’t eat. Every time you take food to your mouth, you feel

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<sup>124</sup> Human Rights Watch interview with Daniel, 23, Headlands, Manicaland, March 22, 2017.

<sup>125</sup> Human Rights Watch interview with Brian, 41, Karoi, Mashonaland West, March 30, 2017.

<sup>126</sup> Human Rights Watch interview with Admire, 43, Headlands, Manicaland, March 22, 2017.

<sup>127</sup> Human Rights Watch interviews with Sundai, 54, and Elizabeth, 53, Guruve, Mashonaland Central, March 29, 2017; Nicola, 39, Karoi, Mashonaland West, March 30, 2017; Dabson, 43, Headlands, Manicaland, March 20, 2017.

<sup>128</sup> For example, Human Rights Watch interviews with Sean, 18, Mutare, Manicaland, March 24, 2017; Wendy, 37, Marondera, Mashonaland East, December 16, 2016; Bright, 43, Mvurwi, Mashonaland Central, December 14, 2016.



nausea,” said Nigel, a 33-year-old worker on a large-scale farm in Mashonaland Central. “The sickness happens to nearly everyone,” said Junior, a 41-year-old worker on the same farm. “Some people are even vomiting in the field.” Though Nigel and Junior reported that many people at their workplace had gotten sick while handling tobacco, they said that their employer had never provided them with information or training about nicotine exposure. When Human Rights Watch asked if they had ever heard of Green Tobacco Sickness, the men just shook their heads.<sup>129</sup>

Esther, 45, said both she and her husband got sick while they worked on a large-scale tobacco farm in Manicaland. “It happens normally,” Esther said, “Headache, and coughing. [It happens] to both of us. Feeling like vomiting. Ourselves, we’ve never vomited, but we’ve seen other people vomiting in the grading shed.” The only information the couple said they had received from their employer about nicotine exposure was a warning from a foreman at their workplace that smoking was harmful to human health. They had never been told that workers could absorb nicotine through the skin while handling tobacco leaves.<sup>130</sup>

When Human Rights Watch spoke with Natasha, 36, and Tinotenda, 48, who worked together on a large-scale farm in Mashonaland East, neither of them had heard of acute nicotine poisoning, though they had both experienced symptoms consistent with the illness. Natasha described feeling ill after working in curing barns she called “tunnels”: “You feel very sweaty when you’re working in the tunnel. You feel dizzy and weak, and at times, you start to vomit.” She described an incident that occurred when she was sweeping up leaves in the barn: “I started to feel dizzy. I felt that my head wasn’t functioning well, and I started vomiting.” Tinotenda added, “The tobacco leaves give off a sharp odor. You feel like you can’t stand working. You’re weak and dizzy around the tobacco leaves.” When Human Rights Watch asked if their employer had ever informed them about nicotine exposure, Tinotenda said, “We never received such training. What we were informed is that nicotine only affects smokers.”<sup>131</sup>

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<sup>129</sup> Human Rights Watch interview with four adult workers, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>130</sup> Human Rights Watch interview with Esther, 45, and Calvin, 64, Mutare, Manicaland, March 24, 2017.

<sup>131</sup> Human Rights Watch interview with Natasha, 36, and Tinotenda, 48, Marondera, Mashonaland East, December 15, 2016.

Basic precautions to prevent exposure to nicotine and manage symptoms include the use of personal protective equipment such as gloves, rain-suits, or long-sleeved clothing, and washing exposed skin with soap and water. Once clothing becomes wet, workers should promptly change into clean, dry clothing to prevent the absorption of nicotine through the skin. Workers experiencing symptoms of Green Tobacco Sickness should rest and drink fluids to avoid dehydration.<sup>132</sup>

### *Exposure to Pesticides and Other Chemicals*

Nearly all small-scale farmers and many hired farmworkers interviewed for this report said they handled toxic chemicals while working on tobacco farms. While most small-scale farmers and hired farmworkers had some understanding that pesticides could be dangerous, many had not received comprehensive education or training about how to protect themselves and other workers from exposure. Many interviewees handled chemicals without any protective equipment, or with improper or incomplete protection.

Statutory Instrument 12 of 2007—the Environmental Management (Hazardous Substances, Pesticides, and Other Toxic Substances) Regulations—states that employers may not authorize employees to handle any hazardous substances without ensuring that the people handling the substance are informed about the warnings and risks of the substance; have the opportunity to wash thoroughly after using the substance; can “change and launder their protective clothing daily,” including boots, gloves, and respirators; can take frequent breaks “if high temperatures make the wearing of protective clothing unbearable”; wash contaminated parts of the body without delay; and are brought to immediate medical attention if they fall ill while working with the substance. The regulations also require that protective equipment be “regularly inspected and replaced if damaged.”<sup>133</sup>

Many interviewees reported illness after coming into contact with toxic chemicals, including nausea, vomiting, loss of appetite, stomach pain, headaches, dizziness, skin

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<sup>132</sup> Occupational Safety and Health Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH), “Recommended Practices: Green Tobacco Sickness,” March 2015, <https://www.osha.gov/Publications/OSHA3765.pdf> (accessed November 6, 2017).

<sup>133</sup> Statutory Instrument (S.I.) 12 of 2007, Environmental Management (Hazardous Substances, Pesticides, and Other Toxic Substances) Regulations, sec. 7.

irritation (particularly of the face), chest pain, blurred vision, eye irritation, respiratory irritation, and other symptoms.

### **Inadequate Information and Training about Pesticide Exposure**

Human Rights Watch found that the contract farmers interviewed for this report generally had more detailed information about pesticide safety than the independent farmers we interviewed.

Some small-scale farmers had received information or training about pesticide exposure at workshops, seminars, or “demonstrations” organized by tobacco companies or Agritex, a government office that provides technical advice to farmers.<sup>134</sup> Some independent farmers said they were given opportunities to attend events organized by tobacco companies for local contract farmers.<sup>135</sup> Some small-scale farmers said extension workers from the government or tobacco companies (often referred to as “agronomists” or “leaf technicians”) informed them about how to protect themselves from pesticides.<sup>136</sup>

Some farmers, including some contract farmers, had no meaningful information or training about pesticide safety. Joshua, a 50-year-old farmer in Manicaland, had contracted with a tobacco company for four years, but he said he had never been trained in pesticide safety. “[There are] no safety instructions,” he said. “They don't teach us that.”<sup>137</sup>

Similarly, Banga, a 42-year-old independent farmer from Mashonaland West, said he had never received information or training about pesticides. “On the container it says the precautions we should use,” he said. “But I don't have the money to buy [protective] clothes like overalls and gumboots.”<sup>138</sup>

Most hired workers, including children, said they had not received any detailed or meaningful occupational safety and health training from their employers. Some workers

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<sup>134</sup> For example, Human Rights Watch interviews with Ray, 43, Harare, December 17, 2017; Pamela, 28, Headlands, Manicaland, March 20, 2017; Sangeya, 49, Karoi, Mashonaland West, March 21, 2017.

<sup>135</sup> Human Rights Watch interview with two farmers, 46 and 38, Harare, March 26, 2017.

<sup>136</sup> For example, Human Rights Watch interviews with Chamakomo, 40, Harare, March 19, 2017; Emerald, 37, Karoi, Mashonaland West, March 21, 2017; Aaron, 52, Harare, March 24, 2017.

<sup>137</sup> Human Rights Watch interview with Joshua, 50, Headlands, Manicaland, March 22, 2017.

<sup>138</sup> Human Rights Watch interview with Banga, 42, Harare, March 19, 2017.

told Human Rights Watch that their supervisors informed them to be cautious when working around chemicals, but the information they received was often cursory. For example, Simon, a 52-year-old worker on a large-scale farm in Mashonaland Central, said, “The managers tell people to be mindful with chemicals,” but he was not informed in any detail about how to protect himself.<sup>139</sup> Very few workers had a comprehensive understanding of the health risks of pesticide exposure, the ways pesticides enter the human body, and how to prevent exposure.

For example, Victor, a 43-year-old worker on a large-scale farm in Mashonaland East, who has five children, told Human Rights Watch about an incident that occurred several years prior when his daughter was 18 months old: “I was using a certain chemical [on the farm]. I went home, and when I held my kid, my kid started vomiting.... She vomited, and then the sickness went away.” He said his supervisor had not informed him about how to avoid exposing his family to pesticide residues. After his daughter got sick, he spoke to his supervisor about what happened, but was given very little information: “I explained that [my daughter got sick], and he said it was the chemical... I was told to wash my hands before I go home.”<sup>140</sup>

### **Inadequate Protective Equipment during Pesticide Application**

Many interviewees handled chemicals without any protective equipment, or with improper or incomplete protection. Small-scale farmers often said that contracting companies did not provide protective clothing, and many felt that they could not afford to buy it on their own. Many hired workers said their employers did not provide complete or effective protective equipment. The World Health Organization (WHO) lists the following as components of proper personal protective equipment for the use of pesticides in agriculture: protection of the head, eyes, and face; respiratory protection; and protective gloves, clothes, and footwear.<sup>141</sup> As described above, pesticide exposure is associated with acute health problems including nausea, dizziness, vomiting, headaches, abdominal pain, and skin and eye problems.<sup>142</sup>

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<sup>139</sup> Human Rights Watch interview with Simon, 52, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>140</sup> Human Rights Watch interview with Victor, 43, Marondera, Mashonaland East, December 15, 2016.

<sup>141</sup> WHO, “Preventing Health Risks from the Use of Pesticides in Agriculture: Protecting Workers’ Health Series No. 1,” [http://www.who.int/occupational\\_health/publications/en/oehpesticides.pdf?ua=1](http://www.who.int/occupational_health/publications/en/oehpesticides.pdf?ua=1), p. 16.

<sup>142</sup> Leah A. McCauley, W. Kent Anger, Matthew Keifer, Rick Langley, Mark G. Robson, and Diane Rohlman, “Studying Health Outcomes in Farmworker Populations Exposed to Pesticides,” *Environmental Health Perspectives*, p. 953.

Most of the small-scale farmers interviewed for this report said they, or a member of their family, had experienced illness after handling pesticides or other chemicals. Runako, an independent small-scale tobacco farmer and father of three young children in Mashonaland West, said he could not afford to buy protective equipment to wear when applying pesticides because of “competing financial needs.” He said he often felt sick after spraying: “There are periods where I feel I don’t want to eat after spraying, and I feel cramps—a sharp pain in the side. It happens all the time when we are spraying because we won’t be protected. You just say it’s part of the work,” he said.<sup>143</sup>

Mudiwa, a 50-year-old contract farmer from Mashonaland West, had been growing tobacco since 2010. She said the only information company representatives shared about pesticide safety was to encourage the use of protective equipment: “They just advised us to use gloves and gumboots and masks,” she said. “But we don't have them.”<sup>144</sup>

Winston, a 28-year-old contract farmer in Mashonaland Central, said the company he contracted with provided him with gloves, but he did not have any other protective equipment to use when handling pesticides. “I wear what I’m wearing now [when I spray],” he said, pointing to the shorts and short-sleeved shirt he was wearing. He said the pesticides often made him sick. “I feel pain in my chest. I can tell [when] I inhaled a lot of the bad gases from the spray. ... I get a burning sensation on my skin and itchiness.” He also said he had experienced nausea, headaches, and dizziness after handling pesticides.<sup>145</sup>

A 36-year-old independent farmer from Mashonaland West said that she, her husband, and her two oldest sons, ages 15 and 18, handled pesticides on the family’s small-scale tobacco farm. “I get chest pains and itchiness, and hot flashes on my face.” she said. “The 18-year-old complains of headaches. He even vomits. And then develops a rash on his face, and he has chest pain.” When Human Rights Watch asked if she had any protective equipment to wear when applying pesticides, she answered, “I have nothing.”<sup>146</sup>

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<sup>143</sup> Human Rights Watch interview with Runako, 28, Harare, March 19, 2017.

<sup>144</sup> Human Rights Watch interview with Mudiwa, 50, Karoi, Mashonaland West, March 21, 2017.

<sup>145</sup> Human Rights Watch interview with Winston, 28, Chiweshe, Mashonaland Central, March 28, 2017.

<sup>146</sup> Human Rights Watch interview with two farmers, 36 and 60, Harare, March 26, 2017.

Many hired workers said that their supervisors told them to use personal protective equipment when handling pesticides, but employers frequently did not supply the protective equipment. Many workers reported getting sick after handling the chemicals.<sup>147</sup>

For example, Danai, a 26-year-old hired worker in Mashonaland East, said she handled several types of chemicals on the large-scale tobacco farm where she worked—some were intended to kill worms or other pests, others were intended to stop the growth of nuisance leaves (“suckers”). She said her employer had not provided her with a mask, gloves, or other protective equipment, even though her job involved pouring the chemicals directly onto the plants. “The different chemicals affect us differently,” she said. “Some cause dizziness, some cause nausea, and when you go to eat, you vomit.” Other chemicals burned the skin on her hands. She described a recent experience applying a chemical designed to kill suckers: “You start to feel like dizzy, and start to cough, and feel sharp pain. It’s a blinding pain. I vomited when I was coughing.... I experience it [the sickness] a lot.”<sup>148</sup>

Michelle, an 18-year-old worker on a farm in Manicaland, also said she got sick while applying “sucker killer” to tobacco plants. Her job involved pouring the chemical directly onto the plants from a plastic bottle, but the only protective equipment her employer provided was a raincoat. She did not have any other protection. “You feel a burning sensation if the chemical touches your skin. [It causes] like exfoliation of the skin, peeling.” She also said the chemicals irritated her eyes: “In the eyes, it feels like pinching. Like you have sand in your eyes.”<sup>149</sup>

John, 20, said he applied pesticides with a backpack sprayer on a large-scale tobacco farm in Mashonaland Central. “We don’t have a respirator to wear when we’re spraying. And we don’t have raincoats,” he said. “We have challenges when it comes to breathing, and other chemicals cause stomach pains and vomiting,” he said.<sup>150</sup>

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<sup>147</sup> For example, Human Rights Watch interviews with Anoona, 18, Marondera, Mashonaland East, December 15, 2016; Timothy, 18, Karoi, Mashonaland West, March 17, 2017; Sean, 18, Mutare, Manicaland, March 24, 2017; Garai, 27, Mvurwi, Mashonaland Central, March 16, 2017; Esther, 45, and Calvin, 64, Mutare, Manicaland, March 24, 2017.

<sup>148</sup> Human Rights Watch interview with Danai, 26, Marondera, Mashonaland East, December 16, 2016.

<sup>149</sup> Human Rights Watch interview with Michelle, 18, Mutare, Manicaland, March 24, 2017.

<sup>150</sup> Human Rights Watch interview with John, 20, Mvurwi, Mashonaland Central, December 13, 2016.

Elijah, a 37-year-old hired worker in Mashonaland East, had a similar experience: “When it comes to spraying, it’s a problem. We have no respirators, no gloves. There’s not even soap to wash our hands after spraying.... When the tobacco is about knee-high, we use a knapsack to spray. During the period we’re using [the chemical], we might not feel anything, but later at home, we have stomach pain, upset stomach, because we’re breathing in the chemicals, and we’re not provided with respirators.”<sup>151</sup>

Union organizers in multiple provinces confirmed to Human Rights Watch that non-provision of protective equipment was a chief concern among the workers on farms they served. One organizer responsible for 21 farms said, “Almost every farmer doesn’t fully equip the workers with protective clothing. Maybe they provide boots, but no respirator, no overalls. The employer will say, ‘I provide [my workers with protective equipment],’ when the workers are just given boots [and nothing else].”<sup>152</sup>

### **Working Near Pesticides**

Some workers said they did not handle pesticides directly, but described being exposed to pesticides being applied to plants near them, and did not have information about the risks posed by this kind of exposure, although some reported experiencing sickness. For example, Anoona, an 18-year-old worker on a large-scale tobacco farm in Mashonaland East, said, “We were working in the next field, next to where the person was spraying, and the wind carried the chemical to us. The wind came to us, and I smelled the chemical, and I vomited.”<sup>153</sup> Kutenda, a 34-year-old security guard on a large-scale tobacco farm in Manicaland, also reported working near areas when other workers were spraying: “Our office is about 20 meters away from the nest [seedbed area]. When they spray there if the wind blows, you can feel the smell in our office. My eyes will start watering, and I get a headache.”<sup>154</sup>

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<sup>151</sup> Human Rights Watch interview with three adult workers, Marondera, Mashonaland East, December 16, 2016.

<sup>152</sup> Human Rights Watch interview with union organizer, December 2016.

<sup>153</sup> Human Rights Watch interview with Anoona, 18, Marondera, Mashonaland East, December 15, 2016.

<sup>154</sup> Human Rights Watch interview with Kutenda, 35, and William, 45, Mutare, Manicaland, March 24, 2017.

The Environmental Management Regulations require employers to ensure that workers who are not directly handling hazardous substances “are kept from exposure to such substance and are made aware of the risk of exposure.”<sup>155</sup>

## Labor Rights Abuses on Large-Scale Farms

Human Rights Watch documented a range of labor rights abuses on large-scale tobacco farms, including excessive working hours without overtime compensation, and the nonpayment or late payment of wages. Some of the incidents described to Human Rights Watch appear to violate Zimbabwean labor law and regulations. Human Rights Watch did not seek a response from the employers on these farms, in order to protect the confidentiality and safety of the workers we interviewed.

### *Excessive Working Hours without Overtime Compensation*

Many of the hired workers interviewed by Human Rights Watch, including some children, said employers pressured and in some cases required them to work past their designated working hours without additional compensation.<sup>156</sup> For example, Timothy, an 18-year-old worker on a large-scale farm in Mashonaland West, said he signed a contract agreeing to work for seven months for his employer. He agreed to work six days per week, from 8 a.m. to 5 p.m., with a short mid-morning break and a one-hour lunch. But he said his employer often asked the workers to work past 5 p.m. without any additional compensation: “When it’s a busy day, they [our supervisors] say that even though it’s 5 o’clock, we have to continue [working] because we are busy. At times we start at 8 a.m. and work up until 7 [p.m.] in the evening.... There’s no payment for overtime. [I get] \$72 per month, and it remains at \$72 [regardless of additional hours of work].”<sup>157</sup>

Lawrence, a 22-year-old worker on a large-scale farm in Mashonaland East, had a similar experience. He said that he and the other workers on the farm agreed to work from 6 a.m. to 2 p.m., with only a mid-morning break. But Lawrence said the supervisors often expected the workers to stay late without additional compensation: “For example, we’ll be

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<sup>155</sup> Statutory Instrument (S.I.) 12 of 2007, Environmental Management (Hazardous Substances, Pesticides, and Other Toxic Substances) Regulations, sec. 7(b).

<sup>156</sup> Human Rights Watch asked 51 hired workers on large-scale farms whether they worked past their designated working hours, and if they received overtime compensation for such work: 22 out of 51 reported excessive working hours without overtime compensation. They worked on 13 different farms.

<sup>157</sup> Human Rights Watch interview with Timothy, 18, Karoi, Mashonaland West, March 17, 2017.



given a task to harvest the leaves, and to get the number of leaves they want, at times we work up to 4 [p.m.] or 6 [p.m.] until we meet the target.... There's no overtime pay, no additional pay. We just get our normal daily wage. They [the managers] just push us to meet the target. They want the task done.”<sup>158</sup>

Some workers said they were asked to work on Sundays, their designated rest days, without overtime compensation or compensatory time off (the ability to take another day to rest). “Last Sunday [we worked], and this Sunday we are also working,” said Danai, a 26-year-old worker on a large-scale farm in Mashonaland East. “He [my employer] is trying to cover his tasks,” she said. She said workers were paid their standard daily wage for work on Sundays, even though they should have been entitled to an overtime wage under Zimbabwean regulations.<sup>159</sup> “If we work on Sunday,” she said, “instead of paying us double pay, we just get paid for a single day.”<sup>160</sup>

While some workers said overtime work was voluntary, others said they feared reprisals for refusing to work overtime, citing examples of fellow employees who had been dismissed from work for several days, or permanently, after declining to work overtime. For example, Theo, an 18-year-old worker on a large-scale farm in Mashonaland West, told Human Rights Watch, “We can exceed [our designated working hours] by three hours. The employer—it's an instruction from him. They [the managers] will be saying that there is a lot of work and the tobacco is rotting in the field. You can go home as a choice, but you'll be fired,” he said, explaining that he had once been threatened with dismissal for refusing to work overtime without additional pay.<sup>161</sup>

Hondo, 52, and his son Sekayi, 25, worked together on a large-scale farm in Manicaland. Though they agreed to work six days per week, they said their employer often expected them to work on Sundays, particularly during the harvest, even though they were not provided with overtime wages. “If you want to complain [about working on Sunday], the one who pays us will dismiss you from work,” said Hondo. When asked if they could refuse to work overtime, he said, “We are forced. If you absent yourself, it will be an issue. If you

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<sup>158</sup> Human Rights Watch interview with Lawrence, 22, Marondera, Mashonaland East, December 15, 2016.

<sup>159</sup> Statutory Instrument (S.I.) 116 of 2014, sec. 10.

<sup>160</sup> Human Rights Watch interview with Danai, 26, Marondera, Mashonaland East, December 16, 2016.

<sup>161</sup> Human Rights Watch interview with Theo, 18, Karoi, Mashonaland West, March 17, 2017.

fail to go and work on Sunday, you're going to be sent home [from work without pay] some other day.”<sup>162</sup>

Under the collective bargaining agreement for the agricultural industry signed in 2014, most agricultural workers should not exceed 208 hours of work per month.<sup>163</sup> Regarding overtime work, the agreement stipulates, “an employee shall not be required to work on his or her day off, except in cases of emergency work,” defined as “work which, due to circumstances beyond the control of the employer, must be performed immediately to prevent harm to crops, livestock, or the employees, or to near-by persons or properties.”<sup>164</sup> Employers are required to pay “double the employee’s current wage” for overtime worked on a day off, and “one and a half times the employee’s current wage for time worked in excess of the ordinary monthly hours of work,” though it allows for the possibility of time off in lieu of overtime payment given “mutual consent between the employer and employee.”<sup>165</sup>

### *Wage Problems*

Some workers interviewed by Human Rights Watch said they had problems with their wages, including late payment or underpayment of wages. Union organizers confirmed that many workers reported wage problems. As one union organizer explained: “The main issue is about wages—workers not being paid.”<sup>166</sup> Another organizer covering 21 tobacco farms in a different province said many employers paid workers only after delays or paid workers less than they were promised: “[Employers] pay what they think they can afford [to pay].” A third organizer in a different province said workers in his area sometimes went months without pay. “I’m really concerned. How can someone survive without earning anything for that time?”<sup>167</sup>

The 2014 agriculture collective bargaining agreement specifies that employers should pay wages in cash to employees within two days of the end of the week, if wages are provided

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<sup>162</sup> Human Rights Watch interview with Hondo, 52, and Sekayi, 25, Mutare, Manicaland, March 24, 2017.

<sup>163</sup> Statutory Instrument (S.I.) 116 of 2014, secs. 7(1-2). Under the agreement, “herdsmen, watchmen, boilermen, firetower attendants, pump attendants, guards, and caretakers” may work up to 280 hours per month.

<sup>164</sup> S.I. 116 of 2014, secs. 3 and 7(5).

<sup>165</sup> S.I. 116 of 2014, secs. 10(1), 10(3), and 10(4).

<sup>166</sup> Human Rights Watch interview with union organizer, March 2017.

<sup>167</sup> Human Rights Watch interview with union organizers, December 2016.

on a weekly basis, or within four days of the end of the month, if wages are provided on a monthly basis.<sup>168</sup>

### **Delays in Wages**

Many workers reported that employers paid them only after delays, from a few days up to weeks or months.<sup>169</sup> Praise, a 17-year-old worker on a large-scale farm in Mashonaland West, said, “For the first four months [August to November 2016], we didn’t get our salaries because of the cash crisis. Then in December, they introduced the plastic money. Now we are paid using bank cards,” he said. However, Praise’s employer was still paying workers late, even when he spoke with Human Rights Watch in March 2017. “I was last paid in January,” he said. “It’s been two months without pay.”<sup>170</sup>

When Human Rights Watch spoke with four workers on a large-scale farm in Mashonaland East in December 2016, they said the last wages they received were for the month of August. “So far, we’ve gone two months without pay,” said Tara, 43. “We’re almost touching the third month.”<sup>171</sup>

John, a 20-year-old worker on a large-scale farm in Mashonaland Central, said his employer often paid workers several weeks late. “When we agreed [to the terms of employment], they said we would be paid on the fifth day of the month. But now we reach the 15th or 20th of the month [without wages]. ...Sometimes we sit, we refuse to work, but then they threaten us. They say, ‘If you don’t work now, you’ll lose your job.’”<sup>172</sup>

### **Compelled Purchasing of Essential Items from Employer-Owned Shops**

On a few farms, when employers delayed wage payments, they allowed employees to buy basic foodstuffs and household goods on credit in employer-owned shops, sometimes at prices higher than those workers would find in other stores. The money spent in these shops was then deducted from their wages.<sup>173</sup> In the absence of wages, several workers

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<sup>168</sup> Statutory Instrument (S.I.) 116 of 2014, sec 12(1).

<sup>169</sup> Human Rights Watch asked 51 workers on large-scale farms about wage problems: 33 out of 51 reported delays in their wages. They worked on 23 different farms.

<sup>170</sup> Human Rights Watch interview with Praise, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>171</sup> Human Rights Watch interview with four adult workers, Marondera, Mashonaland East, December 16, 2016.

<sup>172</sup> Human Rights Watch interview with John, 20, Mvurwi, Mashonaland Central, December 13, 2016.

<sup>173</sup> Three workers reported this practice to Human Rights Watch. They worked on three different farms.

explained that they had no choice but to acquire essential items through their employers, even when they would have preferred to use their wages differently.

Morgan, a 58-year-old worker on a large-scale farm in Mashonaland East, said he had not received wages from his employer in more than six months. He and his family managed to survive by purchasing some groceries from his employer on credit. “He will allow us to borrow peanut butter, drinks, and jam in bulk,” he explained. “When we get paid, they’ll take it from our salary.” But Morgan said that his employer sold goods to workers at inflated prices. “A bottle of peanut butter costs \$1.25 [from my employer], but in our shops, peanut butter costs \$1.00... For us it’s a loss. He gives us things at a higher price.”<sup>174</sup>

Masimba, a 17-year-old worker on a large-scale farm in Mashonaland West, said his employer had a similar practice: “Our salary is delayed, so our employer has a shop, and we are forced to take groceries, that are [later] deducted from our salary... It’s bad because we have other plans for how we want to use our money. But we’re left with no choice but to take groceries.... The confusion is when we take the groceries, we don’t know the amount that will be taken from our salary. The employer’s prices are expensive. A soap in town costs \$0.50, but at the farm, it costs \$1.00.”<sup>175</sup>

### **Underpayment of Wages**

Some workers said they were paid less than they were owed or promised, without explanation.<sup>176</sup> For example, Elijah and Wendy, both 37, worked together on a large-scale farm in Mashonaland East. Elijah said their employer sometimes paid workers less than they were owed: “I might work 26 days [in a month], and on the day of payment, I’ll be paid for only 25 days. We report it to the office, and they say, ‘Talk to the foreman.’... Most of the time we just keep quiet.” Wendy added, “It is so painful because we work very hard, and every month there are one or two people with that problem.”<sup>177</sup>

Hondo, who worked with his 25-year-old son on a large-scale farm in Manicaland, said his employer made arbitrary and unexplained deductions from his wages. Though his

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<sup>174</sup> Human Rights Watch interview with Morgan, 58, Marondera, Mashonaland East, December 15, 2016.

<sup>175</sup> Human Rights Watch interview with Masimba, 17, Karoi, Mashonaland West, March 17, 2017.

<sup>176</sup> Human Rights Watch asked 51 workers on large-scale farms about wage problems: 12 out of 51 said they were paid less than they were owed or promised, without explanation. They worked on nine different farms.

<sup>177</sup> Human Rights Watch interview with three adult workers, Marondera, Mashonaland East, December 16, 2016.

specified salary was \$68 per month—already less than the national minimum wage for agricultural work—he was sometimes paid significantly less: “This last month, we were given \$30. When I asked [my employer about the change in my wages], he started to scold me. He said, ‘You can go whenever you wish.’”<sup>178</sup>

At the time of Human Rights Watch’s research, the minimum wage for agricultural workers was \$72 per month. The minimum monthly wage for agricultural workers increased from \$72 to \$75 in June 2017.<sup>179</sup>

## Inadequate Labor Inspection and Enforcement

Very few of the hired workers on small or large-scale farms who were interviewed for this report said they had ever seen a labor inspector or other government official visit their workplace to inspect working conditions. Two child workers said that an elected official from their district had visited the farm where they worked.<sup>180</sup> Three workers said that representatives of the National Employment Council (NEC) had visited their workplaces.<sup>181</sup> A few workers told Human Rights Watch that health officials came to inspect the housing compounds where they lived.<sup>182</sup> But overwhelmingly, workers interviewed for this report said union organizers were the only people to inspect conditions at their workplaces and speak with them about grievances.

The Ministry of Public Service, Labor, and Social Welfare (MPSLSW) is responsible for enforcing labor laws and investigating complaints. Union officials told Human Rights Watch that the National Social Security Authority (NSSA) does health and safety inspections in workplaces, including farms, but that most inspections take place only after requests from workers or union representatives, or when a fatal accident has occurred. Government inspections are complimented by trade union officers and National Employment Council (NEC) agents who submit reports to Zimbabwean authorities.<sup>183</sup>

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<sup>178</sup> Human Rights Watch interview with Hondo, 52, and Sekayi, 25, Mutare, Manicaland, March 24, 2017.

<sup>179</sup> Statutory Instrument 96 of 2017, amending the 2014 collective bargaining agreement.

<sup>180</sup> Human Rights Watch interview with Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>181</sup> Human Rights Watch interviews with Itai, 42, Mutare, Manicaland, March 24, 2017; Esther, 45, and Calvin, 64, Mutare, Manicaland, March 24, 2017.

<sup>182</sup> Human Rights Watch interviews with Nehanda, 20, Mvurwi, Mashonaland Central, March 16, 2017; Human Rights Watch interview with Rufaro, 15, and Zendaya, 15, Mvurwi, Mashonaland Central, December 14, 2016.

<sup>183</sup> Email from trade union to Human Rights Watch, February 12, 2018.

In response to Human Rights Watch’s request for information regarding labor inspection in the agricultural sector, the Zimbabwean government stated that it has 120 labor inspectors, and carried out 2,500 labor inspections in all sectors between 2015 and early 2018. It reported that “no record of any violations were received,” though it reported that a 2014 labor force survey found the prevalence of child labor across sectors is around 4.6 percent. According to the government’s response, there were “no cases of child labour in the tobacco sector which the government is aware of.” The government stated that the National Employment Council (NEC) for the tobacco industry “is responsible for ensuring compliance with the labour standards.”<sup>184</sup>

According to the US Department of Labor (DOL), the Zimbabwean government carried out 866 labor inspections at worksites and documented 436 child labor violations in all sectors in 2016. However, DOL maintained that the Zimbabwean government lacked sufficient labor inspectors to enforce labor laws effectively. DOL reported, “According to the ILO’s recommendation of 1 inspector for every 15,000 workers in developing economies, Zimbabwe should employ roughly 540 labor inspectors. Research indicates that the Government continues to lack sufficient resources, mainly financial, to investigate child labor law violations.”<sup>185</sup> Union officials expressed concern that the government does not have sufficient resources and personnel for labor inspections.<sup>186</sup>

## Failure to Provide Small-Scale Farmers with Copies of Contracts

Among the small-scale contract farmers interviewed for this report, many reported that they did not receive copies of the contracts they signed with tobacco companies, leaving them vulnerable to risks if a company was to modify the terms of a contract unilaterally, or deny the existence of a contractual relationship. Many farmers told Human Rights Watch that only company representatives retained a copy of the contract agreements. Farmers typically retained only a receipt or receipts showing the agricultural inputs received from the company and the money owed for those inputs.

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<sup>184</sup> Email from Ellah R. Chako, principal labour officer, to Human Rights Watch, March 6, 2018, sharing “Government Response to Questions Raised by Human Rights Watch Research on Tobacco Farms in Zimbabwe,” response to questions 1-3, 5.

<sup>185</sup> DOL, Bureau of International Labor Affairs, “2016 Findings on the Worst Forms of Child Labor: Zimbabwe,” <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/zimbabwe>, p. 4, citing the ILO, the UN Human Rights Council, and reporting from the US Embassy in Harare.

<sup>186</sup> Email from trade union to Human Rights Watch, February 12, 2018.

Some small-scale farmers contracted with each of the following companies told Human Rights Watch that they had not been provided with copies of their contracts: Chidziva, Curverid, MTC, NT, Premium, and ZLT. Among the farmers interviewed for this report, contract farmers with MTC most consistently reported having copies of contracts. Human Rights Watch asked the largest tobacco companies involved in contract farming in Zimbabwe whether they have policies regarding provision of contracts to small-scale farmers.<sup>187</sup> MTC said that contract farmers retain copies of signed contracts.<sup>188</sup> Curverid said it will provide a copy of a contract if a farmer requests it.<sup>189</sup> The other companies involved in contract farming in Zimbabwe either did not respond to Human Rights Watch or did not respond to this specific question.<sup>190</sup>

The experience of Admire, a 43-year-old small-scale contract farmer in Manicaland, was common among the small-scale farmers interviewed by Human Rights Watch: “We don't get any copies of the contract forms,” he said. “It's all taken back to Harare.”<sup>191</sup> A 40-year-old small-scale farmer in Mashonaland Central said the company she contracted with also did not provide copies of contracts to the farmers: “I'd love to have a copy, but they don't give us one.”<sup>192</sup>

Some farmers told Human Rights Watch that the only copies of their contracts were kept in the home of a “chairman,” an appointed leader of a group of small-scale farmers contracted with a particular company.<sup>193</sup> In one case, a grower in Manicaland reported that he signed a contract directly with a group chairman, rather than a company representative: “The company gives the form to the field officer. He gives them to the group chairman. The

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<sup>187</sup> The eight companies that accounted for 86 percent of the market share of tobacco purchases in Zimbabwe in 2016 all directly contract with tobacco farmers in Zimbabwe. They are (in order of market share): Tian Ze (a subsidiary of China National Tobacco), Northern Tobacco, Mashonaland Tobacco Company (MTC, a subsidiary of Alliance One International), Zimbabwe Leaf Tobacco (ZLT, a subsidiary of Universal), Boostafrica, Chidziva, Curverid, and Tribac (now Premium).

<sup>188</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017, stating, “MTC's small-scale contracted growers all receive a copy of the contract that the grower's sign between MTC and the grower.”

<sup>189</sup> Letter from Mike Roberts, managing director, Curverid Tobacco (Private) Limited, to Human Rights Watch, September 17, 2017, stating, “Prior to the start of the season we have the farmer sign their contract. This is brought back to our head office. On request, if a farmer wants a copy of their contract, one is provided to them.”

<sup>190</sup> Tian Ze did not respond to Human Rights Watch. Northern Tobacco, Zimbabwe Leaf Tobacco (ZLT), Chidziva, and Premium did not respond to this question in their letters to Human Rights Watch.

<sup>191</sup> Human Rights Watch interview with Admire, 43, Headlands, Manicaland, March 22, 2017.

<sup>192</sup> Human Rights Watch interview with farmer, 40, Chiweshe, Mashonaland Central, March 28, 2017.

<sup>193</sup> For example, Human Rights Watch interviews with Rejoice, 44, Karoi, Mashonaland West, March 21, 2017; Emerald, 37, Karoi, Mashonaland West, March 21, 2017.

chairman gives it to the farmer, who signs, [and] gives it back to the chairman. The chairman then gives it back to the field officer.... If we want to be on contract, we just have to sign.”<sup>194</sup>

Many farmers said there were provisions of the contract that they did not understand or that company representatives did not explain to them. Some farmers said they felt rushed during the contract-signing process and did not have sufficient time to understand fully their contractual requirements.<sup>195</sup> For example, Winston, a 28-year-old farmer in Mashonaland Central, said, “The form is too long. They just tell you where to sign. Reading and understanding it, that’s another thing altogether.” Winston said he was part of a group of 10 farmers who were all contracted with the same company. He said a company representative asked them to sign their contract forms as a group: “Normally, they only have an hour to get us to sign the forms. He [the company representative] attends to us as a group.... 10 farmers in one hour. He’ll be telling you he’s in a hurry.”<sup>196</sup>

Human Rights Watch did not document any instances of companies unilaterally modifying the terms of a contract or denying the existence of a contract.

The Tobacco Industry and Marketing Board (TIMB) regulates contracts between tobacco growers and companies. TIMB specifies the “main features” of agreements for the production and marketing of tobacco, such as the requirement that “contractor will provide inputs and/or finance to a grower for the production of an agreed hectares of tobacco,” and other rules regarding production and sale. TIMB does not explicitly require that both parties retain a copy of a contract.<sup>197</sup> Without understanding a contract, having time to review it, or having a copy of it, farmers interviewed by Human Rights Watch did not know if the contracts they signed met these requirements.

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<sup>194</sup> Human Rights Watch interview with Joshua, 50, Headlands, Manicaland, March 22, 2017.

<sup>195</sup> Human Rights Watch interview with five small-scale farmers, Harare, March 27, 2017; Alex, 42, Karoi, Mashonaland West, March 21, 2017.

<sup>196</sup> Human Rights Watch interview with Winston, 28, Chiweshe, Mashonaland Central, March 28, 2017.

<sup>197</sup> TIMB, “Procedures for the Sale of Flue-Cured Tobacco under the Dual (Contract and Auction) System in 2017,” <https://www.timb.co.zw/storage/app/media/Doc1.pdf>.



### III. The Zimbabwean Government's Human Rights Obligations

Zimbabwe is a party to international and regional instruments that require the government to protect, respect, and realize key human rights, including children's rights, the right to health, the right to information, and labor rights. The government also has an obligation to protect human rights in the context of business activities, including commercial agriculture. Human Rights Watch believes that the government is falling short of some of these legal obligations.

#### International Legal Standards

##### *Children's Rights*

##### **Protection from Child Labor**

Zimbabwe has ratified international and regional instruments concerning children's rights and child labor, including the International Labour Organization (ILO) No. 182 (the Worst Forms of Child Labour Convention), ILO Convention No. 138 (Minimum Age Convention), the United Nations (UN) Convention on the Rights of the Child (CRC), and the African Charter on the Rights and Welfare of the Child.

The Worst Forms of Child Labour Convention prohibits the worst forms of child labor, including "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" (also known as hazardous work).<sup>198</sup> As a state party to the Worst Forms of Child Labour Convention, Zimbabwe is obligated to take immediate and effective steps to ascertain what forms and conditions of child labor in agriculture violate the convention and then prohibit and eliminate them.<sup>199</sup> The Convention obliges member states to take immediate action to prevent children from engaging in the worst forms of child labor; and to provide direct assistance for the removal of children engaged in the worst forms of child labor.<sup>200</sup>

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<sup>198</sup> ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention), adopted June 17, 1999, 38 I.L.M. 1207 (entered into force November 19, 2000), ratified by Zimbabwe on December 11, 2000, art. 3.

<sup>199</sup> Worst Forms of Child Labour Convention, arts. 1, 4, 6, and 7.

<sup>200</sup> *Ibid.*, art. 7.

Although the ILO does not maintain a list of occupations that in its view constitute hazardous work for children, ILO Recommendation No. 190 (the Worst Forms of Child Labour Recommendation) provides guidance to countries on determining what types of work constitute harmful or hazardous work for children.<sup>201</sup> Each state party is required to take this guidance into consideration as part of their efforts to identify specific tasks and occupations that constitute hazardous work for children.<sup>202</sup>

In a 2016 report, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that since 2003, the government of Zimbabwe has indicated that it would revise the country's list of hazardous occupations for children, but has yet to do so. The committee urged the government to revise the hazardous work list.<sup>203</sup> Based on the findings detailed above, Human Rights Watch believes that the Zimbabwean government's long-overdue revisions to the hazardous work list should include an explicit prohibition on children under 18 handling tobacco in any form.

Zimbabwe is also a party to the ILO Minimum Age Convention, which sets the basic minimum age for employment at 15, and states that children ages 13 to 15 may participate only in light work that is not likely to be harmful to their health or development or hinder their education.<sup>204</sup> The Minimum Age Convention also prohibits children under 18 from engaging in hazardous work.<sup>205</sup> The Minimum Age Convention specifies that children ages 16 and 17 may be authorized to engage in hazardous work "on condition that the health, safety and morals of the young persons concerned are fully protected and that the young

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<sup>201</sup> ILO Recommendation No. 190 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted June 17, 1999, para. 3. The recommendation states that in defining the "worst forms of child labor," consideration should be given, among other things, to: 1) work which exposes children to physical, emotional or sexual abuse; 2) work underground, underwater, at dangerous heights, or in confined spaces; 3) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; 4) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; 5) work under particularly difficult conditions such as work for long hours or during the night or work which does not allow for the possibility of returning home each day.

<sup>202</sup> Worst Forms of Child Labour Convention, art. 4.

<sup>203</sup> ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Observation: Worst Forms of Child Labour Convention, 1999 (No. 182) - Zimbabwe, adopted 2016, published 106th ILC session (2017), [http://www.ilo.org/dyn/normlex/en/?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3289918](http://www.ilo.org/dyn/normlex/en/?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289918).

<sup>204</sup> ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (Minimum Age Convention), adopted June 26, 1973, 1015 U.N.T.S. 297, entered into force June 19, 1976, ratified by Zimbabwe on June 6, 2000, arts. 2 and 7. The ILO Minimum Age Convention allows certain developing countries to specify a minimum age of 14 for entry into work, and to allow for light work by children ages 12 to 14.

<sup>205</sup> *Ibid.*, art. 3.

persons have received adequate specific instruction or vocational training in the relevant branch of activity.”<sup>206</sup>

Zimbabwe has ratified the Convention on the Rights of the Child (CRC), which provides that children have a right “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.”<sup>207</sup> Under the convention, governments must take appropriate legislative, administrative, social, and educational measures to protect children from exploitative and hazardous work, including by establishing a minimum age for employment, regulating the hours and conditions of children’s work, and providing for “appropriate penalties or other sanctions to ensure the effective enforcement” of such protections.<sup>208</sup> The African Charter on the Rights and Welfare of the Child, also ratified by Zimbabwe, affirms state parties’ obligations to protect children from exploitative or hazardous child labor.<sup>209</sup>

### **Right to Education**

Education is a basic right enshrined in various international and regional treaties ratified by Zimbabwe, including the United Nations Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on the Rights and Welfare of the Child, and the African Youth Charter.<sup>210</sup>

In implementing their obligations on education, governments should be guided by four essential criteria: availability, accessibility, acceptability, and adaptability. Education should be available throughout the country, including by guaranteeing adequate and quality school infrastructure, and accessible to everyone on an equal basis. Moreover, the

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<sup>206</sup> ILO Minimum Age Convention, art. 3. ILO Recommendation 190 supports the same principle with regard to the Worst Forms of Child Labour Convention’s prohibition on hazardous work for children. ILO Recommendation No. 190 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted June 17, 1999, para. 4.

<sup>207</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Zimbabwe on September 11, 1990, art. 32.

<sup>208</sup> *Ibid.*

<sup>209</sup> African Charter on the Rights and Welfare of the Child (ACRWC), OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, ratified by Zimbabwe, January 19, 1995, art. 15.

<sup>210</sup> CRC, art. 28; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Zimbabwe on May 13, 1991, art. 13; ACRWC, art. 11; African Youth Charter (AYC), (2006), entered into force August 8, 2009, ratified by Zimbabwe on March 16, 2009, art. 13.

form and substance of education should be of acceptable quality and meet minimum educational standards, and the education provided should adapt to the needs of students with diverse social and cultural settings.<sup>211</sup>

Under international and regional human rights law, all persons have a right to free, compulsory, primary education, free from discrimination.<sup>212</sup> All persons also have the right to secondary education, which includes “the completion of basic education and consolidation of the foundations for life-long learning and human development.”<sup>213</sup> Human Rights Watch believes governments should take immediate measures to ensure that secondary education is available and accessible to all free of charge.

State Parties have to ensure that different forms of secondary education are generally available and accessible and take additional steps to increase availability such as the provision of financial assistance for those in need.<sup>214</sup>

The right to education entails state obligations of both an immediate and progressive kind. According to the Economic, Social and Cultural Rights Committee, steps towards the ICESCR’s goals should be “deliberate, concrete and targeted as clearly as possible towards meeting the obligations.” The Committee has also stressed that the ICESCR imposes an obligation to “move as expeditiously and effectively as possible towards that goal.”<sup>215</sup>

The Committee on the Rights of the Child, in its 2016 concluding observations on Zimbabwe, expressed concern about, “Primary education not being free owing to imposed tuition fees and hidden costs, which leads to low completion rates in schools,” and urged the government to take a number of steps, “to ensure the accessibility of quality education

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<sup>211</sup> United Nations Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” E/C.12/1999/10 (1999), [http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d\)GeneralCommentNo13Therighttoeducation\(article13\)\(1999\).aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d)GeneralCommentNo13Therighttoeducation(article13)(1999).aspx) (accessed August 10, 2016), para. 6 (a)–(d).

<sup>212</sup> ICESCR, arts. 13 and 2; See also United Nations Economic and Social Council, “Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33,” E/CN.4/1999/49, January 13, 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/101/34/PDF/G9910134.pdf?OpenElement> (accessed May 11, 2016).

<sup>213</sup> UN Committee on Economic, Social and Cultural Rights, “General Comment No. 13, “The Right to Education (Art. 13),” [http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d\)GeneralCommentNo13Therighttoeducation\(article13\)\(1999\).aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/d)GeneralCommentNo13Therighttoeducation(article13)(1999).aspx), para. 11–12.

<sup>214</sup> ICESCR, art. 13(2) (b); CRC, art. 28(1)(b); African Charter on the Rights and Welfare of the Child, art. 11(3) (b); African Youth Charter, art. 13 (1) and art. 13 (4) (b).

<sup>215</sup> UN Committee on Economic, Social and Cultural Rights, “General Comment 3, The nature of States parties' obligations (Fifth session, 1990),” U.N. Doc. E/1991/23, para. 2 and 9.

for all children in Zimbabwe.”<sup>216</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations has also urged the government of Zimbabwe “to strengthen its efforts to ensure access to free basic education to all children, particularly children from poor and disadvantaged families.”<sup>217</sup> The African Committee of Experts on the Rights and Welfare of the Child, in its 2015 review of Zimbabwe, expressed concern with “the increasing rate of school dropout and low rate of secondary education enrolment,” and urged the government to remove “barriers such as school fees and levies,” and to take additional steps to provide all children with access to quality education.<sup>218</sup>

### *Right to Health*

International human rights instruments recognize the right of everyone to the highest attainable standard of health, including children.<sup>219</sup> The International Covenant on Economic Social and Cultural Rights (ICESCR), ratified by Zimbabwe in 1991, obligates governments to take the steps necessary for the “prevention, treatment and control of ... occupational and other diseases,”<sup>220</sup> and recognizes “the right of everyone to the enjoyment of just and favorable conditions of work” including “safe and healthy working conditions.”<sup>221</sup> Governments have the obligation to improve “all aspects of environmental and industrial hygiene,” for example, through preventive measures to avoid occupational accidents and diseases, and the prevention and reduction of the population’s exposure to harmful substances such as harmful chemicals “that directly or indirectly impact upon human health.”<sup>222</sup>

Zimbabwe is also a party to the ILO Convention No. 155 (Occupational Safety and Health Convention), which requires employers to ensure that “to ensure that, so far as is

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<sup>216</sup> UN Committee on the Rights of the Child, Concluding observations on the second periodic report of Zimbabwe, CRC/C/ZWE/CO/2, 2016, paras. 68-69,

<sup>217</sup> CEACR, Observation: Worst Forms of Child Labour Convention – Zimbabwe.

<sup>218</sup> African Committee of Experts on the Rights and Welfare of the Child (ACERWC), Concluding Observations and Recommendations by the ACERWC on the Republic of Zimbabwe Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child,” 2015, <http://www.acerwc.org/download/concluding-observations-zimbabwe/?wpdmdl=10051> (accessed January 2, 2018), paras. 39-40.

<sup>219</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 25; ICESCR, art. 12; CRC, art. 24.

<sup>220</sup> ICESCR, art. 12.

<sup>221</sup> *Ibid.*, art. 7.

<sup>222</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14, Article 12, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 (2000), para. 15.

reasonably practicable, the workplaces, machinery, equipment and processes ... [and] the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken.”<sup>223</sup> The Convention also requires employers “to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.”<sup>224</sup>

### *Right to Information*

The right to information is enshrined in international and regional human rights instruments. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Zimbabwe is party, establishes the right to freedom of expression, which includes “freedom to seek, receive and impart information and ideas of all kinds.”<sup>225</sup> Article 9 of the African Charter on Human and Peoples' Rights which, also ratified by Zimbabwe, states “every individual shall have the right to receive information.”<sup>226</sup>

The Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment No. 14 stated that the right to health includes “healthy occupational and environmental conditions, and access to health-related education and information.”<sup>227</sup> The committee noted that, “States parties are required to formulate, implement and periodically review a coherent national policy to minimize the risk of occupational accidents and diseases, as well as to provide a coherent national policy on occupational safety and health services,” finding that elements of such a policy include “the provision of health information to workers and the provision, if needed, of adequate protective clothing and equipment.”<sup>228</sup> CESCR further stated that a “core obligation” of states is to “provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them.”<sup>229</sup>

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<sup>223</sup> ILO Convention No. 155 concerning Occupational Safety and Health and the Working Environment, adopted June 22, 1981, 1331 U.N.T.S. 279, entered into force 11 August 11, 1983, ratified by Zimbabwe April 9, 2003, art. 16.

<sup>224</sup> *Ibid.*

<sup>225</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Zimbabwe May 13, 1991, art. 19(2).

<sup>226</sup> African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Zimbabwe May 30, 1986, art. 9.

<sup>227</sup> CESCR, General Comment No. 14, The Right to the Highest Attainable Standard of Health, para. 11.

<sup>228</sup> *Ibid.*, para. 36 and footnote 25.

<sup>229</sup> CESCR, General Comment No. 14, para. 44(d).

## *Labor Rights*

Zimbabwe is a party to international legal instruments protecting workers' rights. Article 7 of ICESCR recognizes "the right of everyone to the enjoyment of just and favourable conditions of work." Such conditions must ensure: remuneration, safe and healthy working conditions, rest, reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays.<sup>230</sup>

The African Charter on Human and People's Rights protects, "the right to work under equitable and satisfactory conditions."<sup>231</sup> In addition, Zimbabwe has ratified 26 ILO conventions, including the eight conventions that cover the "fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation."<sup>232</sup> Zimbabwe has not ratified ILO Convention No. 95 concerning the Protection of Wages, which guarantees regular payment of wages.<sup>233</sup>

## *Labor Inspection*

Under ILO Convention No. 129 concerning Labour Inspection in Agriculture, ratified by Zimbabwe in 1996, the government has the obligation to "maintain a system of labour inspection in agriculture," which should serve "to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons, and other connected matters."<sup>234</sup> The convention urges states to make arrangements "to ensure that the number of labour inspectors in agriculture is sufficient to secure the effective discharge of the duties

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<sup>230</sup> ICESCR, art. 7 (a), (b), and (d).

<sup>231</sup> Banjul Charter, art. 15.

<sup>232</sup> ILO, NORMLEX Information System on International Labour Standards, "Ratifications for Zimbabwe," undated, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103183](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103183) (accessed November 7, 2017); ILO, "Conventions and Recommendations," undated, <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm> (accessed November 7, 2017).

<sup>233</sup> ILO Convention No. 95 concerning the Protection of Wages, adopted July 1, 1949 (entered into force September 24, 1952), art. 12.

<sup>234</sup> ILO Convention No. 129 concerning Labour Inspection in Agriculture (Labour Inspection (Agriculture) Convention), adopted June 25, 1969 (entered into force January 19, 1972), ratified by Zimbabwe September 16, 1993, arts. 3 and 6.

of the inspectorate.”<sup>235</sup> The ILO Committee of Experts, in a 2016 report regarding Zimbabwe’s application of the Minimum Age Convention, requested that the government, “take the necessary measures to strengthen the capacity and expand the reach of the labour inspectorate so as to enable it to monitor child labour in the informal economy.”<sup>236</sup>

### *Business and Human Rights*

Governments have a duty to protect human rights in the context of business activity, including commercial agriculture, through effective regulation.<sup>237</sup> The UN Guiding Principles on Business and Human Rights state that this “requires taking appropriate steps to prevent, investigate and redress such abuse through effective policies, legislation, regulations and adjudication.”<sup>238</sup> Governments also have a duty to effectively enforce that legal and regulatory framework once it is in place, to prevent abuse and ensure accountability and redress for abuses that do occur. Governments should also continually assess whether existing rules—and the enforcement of those rules—are actually adequate to the task of ensuring respect for human rights, and improve upon them if they are not.<sup>239</sup>

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<sup>235</sup> *Ibid.*, art. 14.

<sup>236</sup> ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Observation: Minimum Age Convention, 1973 (No. 138) - Zimbabwe, adopted 2016, published 106th ILC session (2017), [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3289911:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3289911:NO) (accessed November 7, 2017).

<sup>237</sup> UN Human Rights Council, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed October 13, 2015), para.6.

<sup>238</sup> *Ibid.*, I.A.1.

<sup>239</sup> *Ibid.*, I.B.3. The Guiding Principles state that governments should, “Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically assess the adequacy of such laws and address any



## IV. Human Rights and the Tobacco Supply Chain: The Responsibility of Companies

Tobacco grown in Zimbabwe enters the supply chains of some of the world's largest tobacco companies. Companies sourcing tobacco from Zimbabwe have a responsibility to ensure that their business operations do not contribute to child labor and other human rights abuses. Human Rights Watch shared our findings with the largest tobacco companies operating in Zimbabwe and sought information about their human rights policies and practices. Based on the responses we received and publicly-available information, we sought to analyze current practices regarding human rights due diligence in the tobacco industry in Zimbabwe.

### Corporate Responsibility

While governments have the primary responsibility to respect, protect, and fulfill human rights under international law, private entities, including businesses, also have internationally recognized responsibilities regarding human rights, including workers' rights and children's rights. The United Nations (UN) Guiding Principles on Business and Human Rights, which the UN Human Rights Council endorsed in 2011, are widely accepted as a legitimate articulation of businesses' human rights responsibilities. They specify that businesses should exercise human rights due diligence to identify human rights risks associated with their operations, take effective steps to prevent or mitigate those risks, and ensure that the victims of any abuses have access to remedies.<sup>240</sup>

The Guiding Principles also require businesses to report formally on human rights due diligence measures to provide transparency and accountability. Reporting should be "of a form and frequency that reflect an enterprise's human rights impacts and that are accessible

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<sup>240</sup> UN Human Rights Council, "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework." The UN Human Rights Council endorsed the Guiding Principles in resolution 17/4 of 16 June 2011: UN Human Rights Council, "Human Rights and Transnational Corporations and Other Business Enterprises," Resolution 17/4, A/HRC/17/L.17/Rev.1; UN Human Rights Council, "Mandate of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises," Resolution 8/7, A/HRC/RES/8/7.

to its intended audiences,” and provide “information that is sufficient to evaluate the adequacy of an enterprise’s response to the particular human rights impact involved.”<sup>241</sup>

The UN Committee on the Rights of the Child has maintained that “duties and responsibilities to respect the rights of children extend in practice beyond the State and ... apply to private actors and business enterprises,” and that “all businesses must meet their responsibilities regarding children’s rights and States must ensure they do so.”<sup>242</sup> The committee has also noted that “voluntary actions of corporate responsibility by business enterprises, such as social investments, advocacy and public policy engagement, voluntary codes of conduct, philanthropy, and other collective actions, can advance children’s rights,” but that these actions “are not a substitute for State action and regulation of businesses ... or for businesses to comply with their responsibilities to respect children’s rights.”<sup>243</sup>

The Children’s Rights and Business Principles, developed by the United Nations Children's Fund (UNICEF), the UN Global Compact, and Save the Children, encourage businesses to contribute to the elimination of child labor in all business activities and business relationships. These Principles maintain that businesses should adopt child labor policies and human rights due diligence procedures, and work with governments, social partners, and others to promote education and sustainable solutions to the root causes of child labor, including through youth employment, skills development, and job training.<sup>244</sup>

The Organisation for Economic Co-operation and Development (OECD) has guidelines for responsible behavior by multinational firms, incorporating the concept of human rights due diligence and the content of International Labour Organization core labor standards.<sup>245</sup> The guidelines state that enterprises should contribute to the effective abolition of child

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<sup>241</sup> UN Guiding Principles, no. 21.

<sup>242</sup> UN Committee on the Rights of the Child, General Comment No. 16 (2013) on State Obligations Regarding the Impact of the Business Sector on Children’s Rights, U.N. Doc. CRC/C/GC/16, (2013), para. 4.

<sup>243</sup> UN Committee on the Rights of the Child, General Comment No. 16, para. 9.

<sup>244</sup> UNICEF, UN Global Compact, and Save the Children, “Children’s Rights and Business Principles,” 2012, [https://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/CRBP/Childrens\\_Rights\\_and\\_Business\\_Principles.pdf](https://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Childrens_Rights_and_Business_Principles.pdf) (accessed November 8, 2017).

<sup>245</sup> OECD is an intergovernmental agency with the mission “to promote policies that will improve the economic and social well-being of people around the world.” It is made up of 35 member countries. OECD, “About,” undated, <http://www.oecd.org/about/> (accessed March 12, 2018).

labor and ensure occupational health and safety in their operations.<sup>246</sup> In addition, the OECD and the Food and Agriculture Organization of the United Nations (FAO) have developed a five-step framework for human rights due diligence in agricultural supply chains, such as tobacco farming: 1) establish strong management systems; 2) identify and assess risks in the supply chain; 3) develop a strategy for responding to the identified risks; 4) verify that human rights due diligence practices are effective; and 5) report publicly on supply chain human rights due diligence.<sup>247</sup>

## Companies Purchasing Tobacco in Zimbabwe

Human Rights Watch sought information regarding the human rights due diligence policies and procedures from the most significant buyers of tobacco in Zimbabwe.<sup>248</sup> We sent detailed letters asking for information on tobacco purchasing in Zimbabwe and human rights policies and practices to 15 tobacco companies, including the eight companies that accounted for 86 percent of the market share of tobacco purchases in Zimbabwe in 2016.<sup>249</sup> All eight of these companies directly contract with tobacco farmers in Zimbabwe, and most also purchase tobacco leaf at auction.<sup>250</sup>

Human Rights Watch wrote to twelve multinational tobacco companies: Altria Group, Alliance One International (AOI), British American Tobacco (BAT), China National Tobacco Corporation, Intercontinental Leaf Tobacco (ILT), Contraf Nicotex Tobacco GmbH (CNT), Imperial Tobacco (Imperial), Japan Tobacco International (JTI), Rift Valley Corporation/Northern Tobacco (NT), Premium Tobacco Group (Premium)/Premium Tobacco Zimbabwe (PTZ), Philip Morris International (PMI), and Universal Corporation (Universal).

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<sup>246</sup> OECD, “Guidelines for Multinational Enterprises (2011 Edition): Recommendations for Responsible Business Conduct in a Global Context,” May 25, 2011, <http://www.oecd.org/daf/inv/mne/oecdguidelinesformultinationaleenterprises.htm> (November 8, 2017). As described in the document itself, “[t]he Guidelines are recommendations jointly addressed by governments to multinational enterprises [that] provide principles and standards of good practice consistent with applicable laws and internationally recognized standards.”

<sup>247</sup> OECD and Food and Agriculture Organization of the United Nations (FAO), “Guidance for Responsible Agricultural Supply Chains,” December 2015, [http://www.oecd.org/daf/inv/mne/FAO-OECD-guidance-responsible-agricultural-supply-chains\\_2015-Draft.pdf](http://www.oecd.org/daf/inv/mne/FAO-OECD-guidance-responsible-agricultural-supply-chains_2015-Draft.pdf) (accessed January 11, 2016), pp. 22-29.

<sup>248</sup> TIMB, “2015 Annual Statistical Report,” p. 13, on file with Human Rights Watch.

<sup>249</sup> TIMB, “2016 Annual Statistical Report,” <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, p. 6.

<sup>250</sup> The eight companies that accounted for 86 percent of tobacco purchases in Zimbabwe in 2016 were, in order of market share: Tian Ze (a subsidiary of China National Tobacco), Northern Tobacco, Mashonaland Tobacco Company (MTC, a subsidiary of Alliance One International), Zimbabwe Leaf Tobacco (ZLT, a subsidiary of Universal), Boostafrica, Chidziva, Curverid, and Tribac (now Premium).

Human Rights Watch also sent letters to three Zimbabwean tobacco leaf merchant companies: Boostafrica Traders (Boostafrica), Chidziva Tobacco Processors (Chidziva), and Curverid Tobacco Limited (Curverid). We did not contact other Zimbabwean companies with smaller market shares.

Altria Group and Philip Morris International responded to Human Rights Watch stating that they do not purchase tobacco in Zimbabwe.<sup>251</sup> China National Tobacco Company, a state-owned company, which contracts with farmers and purchases tobacco in Zimbabwe through its wholly-owned subsidiary, Tian Ze, did not respond to Human Rights Watch. Intercontinental Leaf Tobacco also did not respond. Boostafrica responded to Human Rights Watch but requested that the response be kept confidential.<sup>252</sup>

Human Rights Watch also wrote to 16 additional companies authorized to purchase tobacco from auction floors in Zimbabwe in 2017.<sup>253</sup> It was difficult to find substantive public information on these companies, but most appear to be Zimbabwean leaf merchant companies. None of these companies responded to our letters.

Copies of this correspondence can be found in the online appendix to this report. There may be other companies purchasing tobacco in Zimbabwe which are not mentioned in this report.

Human Rights Watch sought to reflect the key responses related to the findings in this report from each of the tobacco companies that responded to our letters. The summaries below are not exhaustive.

## Overview of Current Due Diligence and Monitoring in the Tobacco Industry

Human Rights Watch has conducted research on labor conditions in tobacco farming in Brazil, Indonesia, Kazakhstan, the United States, and Zimbabwe, beginning in 2009.

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<sup>251</sup> Letter from Miguel Coleta, sustainability officer, Philip Morris International Management, SA, to Human Rights Watch, September 14, 2017; Letter from Linwood Sykes, director, Leaf Procurement, Altria Client Services, to Human Rights Watch, September 11, 2017.

<sup>252</sup> Letter from Kennedy Machini, managing director, Boostafrica Traders (Private) Limited, to Human Rights Watch, August 18, 2017.

<sup>253</sup> Achievers Leaf Tobacco, Amazon Tobacco, Country Agro International, Daveytah Investments, Good Hope Global, Green Leaf Tobacco, Inter-Africa Tobacco, Lucshiner Investments, Majestic Tobacco, Onhardt Tobacco, Pamuka, SAG Civils, Torryblue Investments, Victory Risk Services, Vision Leaf Tobacco, and Voedsel Enterprises.

Through our sustained engagement with major multinational tobacco companies, including their responses to requests for information and analysis of information reported on their websites, Human Rights Watch has identified in recent years growing alignment of policies among multinational companies, as reflected in the company responses regarding Zimbabwe and other countries. The largest companies, with the exception of China National Tobacco Company, about whose human rights and due diligence efforts there is no publicly-available information, have human rights policies that include a prohibition on child labor, forced labor, and other labor protections aligned with International Labour Organization (ILO) standards. Companies consistently state that they conduct training of farmers on key labor, health, and safety issues and monitor implementation of labor and other policies. They state that they take measures to address violations by educating farmers, working with them to improve, and, in the event that a concern is grave or persistent, may terminate contracts.

Two hundred tobacco companies worldwide, including most of the companies discussed in this report, have adopted the Sustainable Tobacco Programme (STP), a set of standards operational since 2016 which includes requirements on child labor, labor rights, and health and safety. A short summary of the program is described below. In addition, the members of the Eliminating Child Labour in Tobacco Growing (ECLT) Foundation, an industry-supported initiative based in Geneva, signed a joint pledge of commitment in December 2014 to eliminate all forms of child labor within tobacco-sourcing chains. Members committed to apply a child labor policy, meet minimum requirements to tackle child labor, and implement due diligence consistent with the UN Guiding Principles on Business and Human Rights.<sup>254</sup>

Despite certain progress, companies by and large do not publicly disclose sufficient information to allow for external stakeholders to make an objective assessment as to whether a company is identifying key human rights problems, addressing them effectively, and improving human rights compliance in its supply chain.

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<sup>254</sup> Pledge of Commitment by ECLT Foundation Board Members, December 2014 [http://www.universalcorp.com/Resources/Policies/ECLT\\_Foundation\\_Members\\_Pledge.pdf](http://www.universalcorp.com/Resources/Policies/ECLT_Foundation_Members_Pledge.pdf) (accessed November 1, 2017). For Human Rights Watch's analysis of the ECLT Pledge of Commitment, see Human Rights Watch, *Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming*.

Overwhelmingly, Human Rights Watch has learned substantive details about human rights concerns in tobacco supply chains through our own in-country research, or research or information published by other nongovernmental organizations or by trade unions. We have brought concerns identified in our research to companies, with requests for information related to human rights policies and monitoring globally and in specific countries.

While companies have responded constructively and shared overviews of their approaches to Human Rights Watch, most responses have also been vague, with few details on monitoring methodology, number of monitors, frequency of monitors' visits, the specific findings identified by monitoring, what remedies were identified, how remedies were carried out, how many contracts were terminated for violations, results of third-party monitoring and other concrete details regarding supply chain monitoring and implementation of human rights policies. Similarly, company sustainability reports and websites overwhelmingly present broad overviews of company approaches and stated commitments to human rights.

Human Rights Watch has urged tobacco companies to significantly increase transparency and detail regarding human rights policy implementation, monitoring, results of monitoring, and actions taken.

With respect to our research in Zimbabwe, Northern Tobacco (NT), a major buyer in Zimbabwe, provided Human Rights Watch with a report on findings from a 2017 assessment in one tobacco-growing region in Zimbabwe where NT sources tobacco. Human Rights Watch considers the report to be an example of presenting a monitoring initiative and findings in a clear, transparent, and credible manner. The report clearly states the study's objectives, methodology, numbers of participants, research ethical considerations, and risk assessment. The risk assessment details: location, topic being assessed, description and evidence of impacts and potential impacts, an assessment of the severity of risk, and recommendations for corrective action. Although the study primarily focused on biodiversity, it included important findings on social and human rights issues, including concerns documented in this report: high absenteeism at school due to small-scale farmers' difficulty in paying school fees, and child labor during the peak

## Case Study: Transparency in Third-Party Supply Chain Assessments

Philip Morris International, a leading international tobacco product manufacturing company that Human Rights Watch has met and corresponded with since 2009, launched its Agricultural Labor Practices (ALP) program in 2011. The ALP program, which PMI implements globally, includes standards on child labor, health and safety, labor rights, and other issues. In 2013, PMI commissioned Control Union Certifications to conduct independent, third-party assessments of the company's tobacco farming supply chain in various countries around the world. To date, PMI has published detailed results of 18 assessments in 14 countries on its website.<sup>256</sup>

tobacco season. The report suggests remediation in the form of awareness-raising on these issues.<sup>255</sup>

Transparency is a key component of the UN Guiding Principles, which call on businesses “to account for how they address their human rights impacts,” and “to communicate this externally,” including with “information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved.”<sup>257</sup>

## Sustainable Tobacco Programme

The Sustainable Tobacco Programme (STP) is a standard, operational since 2016, utilized by 200 tobacco companies, including many of the companies identified in this report.<sup>258</sup>

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<sup>255</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017.

<sup>256</sup> Some countries had more than one assessment. One assessment, of Kazakhstan, in 2011, was carried out by the nongovernmental organization Verite. Philip Morris International, “Upholding Labor Rights on Farms,” <https://www.pmi.com/sustainability/good-agricultural-practices/upholding-labor-rights-on-the-farms> (accessed November 9, 2017).

<sup>257</sup> UN Human Rights Council, “Guiding Principles on Business and Human Rights.”

<sup>258</sup> AB Sustain, “Sustainable Tobacco Programme,” <https://www.absustain.com/who-we-are/> (accessed November 6, 2017). The STP replaces a similar program, the Social Responsibility in Tobacco Production (SRTP) program in place since 2000. According to BAT, the most significant changes relate to labor rights and child labor prevention. Chemical record-keeping and disposal has also been updated. BAT, “Sustainable Tobacco Programme,” and Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017. Participants include: British American Tobacco, Japan Tobacco International, Imperial Tobacco, Philip Morris International, Alliance One International, Universal Leaf, Premium Leaf Tobacco, Contraf Nicotex Tobacco GmbH, and others.

The program strengthens a similar industry program, the Social Responsibility in Tobacco Production (SRTP) program, operational since 2000 and utilized by a smaller number of companies. The United Kingdom-based audit organization ABSustain evaluates all participant companies' compliance with the STP.<sup>259</sup>

BAT, Imperial, and Northern Tobacco each supplied information about the STP in response to letters from Human Rights Watch. BAT and Imperial publish some general information on the STP on their websites. Based on these responses, we have tried to present an overview of the program.

The STP includes 178 criteria in four different areas: crop, environment, facilities, and people, including 85 criteria which require monitoring.<sup>260</sup> The "People Pillar" covers requirements on child labor and other labor issues, and includes guidance and definitions aligned with ILO standards. These requirements must be articulated in contracts with tobacco growers.<sup>261</sup> The STP includes guidance on hazardous work, which children under 18 are prohibited from doing. In addition to the general ILO definitions of hazardous work, the STP identifies that hazardous work may include, but is not limited to: "physical contact with green tobacco leaves." Children under 18 are also prohibited from handling and applying chemicals. This includes both hired workers and family members.<sup>262</sup>

The STP standards also include requirements to comply with national laws; for training of all workers in the avoidance of GTS and storage and handling of chemicals; requirements on wages, breaks, and days off; decent accommodation for hired workers; limits on working hours; and a support mechanism for workers to raise grievances.<sup>263</sup>

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<sup>259</sup> ABSustain was also responsible for auditing under the SRTP, since 2012. AB Sustain, "Sustainable Tobacco Programme."

<sup>260</sup> British American Tobacco, "Responding to a Changing World Sustainability Report 2016," March 2017, [http://www.bat.com/group/sites/uk\\_\\_9dgkcy.nsf/vwPagesWebLive/DO9DCL3P/\\$FILE/medMDAKJK4B.pdf?openement](http://www.bat.com/group/sites/uk__9dgkcy.nsf/vwPagesWebLive/DO9DCL3P/$FILE/medMDAKJK4B.pdf?openement) (accessed November 7, 2017) and Letter from R.W.J. Strong, Group Chief Executive Officer, Rift Valley Services, to Human Rights Watch, August 23, 2017.

<sup>261</sup> Details can be found in Letter from Jennie Galbraith, Head of Sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017, and Letter from Kirsty Green-Mann, Head of Corporate Responsibility, Imperial Brands, to Human Rights Watch September 29, 2017.

<sup>262</sup> Including: work which exposes children to physical, psychological or sexual abuse; work underground, at dangerous heights; work with dangerous machinery, equipment and tools, or heavy loads; exposure to hazardous substances, extreme temperatures, work for long hours, or during the night, etc. ILO Recommendation 190, art 3. And STP Requirements: P2.2 Exposure of People below the Age of 18 to Hazards, and P4.4 Handling and Use of Crop Protection Agents. Letter from Jennie Galbraith, Head of Sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017.

<sup>263</sup> Letter from Kirsty Green-Mann, Head of Corporate Responsibility, Imperial Brands, to Human Rights Watch September 29, 2017.



Regarding monitoring, the STP includes annual self-assessments by companies, evaluating their compliance with the STP criteria, carried out in four phases in the season. The assessments must include their entire farmer base and data to support the scores provided, and “assess, identify and mitigate any significant risks which may affect their ability to meet the STP criteria.”<sup>264</sup> ABSustain validates the self-assessments. In addition, ABSustain conducts onsite audits every three years to cover all criteria with all suppliers in the same country.<sup>265</sup> Human Rights Watch previously expressed concerns about the rigor and effectiveness of these monitoring practices.<sup>266</sup> According to BAT, the revised audit system will now include visits to tobacco farms and in-depth analyses of suppliers’ policies, processes, and practices. However, the on-site review only lasts four days, with only one day of field visits. It does not specify how many auditors are involved in these visits or how many farms are visited.<sup>267</sup>

Human Rights Watch is concerned that, given the scale of tobacco farming and the size of many of the countries where STP participants purchase from, one day of field visits is insufficient for thorough, comprehensive monitoring. The STP requires reporting from suppliers on both contract and auction purchases.<sup>268</sup> The last AB Sustain onsite review in Zimbabwe was in 2015; the next review is scheduled for November 2018.<sup>269</sup>

The STP does not guarantee sufficient transparency to evaluate whether the program is effective in preventing and remedying human rights abuses, as the UN Guiding Principles on Human Rights require. For example, in a letter to Human Rights Watch, BAT declared, without specific evidence, that it believes the company’s current approach, “delivers the

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<sup>264</sup> British American Tobacco, “Sustainable Tobacco Programme,” <http://www.bat.com/srtp>; and Letter from Jennie Galbraith, Head of Sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017.

<sup>265</sup> Letter from Kirsty Green-Mann, Head of Corporate Responsibility, Imperial Brands, to Human Rights Watch September 29, 2017. By contrast, the SRTP allowed for sampling of farms only. Letter from Jennie Galbraith, Head of Sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017.

<sup>266</sup> Human Rights Watch, “Open Letter to British American Tobacco Shareholders,” April 25, 2017, <https://www.hrw.org/news/2017/04/25/open-letter-british-american-tobacco-shareholders>.

<sup>267</sup> “The Sustainable Tobacco Programme,” undated, [http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/Sustainability\\_policies/Sustainability\\_in\\_Tobacco\\_Production\\_STP.pdf](http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/Sustainability_policies/Sustainability_in_Tobacco_Production_STP.pdf) (accessed January 10, 2018).

<sup>268</sup> Letter from Kirsty Green-Mann, Head of Corporate Responsibility, Imperial Brands, to Human Rights Watch September 29, 2017.

<sup>269</sup> BAT, “Sustainable Tobacco Programme”; Letter from Jennie Galbraith, Head of Sustainability, British American Tobacco, to Human Rights Watch, December 18, 2017, and Letter from Kirsty Green-Mann, Head of Corporate Responsibility, Imperial Brands, to Human Rights Watch, December 21, 2017.



A buyer logs data on the first day of the 2017 tobacco selling season in Harare, Zimbabwe. © 2017 AP Photo/Tsvangirayi Mukwazhi

best results for all parties involved.” BAT and Imperial stated that they would work to encourage increased transparency within STP.<sup>270</sup>

## Lack of Human Rights Due Diligence in the Auction System

According to the Tobacco Industry and Marketing Board (TIMB), approximately 18 percent of tobacco produced in Zimbabwe in 2016 was sold at auction.<sup>271</sup> For the 2017 season, there were 24 buyers licensed to purchase tobacco at auction in Zimbabwe. Human Rights Watch wrote to all of them, including eight companies listed above that Human Rights Watch contacted about their due diligence policies in direct contracting purchases,<sup>272</sup> and

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<sup>270</sup> Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, December 18, 2017; Letter from Kirsty Green-Mann, head of corporate responsibility, Imperial Brands, to Human Rights Watch September 29, 2017 and BAT, “Sustainable Agriculture and Farmer Livelihood Focus Report 2017,” November 2017, [http://www.bat.com/group/sites/UK\\_\\_9D9KCY.nsf/vwPagesWebLive/DO964UGU/\\$file/Sustainable\\_Agriculture\\_and\\_Farmer\\_Livelihoods\\_Focus\\_Report\\_2017.pdf](http://www.bat.com/group/sites/UK__9D9KCY.nsf/vwPagesWebLive/DO964UGU/$file/Sustainable_Agriculture_and_Farmer_Livelihoods_Focus_Report_2017.pdf) (accessed January 10, 2018).

<sup>271</sup> TIMB “2016 Annual Statistical Report,” <https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, p. 3.

<sup>272</sup> Boostafrica, Curverid, Intercontinental Leaf, Mashonaland Tobacco Company (MTC, a subsidiary of AOI), NT, Premium, Tian Ze, and Zimbabwe Leaf Tobacco (ZLT, a subsidiary of Universal).

the 16 other Zimbabwean companies that are authorized to purchase tobacco leaf at auction. None of these 16 companies responded.<sup>273</sup>

The small-scale farmers we interviewed who produced tobacco independently and sold it on the auction floors said they had no contact with the individuals or companies that purchased their tobacco until the point of sale.

None of the companies contacted by Human Rights Watch indicated that they conduct any type of human rights due diligence in the auction system, although Imperial reported that the STP program requirements, including monitoring, applies to all purchases, but did not specify how it is implemented with auction purchases. Several companies, including Imperial and Universal, acknowledged the difficulty or impossibility of monitoring labor conditions among growers who sell tobacco on auction floors.<sup>274</sup> Many companies reported that challenges in monitoring in the auction system have contributed to their decisions to increase tobacco purchases from contracted farmers.

Regarding the training and monitoring of auction growers, several companies, including AOI, Imperial, and Premium, told Human Rights Watch that their community-based training programs are open to all farmers, including those who may not contract directly with them, such as farmers selling exclusively on auction floors.<sup>275</sup> Curverid stated that it relies on “governmental departments such as the TIMB and the National Employment Council to ensure that all laws are followed.” Curverid also reported that it shows a slideshow on child labor and fair labor practices on the tobacco floors during sales.<sup>276</sup>

Universal told Human Rights Watch that its subsidiary, Zimbabwe Leaf Tobacco (ZLT) is working with TIMB to develop a national agricultural labor practices (ALP) program

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<sup>273</sup> Achievers Leaf Tobacco, Amazon Tobacco, Country Agro International, Daveytah Investments, Good Hope Global, Green Leaf Tobacco, Inter-Africa Tobacco, Lucshiner Investments, Majestic Tobacco, Onhardt Tobacco, Pamuka, SAG Civils, Torryblue Investments, Victory Risk Services, Vision Leaf Tobacco, and Voedsel Enterprises.

<sup>274</sup> Letter from Kirsty Green-Mann, head of corporate responsibility, Imperial Brands, to Human Rights Watch September 29, 2017; Letter from H. Michael Ligon, vice president, Universal Leaf, to Human Rights Watch, September 25, 2017.

<sup>275</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017; Letter from Kirsty Green-Mann, head of corporate responsibility, Imperial Brands, to Human Rights Watch September 29, 2017; Letter from Jeff Kockott, agronomy director, Premium Leaf Zimbabwe (PVT) Ltd, to Human Rights Watch, January 5, 2018.

<sup>276</sup> Letter from Mike Roberts, managing director, Curverid Tobacco (Private) Limited, to Human Rights Watch, September 17, 2017.

consistent with Universal’s own labor standards. Universal stated that the initiative would involve the formation of an ALP office within TIMB, ideally in cooperation with government ministries, local farmer unions, and farmer associations.<sup>277</sup>

## Human Rights Due Diligence in Direct Contracting System

Approximately 82 percent of tobacco produced in Zimbabwe in 2016 was sold through direct contracts between buyers and growers.<sup>278</sup> There were 20 companies officially licensed to contract directly with tobacco growers in Zimbabwe in 2017.<sup>279</sup> Human Rights Watch interviewed small-scale farmers who said they had produced and sold tobacco in recent years through direct contracts with several tobacco companies, including Boostafrica, Curverid, Chidziva, Mashonaland Tobacco Company (MTC), NT, Premium,<sup>280</sup> and ZLT. Our findings from these interviews are presented in detail above.

For contracted growers, in their responses to Human Rights Watch, all companies said that they provide training on health and safety, including GTS and chemical use, and prohibition of child labor, in particular through groups of farmers in farming communities, as well as during visits by company technicians. However, many small-scale farmers and workers on commercial tobacco farms in Zimbabwe stated that they had not received adequate information and training, as detailed above. This signals that companies may not be implementing their training and communicating their standards at the farm level and among hired workers in the most effective and substantive ways possible.

Only AOI and Premium stated that they give personal protective equipment (PPE) to small-scale growers. Premium stated that it provides “protective clothing recommended for use during application of chemicals,” but did not specify which articles of clothing.<sup>281</sup> AOI said it provides multiple pairs of gloves and soap.<sup>282</sup> It is not clear that any company provides

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<sup>277</sup> Letter from H. Michael Ligon, vice president, Universal Leaf, to Human Rights Watch, September 25, 2017.

<sup>278</sup> TIMB, “2016 Annual Statistical Report,”

<https://www.timb.co.zw/storage/app/media/downloads/2016ANNUALSTATISTICALREPORT.pdf>, p. 3.

<sup>279</sup> TIMB, “2017 Licensed Contractors,” <http://www.timb.co.zw/downloads/2017%20Licenced%20Contractors.pdf>.

<sup>280</sup> Some farmers interviewed by Human Rights Watch said they had contracted with Tribac. According to news reports, Premium acquired the assets of Tribac in 2016. “Premium Tobacco Takes Over Tribac,” *The Herald*, November 23, 2016, <http://www.herald.co.zw/premium-tobacco-takes-over-tribac/> (accessed November 10, 2017).

<sup>281</sup> Email correspondence with Jeff Kockott, Agronomy Director, Premium Leaf Zimbabwe, August 30, 2017.

<sup>282</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017.

the full scope of protective equipment recommended by the World Health Organization for use when applying pesticides in agriculture.<sup>283</sup> With regard to hired workers, companies noted that they require growers to provide PPE to their workers.

MTC told Human Rights Watch that their policy requires growers to have copies of contracts.<sup>284</sup> Curverid said it will provide a copy of a contract if the farmer asks for it. The other companies who responded to Human Rights Watch's letters did not answer the specific question regarding whether the company has a policy in place regarding the provision of copies of signed contracts to growers.

Some companies also spoke about projects or efforts to support schools, improve livelihoods, or reduce labor demands, through technologies such as drip irrigation. Some companies offered particular financial options to help reduce child labor and encourage school attendance. For example, Chidziva and AOI stated that they provide cash loans to growers to hire workers. MTC allows growers to keep a percentage of initial tobacco sales to pay school fees, rather than requiring the payment for those sales to be immediately returned to pay off the debts acquired by the growers for inputs from the company.

## Summaries of Company Responses

### *Alliance One International*

Alliance One International (AOI), headquartered in the United States, describes itself as a leading independent leaf tobacco merchant serving all of the major consumer tobacco product manufacturers through tobacco purchases in more than 35 countries.<sup>285</sup> AOI operates in Zimbabwe through its subsidiary Mashonaland Tobacco Company (MTC), which purchased 19.7 percent of the Zimbabwe tobacco crop in 2017; 87 percent of its purchases were through directly contracted growers and growers contracted by third parties.<sup>286</sup>

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<sup>283</sup> WHO lists the following as components of proper personal protective equipment for the use of pesticides in agriculture: protection of the head, eyes, and face; respiratory protection; and protective gloves, clothes, and footwear. WHO, "Preventing Health Risks from the Use of Pesticides in Agriculture: Protecting Workers' Health Series No. 1," [http://www.who.int/occupational\\_health/publications/en/ohpesticides.pdf?ua=1](http://www.who.int/occupational_health/publications/en/ohpesticides.pdf?ua=1), p. 16.

<sup>284</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017.

<sup>285</sup> Alliance One International, "Alliance One- A World Leader," 2016, <http://www.aointl.com/about-us> (accessed November 1, 2017).

<sup>286</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017.

AOI has an Agricultural Labor Practices (ALP) policy on labor rights and a child labor policy that both follow ILO standards; its child labor policy clearly defines hazardous work.<sup>287</sup> In a letter to Human Rights Watch, AOI reported that MTC has implemented the policy in Zimbabwe since 2013 with its direct-contract growers. AOI also participates in the STP.<sup>288</sup> AOI did not specify any due diligence measures in its auction purchases or with third-party contracted growers.<sup>289</sup>

MTC's small-scale grower contracts include specific requirements with respect to child labor, safe work practices, GTS, protective equipment, and safe chemical use.<sup>290</sup> MTC conducts trainings on these issues and cited an attendance of 92 percent of contracted growers in 2017. MTC provides contracted growers a Farmer Record Book with details on child labor, including the specific tasks considered hazardous for children, labor, and health and safety issues; a chemicals storage container; and several pairs of gloves and soap as personal protective equipment. However, the Farmer Record Book instructions shared with Human Rights Watch indicate a best practice of a worker in full protective equipment, including a protective suit, boots, and mask, which apparently the workers would need to supply themselves. During the peak labor demand periods, MTC will provide loans to assist farmers with hiring labor, which they cite as a possible measure for reducing child labor.<sup>291</sup>

Regarding monitoring, MTC field staff visit each contracted grower 16 times a year, via planned and unannounced visits, and use an electric data collection tool to collect data on ALP issues. Growers are required to receive a copy of the contract signed between the two parties.<sup>292</sup>

AOI identified commercial large-scale farms as an area for improvement in training and monitoring. These farms are also contractually bound to adhere to the ALP.<sup>293</sup>

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<sup>287</sup> AOI, "Agricultural Labor Practices," <http://www.aointl.com/sustainability/one-vision/agricultural-labor-policy>.

<sup>288</sup> Letter from Pieter Sikkel, president and chief executive officer, Alliance One International, to Human Rights Watch, September 28, 2017.

<sup>289</sup> *Ibid.* AOI declined to provide a copy of the contract citing United States regulations prohibiting disclosure of market-sensitive information.

<sup>290</sup> *Ibid.*

<sup>291</sup> *Ibid.* The letter did not specify whether the loan is repayable with interest or without interest.

<sup>292</sup> *Ibid.*

<sup>293</sup> *Ibid.*

AOI did not share any detailed information regarding child labor incidences or other labor concerns identified through MTC monitoring. AOI provided general information about providing additional training and monitoring of a grower if an MTC leaf technician identifies a concern on a farm; failure to improve or rectify the situation can result in termination of a contract. AOI does not currently have any comprehensive up-to-date public information about its ALP implementation, including assessments by third-party auditors.<sup>294</sup>

### *British American Tobacco*

British American Tobacco (BAT) is a leading global tobacco company selling tobacco products in over 200 markets around the world. BAT's leading brands include *Dunhill*, *Kent*, *Lucky Strike*, *Pall Mall*, and *Rothmans*.<sup>295</sup> In 2017 BAT purchased 6 percent of its global tobacco leaf from Zimbabwe through major leaf dealers directly contracting with growers. Eighty percent of its purchases came from Northern Tobacco (NT), with smaller volumes from Universal and AOI.<sup>296</sup>

BAT's 2016 Supplier Code of Conduct and Child Labor Policy prohibit child labor.<sup>297</sup> BAT specifically identifies hazardous tasks which children should not perform in tobacco farming to include harvesting, topping and suckering.<sup>298</sup> In a letter to Human Rights Watch, BAT referred to its use of STP criteria and assessments, as detailed above. BAT also noted that its suppliers in Zimbabwe, including NT, conduct their own ongoing due diligence, as detailed in the relevant sections below. BAT stated that in response to concerns raised by Human Rights Watch, it decided to "undertake an interim review on human rights via unannounced farm visits by BAT to Zimbabwe farmers, planned for early 2018."<sup>299</sup>

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<sup>294</sup> Ibid.

<sup>295</sup> British American Tobacco, "Who We Are,"

[http://www.bat.com/group/sites/UK\\_\\_9D9KCY.nsf/vwPagesWebLive/DO52ADCY](http://www.bat.com/group/sites/UK__9D9KCY.nsf/vwPagesWebLive/DO52ADCY) (accessed November 7, 2017).

<sup>296</sup> Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017.

<sup>297</sup> BAT, "Sustainability Performance Centre," Supplier Code of Conduct,

[http://www.bat.com/group/sites/UK\\_\\_9UANCV.nsf/vwPagesWebLive/DO9USTZ2?opendocument](http://www.bat.com/group/sites/UK__9UANCV.nsf/vwPagesWebLive/DO9USTZ2?opendocument) (accessed November 6, 2017).

<sup>298</sup> Letter from Simon Cleverly, group head of corporate affairs, British American Tobacco, to Human Rights Watch, October 30, 2015.

<sup>299</sup> Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, December 18, 2017.

In a September 2017 letter to Human Rights Watch, BAT stated that it has not received any reports of child labor on tobacco farms supplying BAT in Zimbabwe. BAT reported that a 2015 audit under the SRTP program (the predecessor to the STP), found NT's score for the "People Pillar," which includes child labor and other labor issues, was "50 percent," with areas for improvement of: unannounced audits, farmer training, monitoring and spot checks.<sup>300</sup> BAT reported that NT's score in the 2017 self-assessment was "94 percent."<sup>301</sup> Although Human Rights Watch asked for details of the content of the self-assessments and has encouraged BAT to make public more substantive information, in order to clarify what numerical scores mean in practice, BAT provided no substantive details or explanation about the scores. As such they do not provide any insight into the progress of its major supplier in Zimbabwe in identifying and addressing child labor or other labor incidents or risks. Regarding transparency, BAT noted that it will continue "to work with the wider industry around increased transparency on STP outcomes," because "transparency is an important issue to our stakeholders."<sup>302</sup>

In October 2017, BAT developed a new "Operational Standard on Child Labour Prevention," that "provides our leaf operations with clear guidelines and procedures for regular training and capacity building, farm monitoring and spot-checks, and immediate reporting of any incidents of child labour. It also includes clearly defined steps for developing and implementing actions to prevent or remediate child labour." BAT intends to implement the standard in its global supply chain by the end of 2018.<sup>303</sup> BAT should ensure transparent reporting on the implementation of this new standard, as well as its other monitoring systems.

BAT noted its THRIVE program, underway since 2014, which supports community projects and other activities particularly in small-scale farming communities, aimed at improving

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<sup>300</sup> Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, September 14, 2017.

<sup>301</sup> Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, December 18, 2017.

<sup>302</sup> Ibid.

<sup>303</sup> BAT, "Sustainable Agriculture and Farmer Livelihood Focus Report 2017,"

[http://www.bat.com/group/sites/UK\\_\\_9D9KCY.nsf/vwPagesWebLive/DO964UGU/\\$file/Sustainable\\_Agriculture\\_and\\_Farmer\\_Livelihoods\\_Focus\\_Report\\_2017.pdf](http://www.bat.com/group/sites/UK__9D9KCY.nsf/vwPagesWebLive/DO964UGU/$file/Sustainable_Agriculture_and_Farmer_Livelihoods_Focus_Report_2017.pdf); and Letter from Jennie Galbraith, head of sustainability, British American Tobacco, to Human Rights Watch, December 18, 2017.



livelihoods, water, sanitation, and other issues. BAT mentions training and monitoring on child labor through THRIVE, without details.<sup>304</sup>

### *Chidziva Tobacco Processors*

According to its website, Chidziva Tobacco Processors (Chidziva) is a privately-owned Zimbabwean tobacco merchant, selling to customers in the US, Africa, Europe, China, the Middle East, and the Far East. In 2016, Chidziva purchased approximately 9.5 percent of the total Zimbabwe flue-cured tobacco crop,<sup>305</sup> and in 2017 was the fifth-largest purchaser of tobacco by volume, purchasing the majority of its tobacco through contracts.<sup>306</sup> Chidziva states on its website that it adheres to and complies with the rules and regulations set by the Tobacco Industry and Marketing Board (TIMB).<sup>307</sup>

Chidziva's 2017-2018 grower contract prohibits child labor, mentioning it in four different clauses, and stating that if a grower uses child labor "in any capacity in his/her agricultural operation then this contract will be immediately terminated." The contract also requires compliance with Zimbabwean labor laws.<sup>308</sup> Chidziva may provide cash to growers to hire workers, in the form of a loan, repayable, with interest at the end of the season. Chidziva also stated that the company addresses child labor and promotion of other rights through its farmer education process.<sup>309</sup>

In a January 2018 letter to Human Rights Watch, the company reiterated that a prohibition of child labor is articulated in its contract, but did not specify which tasks in tobacco farming are prohibited for children. Chidziva also stated that going forward its grower training would "state categorically that child labor is prohibited," and that field staff have been advised to "look out for and report any instances of child labor," and that survey tools would be updated to strengthen training and monitoring of child labor. The company

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<sup>304</sup> See BAT, "Sustainable Agriculture and Farmer Livelihood Focus Report 2017."

<sup>305</sup> Chidziva Tobacco Processors, Home, 2016, <http://chidziva.co.zw/> (accessed October 31, 2017).

<sup>306</sup> Chidziva Tobacco Processors (Pvt) Ltd, "Zimbabwe FCV Final 2017 Market Report," September 15, 2017, <http://chidziva.co.zw/uploads/70c5c070cfe3aa39f5c364aa/1505818474335/CTP-Final-Market-Report-Zimbabwe-CY2017-164.pdf> (accessed October 31, 2017).

<sup>307</sup> Chidziva Contract Growing, 2016, <http://chidziva.co.zw/contract-growing> (accessed October 31, 2017).

<sup>308</sup> Letter from Kevin Butler, managing director, Chidziva Tobacco Processors (Pvt) Ltd, to Human Rights Watch, September 18, 2017.

<sup>309</sup> *Ibid.*

also pledged to consider Human Rights Watch’s recommendations in its ongoing development of its child labor policy.<sup>310</sup>

### *Contraf Nicotex Tobacco GmbH*

Contraf Nicotex Tobacco GmbH’s (CNT’s) website describes the company as a family-owned corporation, with headquarters in Heilbronn, Germany. CNT is a global company with leaf operations in at least six countries and works in a range of agricultural products, including tobacco. CNT does not produce or distribute cigarettes or other finished tobacco products.<sup>311</sup> In response to a letter of inquiry from Human Rights Watch regarding its human rights due diligence, CNT referred to the September 2017 letter sent to Human Rights Watch by Curverid Tobacco Limited, its supplier in Zimbabwe, in response to a similar inquiry.<sup>312</sup>

### *Curverid Tobacco Limited*

In the 2016-2017 season, Curverid Tobacco Limited (Curverid), which operates exclusively in Zimbabwe, purchased tobacco through 3,693 contract growers (78 percent of the company’s purchases) and the remainder at auction. As of September 2017, the company had a Zimbabwe market share of 8.1 percent.<sup>313</sup>

Curverid told Human Rights Watch that under its policy, children ages 16 to 18 can work on the tobacco farm for “the development of cultural practices” or the transfer of skills.<sup>314</sup> Curverid also stated that children under 16 are permitted to do “light work,” and that it defines hazardous work to include: work “at heights, high temperatures, long hours, sharp tools, carrying heavy loads, applying chemicals and any work that exposes children to nicotine poisoning,” although it did not identify specific prohibited tasks. The 2017-2018 Curverid grower contract states that the tobacco farmer “will not engage or involve children

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<sup>310</sup> Letter from Kevin Butler, managing director, Chidziva Tobacco Processors (Pvt) Ltd, to Human Rights Watch, January 24, 2018.

<sup>311</sup> CNT Group, “More Than Leaf,” undated, <http://cntgroup.de/>; and “Leaf Tobacco,” <http://cntgroup.de/our-business/#leaf-tobacco> (accessed October 31, 2017).

<sup>312</sup> Letter from Marcus MacKay, head of corporate responsibility and communications, Contraf-Nicotex-Tobacco GmbH, to Human Rights Watch, October 9, 2017.

<sup>313</sup> Letter from Mike Roberts, managing director, Curverid Tobacco (Private) Limited, to Human Rights Watch, September 17, 2017.

<sup>314</sup> *Ibid.* Curverid cites ILO Convention 138, art. 7.

in any tobacco related business in contravention of applicable laws and to the extent that it might compromise the health, education or wellbeing of the child.”<sup>315</sup>

Curverid policies on work hours, pay, overtime work, and rest and meal breaks follow Zimbabwean laws, and the company contractually requires growers to adhere to fair labor standards.<sup>316</sup> Curverid stated that once signed, a contract is kept in the company’s head office; a farmer receives a copy only upon request.<sup>317</sup> As described above, TIMB regulates contacts between tobacco growers and companies, but it does not explicitly require that both parties to a contract retain copies.

Curverid provided general information to Human Rights Watch about training and monitoring on GTS; child labor; and safe chemical use including personal protective equipment, including of suppliers, but did not include any details about the methodology or frequency of training, monitoring, or any results of its monitoring. Curverid was the only company which stated that they have anonymous reporting mechanisms for reporting violations. Human Rights Watch did not have sufficient time ahead of publication to seek to clarify the nature of that mechanism or its results. Curverid investigates alleged violations of its policies and takes appropriate action but did not specify in its letter the kinds of actions, except that “in grave cases of child labor,” it will cancel contracts and inform the authorities.<sup>318</sup>

### *Imperial Tobacco*

The UK-based Imperial Tobacco (Imperial), a subsidiary of Imperial Brands, sells tobacco products in markets worldwide; its top selling cigarettes include *Davidoff*, *West*, and *Gauloises Blondes*.<sup>319</sup> Imperial purchases around 2 percent of its global tobacco leaf from commercial entities in Zimbabwe connected to AOI, Universal, and CNT. In 2017, 83 percent of purchases was from these suppliers’ contracted farmers, and the remainder purchased at auction.<sup>320</sup>

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<sup>315</sup> Ibid.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Imperial Tobacco, “About Us,” <http://www.imperialbrandsplc.com/About-us/Our-companies/Imperial-Tobacco.html> (accessed November 6, 2017).

<sup>320</sup> Letter from Kirsty Green-Mann, head of corporate responsibility, Imperial Brands, to Human Rights Watch September 29, 2017.

Imperial relies on the STP criteria and monitoring, described above, and has personnel who conduct farmer visits and audits of contracted farms, including in 2017, which “cover general discussions on labor practices and the issue of child labor as part of the wider sustainability agenda.”<sup>321</sup> Imperial shared anonymized scores from the 2015 audit of its suppliers by ABSustain, the company responsible for auditing under the STP (previously SRTP), which Imperial stated revealed that suppliers reported more critically on their performance in self-assessments than auditors’ findings revealed.<sup>322</sup> Imperial also reported that on occasion instances of child labor have been found through monitoring and recorded in self-assessments. Imperial specified that corrective action plans include better age verification, increased unannounced inspections, better reporting on visits, and training for field workers and farm managers.<sup>323</sup>

Imperial Brands also has a Code of Conduct that applies to all business relationships and suppliers “to comply with, or exceed, international labour standards.” In 2016, Imperial Brands commissioned a human rights impact assessment, which included an examination of risks to workers, including in its global supply chain<sup>324</sup> and has committed to developing a global human rights policy.<sup>325</sup>

Imperial stated that after communication with Human Rights Watch on our findings in Zimbabwe, the company asked for more detailed information from their suppliers on labor issues: acknowledged that there is a “wealth of information with STP in terms of how our suppliers manage labour practices”; and is considering ways to enhance its public reporting about labor monitoring. Imperial also published general information about the STP on its website in late 2017.<sup>326</sup>

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<sup>321</sup> Ibid.

<sup>322</sup> Ibid.

<sup>323</sup> Ibid.

<sup>324</sup> It is not within the scope of this report to detail the assessment’s findings. Imperial Brands, “Our Code of Conduct,” 2016, [http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/code-of-conduct/160217\\_Imperial%20Brands%20Code%20of%20Conduct\\_English.pdf](http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/code-of-conduct/160217_Imperial%20Brands%20Code%20of%20Conduct_English.pdf) (accessed November 8, 2017); Imperial Brands, “Human Rights Impact Assessment,” [http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/human-rights/Human\\_rights\\_impact\\_assessment\\_for\\_Imperial\\_Brands.pdf](http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/human-rights/Human_rights_impact_assessment_for_Imperial_Brands.pdf) (accessed November 8, 2017).

<sup>325</sup> Letter from Kirsty Green-Mann, head of corporate responsibility, Imperial Brands, to Human Rights Watch, December 21, 2017.

<sup>326</sup> Ibid.; “The Sustainable Tobacco Programme,” undated, [http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/Sustainability\\_policies/Sustainability\\_in\\_Tobacco\\_Production\\_STP.pdf](http://www.imperialbrandsplc.com/content/dam/imperial-brands/corporate/responsibility/Sustainability_policies/Sustainability_in_Tobacco_Production_STP.pdf) (accessed January 10, 2018).

## *Japan Tobacco International*

Japan Tobacco International (JTI) is a leading global tobacco product manufacturing company headquartered in Geneva, Switzerland. It sources tobacco from 40 countries and sells tobacco products in over 120 countries, including *Winston*, the second-leading cigarette brand worldwide. In a letter to Human Rights Watch, JTI said that it does not directly contract with tobacco growers in Zimbabwe but purchased about 6 percent of its global tobacco requirements in 2017 through third-party leaf suppliers (AOI, Universal, and Premium), accounting for 5 percent of the total tobacco grown in Zimbabwe. JTI states that the majority of tobacco supplied to them by third-party suppliers is purchased through suppliers' direct contracts with growers' groups or independent growers.<sup>327</sup>

JTI's Agricultural Labor Practices (ALP) policy applies to their operations globally and include standards regarding child labor and labor rights, in line with ILO standards.<sup>328</sup> Under its hazardous work list, JTI explicitly prohibits all contact with green tobacco for children under 18.<sup>329</sup> JTI has been rolling out the program gradually, including in 2015 with its leaf suppliers, which account for about 50 percent of JTI global purchasing.<sup>330</sup> JTI requires suppliers to embed JTI's own human rights standards into their agreements with local growers and, since 2016, to supply reports and action plans regarding ALP implementation every six months.<sup>331</sup>

In 2016, labor rights concerns identified by JTI's suppliers in Zimbabwe included children below the minimum employment age working and children engaged in hazardous work, without further details as to the exact ages or nature of the hazardous work. Other labor concerns related to effective GTS prevention, chemicals management, use of machinery and tools, and access to first aid. The letter listed some general measures for improvement, such as training and information as well as the intention to distribute

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<sup>327</sup> Letter from Maarten Bevers, vice president corporate social responsibility, and Mike Roach, vice president global supply chain and global leaf, Japan Tobacco International, to Human Rights Watch, September 15, 2017.

<sup>328</sup> In September 2016 Japan Tobacco Group also developed a group-wide human rights policy, covering all of its operations. JT Group, "Sustainability Report FY16," [https://www.jt.com/csr/report/pdf/JT\\_Group\\_Sustainability\\_Report\\_FY2016.pdf](https://www.jt.com/csr/report/pdf/JT_Group_Sustainability_Report_FY2016.pdf) (accessed November 1, 2017).

<sup>329</sup> Japan Tobacco International, "Agricultural Labor Practices 2017," [https://www.jti.com/sites/default/files/related\\_docs/jti\\_ALP\\_booklet2017.pdf](https://www.jti.com/sites/default/files/related_docs/jti_ALP_booklet2017.pdf) (accessed November 1, 2017).

<sup>330</sup> JTI, "Agricultural Labor Practices 2017."

<sup>331</sup> Letter from Maarten Bevers, vice president corporate social responsibility, and Mike Roach, vice president global supply chain and global leaf, Japan Tobacco International, to Human Rights Watch, September 15, 2017; JTI, "Agricultural Labor Practices 2017."

personal protective equipment and chemicals storage.<sup>332</sup> In a November 2017 meeting, JTI representatives stated that they would be following up with suppliers to gain further details regarding the findings and remedies.<sup>333</sup> For all labor issues, the company plans increased training and distribution of printed information to farmers and field staff.

### *Northern Tobacco*

Northern Tobacco (NT), which works exclusively in Zimbabwe, is owned by the Rift Valley Corporation, which operates several companies in sub-Saharan Africa. On its website, the company describes itself as Zimbabwe's largest tobacco contracting business, producing 15 percent of the country's total tobacco crop.<sup>334</sup> Commercial growers produced 80 percent of NT's tobacco volume in 2017; small-scale farmers produced the remaining 20 percent.<sup>335</sup>

In an August 2017 letter to Human Rights Watch, Rift Valley Corporation said that it was responding as Northern Tobacco (NT), and provided extensive documentation in 17 annexes and details, including on the requirements of the STP policies and practices, which NT follows. NT has its own Standards of Business Practice which articulates requirements on human rights, child labor, health and safety among other issues.<sup>336</sup> NT also adheres to the BAT requirements for leaf suppliers.<sup>337</sup>

NT stated that it has supplied its commercial growers with the STP Guide, which details the criteria, guidance, notes, and indicators for the program as well as other materials including related to labor. Beginning in 2017 NT trained 500 small-scale growers in STP requirements including on child labor, chemicals, personal protective equipment, and distributed training materials, including a Best Practices and Agricultural Labor Practices Booklet, in English and Shona.<sup>338</sup> In one training, NT trainers identified "limited personal

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<sup>332</sup> Letter from Maarten Bevers, vice president corporate social responsibility, and Mike Roach, vice president global supply chain and global leaf, Japan Tobacco International, to Human Rights Watch, September 15, 2017

<sup>333</sup> Human Rights Watch meeting with Maarten Bevers, vice president, Corporate Social Responsibility, Elaine McKay, social programs director, Global Supply Chain and Global Leaf, Mike Roach, vice president, Global Supply Chain and Global Leaf, Yukiko Seto, senior manager, CSR Division, and Wataru Uriu, director, CSR Division, Japan Tobacco Group, New York, November 30, 2017.

<sup>334</sup> Rift Valley Corporation, Rift Valley Corporation, undated, <http://www.riftvalley.com/> (accessed November 1, 2017).

<sup>335</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017.

<sup>336</sup> *Ibid.*

<sup>337</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, December 13, 2017.

<sup>338</sup> "The training seeks to bring the Sustainable Tobacco Programme (STP), devised by British American Tobacco (BAT), to the attention of all our tobacco farmers within the six provinces where we contract growers," Rift Valley, "Rift Valley Newsletter," August 2017, <http://publications.riftvalley.com/wp-content/uploads/2017/09/Rift-Valley-Newsletter-August-2017-2.pdf>

protective equipment among small scale growers,” and suggested that masks and gloves could be included in the inputs supplied to growers.<sup>339</sup> NT reported monitoring of contracted farmers in four phases during the 2017 season, with field technicians visiting farmers at least four times per year, including unannounced visits.<sup>340</sup>

In a call in January 2018 with NT executives, Human Rights Watch raised concerns that some of the materials used by NT to implement its labor policies, such as the Grower’s Guide, while detailed, may be unnecessarily complex. Such materials may fall short in providing clear guidance which growers can implement and which technicians and others can easily monitor.

For example, regarding nicotine poisoning, the Grower’s Guide indicates that physical contact with wet green tobacco is hazardous, and notes that “ideally, the best approach to preventing to GTS is to keep children out of tobacco production altogether.” However, the guidance at the same time envisions the possibility of children to do hazardous work, noting if children are to work, they should be educated about GTS and wear protective clothing.<sup>341</sup> NT does not currently articulate a specific list of tobacco farming tasks which are hazardous, which children under 18 should not perform. NT executives stated that they would review Human Rights Watch’s recommendations regarding the materials.<sup>342</sup>

In December 2017, NT reported that in response to the concerns raised in Human Rights Watch’s August 16 letter, it conducted additional training with particular attention to the concerns presented in our letter, and shared copies of the training presentations in English and Shona and a sample of a technician’s post- training report. NT also stated that it was preparing a Child Labour Policy to be ready in 2018.<sup>343</sup>

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(accessed October 30, 2017) and Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017.

<sup>339</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017, annex C, “Small Scale Training Report.”

<sup>340</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017, and letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, December 13, 2017.

<sup>341</sup> Sustainable Tobacco Program, A Grower’s Guide on Child Labor in Tobacco Farming, undated. On file with Human Rights Watch.

<sup>342</sup> Human Rights Watch meeting with Tobs Strong, group chief executive officer, Kevin Beattie, group administration manager, and Glenn Youngs, Rift Valley Corporation, January 24, 2018.

<sup>343</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, December 13, 2017.

NT carried out a survey from May to July 2017 in one tobacco growing region, and provided Human Rights Watch with a report on the study's findings. Human Rights Watch considers the report to be an example of presenting a monitoring initiative and findings in a clear, transparent, and credible manner. The report includes: objectives, methodology, numbers of participants, research ethical considerations and risk assessment. The risk assessment details location, topic being assessed, description and evidence of impacts and potential impacts, an assessment of the severity of risk, and recommendations for corrective action. Although the study primarily focused on biodiversity, it included important findings on social and human rights issues, including some relevant to the findings in this report including: "some small scale growers' school going children only attend school during the second term, after tobacco sales. First term and third term there is high absenteeism due to lack of school fees," and "child labor is high in some areas during tobacco peak season which leads to high absenteeism rate among local schools." Remediation included providing additional training and materials to growers.<sup>344</sup>

### *Premium Tobacco Group/Premium Leaf Zimbabwe*

There is little public information about Premium Tobacco Group (Premium), a multinational company headquartered in Dubai. According to the ECLT Foundation, of which Premium is a board member, "Premium Tobacco Holdings Limited is a privately-owned leaf tobacco dealer operating on a multinational scale. From the formation of the company in 2002, it has expanded to participating in leaf production, processing, export, and sales in all major tobacco producing origins."<sup>345</sup> According to media reports, Premium is the third-largest tobacco merchant in the world.<sup>346</sup>

Following a Human Rights Watch letter and a conference call with Human Rights Watch staff in 2017, Premium Tobacco Holdings, the parent company of Premium Leaf Zimbabwe (PLZ), stated that its "Child Labour Policy will be updated in 2018 to include any recommendations you [Human Rights Watch] suggested which are not currently stated."<sup>347</sup>

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<sup>344</sup> Letter from R.W.J. Strong, group chief executive officer, Rift Valley Services, to Human Rights Watch, August 23, 2017, annex F.

<sup>345</sup> Eliminating Child Labour in Tobacco Growing (ECLT) Foundation, "ECLT Foundation Governance," 2017, <http://www.eclt.org/about-us/governance/page/2/> (accessed November 8, 2017).

<sup>346</sup> "Premium Tobacco Takes over Tribac," *The Herald*, <http://www.herald.co.zw/premium-tobacco-takes-over-tribac/>; "Tobacco Marketing Season Kicks Off," *The Financial Gazette*, March 16, 2017, <http://www.financialgazette.co.zw/tobacco-marketing-season-kicks-off/> (accessed October 31, 2017).

<sup>347</sup> Letter from Jeff Kockott, agronomy director, Premium Leaf Zimbabwe (PVT) Ltd, to Human Rights Watch, January 5, 2018.



Premium's current ALP prohibits children from handling wet tobacco leaves and harvesting, topping and suckering tobacco, among other hazardous work, but does not prohibit all contact by children with tobacco including dried tobacco. The company's child labor policy, as of September 2017, refers only to adherence to ILO standards.<sup>348</sup>

Regarding training, PLZ states that its over 100 field staff hold regular scheduled meetings with groups of its contracted farmers, which include practical demonstrations. These trainings, which are also open to other tobacco farmers, include: safe chemical use, GTS, health and safety, and child labor. PLZ also stated that the company provides "protective clothing recommended for farmers use during application of chemicals."<sup>349</sup>

PLZ field staff monitor contracted growers, with data collected into reports. Technicians report on incidents and communicate directly with the farmer to correct breaches such as "a child working in the field," or a person under 18 doing hazardous work. Premium reports to JTI and to ABSustain with regular reports and undergoes in-country audits (every one to two years with JTI and every two to three years with ABSustain). PLZ did not provide the results of any of this monitoring.<sup>350</sup>

### *Universal Corporation*

According to its website, US-based Universal Corporation (Universal), operates in more than 30 countries. Its main subsidiary, Universal Leaf Tobacco Company, is the world's leading supplier of tobacco, procuring and processing tobacco leaf for tobacco product manufacturers.<sup>351</sup> In a letter to Human Rights Watch, Universal wrote that it operates in Zimbabwe through its subsidiary, Zimbabwe Leaf Tobacco Company (ZLT), which purchases about half of its tobacco directly from 5,800 growers, mainly commercial farms, as well as some small-scale growers. ZLT purchases one-quarter of its total leaf at auction, and one-quarter through smaller companies which contract directly with growers.<sup>352</sup>

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<sup>348</sup> Ibid.

<sup>349</sup> Ibid.; Letter from Alexander Mackay, managing director, and Jeff Kockott, agronomy director, Premium Leaf Zimbabwe (PVT) Ltd, to Human Rights Watch, August 28, 2017.

<sup>350</sup> Letter from Jeff Kockott, agronomy director, Premium Leaf Zimbabwe (PVT) Ltd, to Human Rights Watch, January 5, 2018; email Correspondence with Kockott, August 30, 2017, and Letter to Human Rights Watch from Alexander Mackay, managing director, and Kockott, Premium Leaf Zimbabwe (Pvt) Ltd, August 28, 2017.

<sup>351</sup> Universal, "Our Company," undated, <http://www.universalcorp.com/OurCompany> (accessed November 1, 2017).

<sup>352</sup> Letter from H. Michael Ligon, vice president, Universal Leaf, to Human Rights Watch, September 25, 2017.

Since 2015, ZLT has been implementing Universal's Agricultural Labor Practices (ALP) code and program with its direct-contract growers. ZLT plans to require smaller companies, through which it buys tobacco, to adhere to ALP in the future, although it did not specify a timeline. Universal's ALP aligns with core ILO conventions on child labor and other labor standards including a prohibition on hazardous work.<sup>353</sup> As part of ALP implementation, ZLT field technicians receive annual training, then conduct farm visits where they educate growers on ALP, including child labor; use an electronic data system to create grower profiles and collect data on ALP compliance; and can also develop a remediation plan for any violations. Universal did not share with Human Rights Watch the number of technicians, how frequently these visits take place, what kinds of issues have been identified, or how they were remediated. Human Rights Watch did not follow up for more information. The company also stated that it had initiated ALP trainings sessions with directly-contracted growers and grower groups in October 2016 and started distributing materials to growers on chemical use, GTS, and child labor ahead of the 2016-2017 season.<sup>354</sup>

Universal reported that ZLT's program is periodically monitored by ABSustain, apparently under the STP. Universal noted that the social responsibility and labor programs by its clients such as Imperial and JTI align with Universal's own ALP.<sup>355</sup>

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<sup>353</sup> Universal Leaf Tobacco Company, Inc. "ULT Agricultural Labor Practices (ALP) Code," [http://www.universalcorp.com/Resources/Policies/ULT\\_ALP\\_Code.pdf](http://www.universalcorp.com/Resources/Policies/ULT_ALP_Code.pdf) (accessed November 1, 2017).

<sup>354</sup> Letter from H. Michael Ligon, vice president, Universal Leaf, to Human Rights Watch, September 25, 2017.

<sup>355</sup> *Ibid.*

## Recommendations

### To the Government and the Parliament of Zimbabwe

#### *Protect Children from Hazardous Work in Tobacco Farming*

- Revise the list of hazardous occupations for children set out in the 2001 amendment to the Children’s Act, or enact a new law or regulation, to explicitly prohibit children from working in direct contact with tobacco in any form.

#### *Ensure Access to Free Primary and Secondary Education*

- Ensure universal access to free primary and secondary education, including by removing tuition fees, indirect costs, and family contributions. Ensure primary and secondary schools are adequately funded, so that they can cover gaps in school budgets that were previously covered through tuition fees, indirect costs, and family contributions. As an interim measure, with international assistance, expand the Basic Education Assistance Module (BEAM) program to provide financial assistance to a greater number of children for primary and secondary direct and indirect education costs, including tuition and exam fees.

#### *To the Ministry of Public Service, Labour and Social Welfare*

- Vigorously investigate and monitor child labor and human rights violations on tobacco farms, including small-scale farms. Conduct unannounced inspections at the times of year, times of day, and locations where children are most likely to be working.

#### *To the Ministry of Health and Child Care*

- Develop and implement an extensive public education and training program to promote awareness of the health risks of work in tobacco farming. At a minimum, ensure that the program includes information on the risks of exposure to nicotine, pesticides, and the special vulnerability of children; prevention and treatment of acute nicotine poisoning (Green Tobacco Sickness); the safe handling and storage of pesticides; methods to prevent occupational and take-home pesticide exposure;

- and the use of personal protective equipment. Collaborate with relevant stakeholders to develop and implement the training program, including trade unions, nongovernmental organizations, universities, tobacco companies, farmers groups, schools, health experts, medical facilities, and others. Ensure that health workers in tobacco farming communities are trained and equipped to do community outreach and education on these topics;
- Initiate a meaningful and constructive dialogue with the International Labour Organization (ILO), United Nations Children’s Fund (UNICEF), other international actors, trade unions, civil society groups, tobacco companies, tobacco farmers, and other stakeholders about the causes of child labor in tobacco farming and ways to eliminate it;
  - Support programs to provide age-appropriate educational and employment opportunities to children above the minimum age of employment in small-scale farming communities as alternatives to work in tobacco farming, so that they can develop skills and contribute to family livelihoods without risking their health and safety.

#### *To the Ministry of Primary and Secondary Education*

- Ensure appropriate follow-up for children who drop out of school or are absent from school for prolonged periods of time, including by offering bridging programs for out-of-school children to transition back into the educational system;
- Adopt a robust reporting mechanism to ensure all schools regularly monitor students who are out of school for prolonged periods of time or drop out of school altogether, and report reasons for truancy, including work in tobacco farming.

#### *To the Tobacco Industry and Marketing Board*

- Develop and make public a clear policy prohibiting hazardous work by children under 18 on tobacco farms, including any work in which children have direct contact with tobacco in any form;
- Make a strong human rights due diligence procedure a legal requirement for all companies sourcing tobacco from Zimbabwe, and monitor company compliance. Specify the essential components of effective human rights due diligence procedures, as detailed below under recommendations to companies purchasing tobacco from Zimbabwe;

- Expand training and education programs to provide independent farmers selling tobacco on the auction floors with the same kinds of information and support received by contract farmers. Ensure that training and education about child labor and occupational safety and health are components of these programs.

## To All Companies Purchasing Tobacco from Zimbabwe

### *Strengthen Human Rights Due Diligence Procedures*

- Adopt or revise a global human rights policy prohibiting the use of child labor anywhere in the supply chain, if the company has not yet done so. The policy should specify that hazardous work for children under 18 is prohibited, including any work in which children have direct contact with tobacco in any form. The policy should also include specific provisions regarding labor rights and occupational safety and health. Specify that the human rights policy is in effect throughout the supply chain, including in countries where local laws afford lesser protections;
- Ensure that all contracts and business agreements with suppliers of any size include specific requirements to respect the human rights policy, including the prohibition on child labor. Gradually establish a straightforward system by which suppliers can implement the policy with independent farmers supplying the company through auction sales;
- Require suppliers to provide full chain-of-custody documentation for all tobacco purchases, so that tobacco can be traced to the specific farms where it was grown. Where full chain-of-custody documentation is not possible, tobacco should not be purchased;
- Regularly disseminate information and provide training and education to known and potential suppliers at all levels of the supply chain on the company's human rights policy and its implementation. Materials and training should be in languages and formats that are understandable to the target audience, comprehensive, and clear;
- Create a process to ensure remediation when human rights problems are identified. Establish and enforce penalties for suppliers who violate the company's human rights policy. The penalties should be sufficiently severe and consistently implemented so as to have a dissuasive effect. Discontinue business with suppliers that repeatedly violate the company's policy prohibiting child labor or other aspects of the labor policy;

- Engage in collaborative, multistakeholder initiatives to address child labor and human rights abuses in the tobacco industry in Zimbabwe, including through training and education. Such initiatives are a supplement to, not a replacement for, individual company human rights due diligence policy implementation in the supply chain;
- Conduct regular and rigorous monitoring in the supply chain for child labor and other human rights risks, including through unannounced inspections at the time of year, time of day, and locations where children are most likely to be working. Engage qualified and experienced monitors who are fluent in the languages that workers speak, and are trained in child labor, occupational safety and health, and labor rights. Include private, confidential interviews with workers, as well as farmers, as components of inspections. Dedicate sufficient financial and staff resources to carry out effective monitoring;
- Engage entities with expertise in human rights and child labor to conduct regular third-party monitoring in the supply chain;
- Regularly publish detailed information about internal and external monitoring in a timely manner. Credible public reporting should include such elements as:
  - the terms of reference for monitors;
  - monitoring methodology, which can include elements such as numbers and types of farms visited, numbers of interviews conducted and with whom, the type and volume of other sources of information consulted, dates when monitoring took place, and other relevant information;
  - indicators used in evaluation;
  - detailed results of the monitoring including, types and frequency of non-compliance findings;
  - actions specified for remediation for each area of non-compliance;
  - results of remediation, and;
  - other elements published in a form and frequency consistent with the guidelines on transparency and accountability in the United Nations Guiding Principles on Business and Human Rights.

## To the International Labour Organization

- Develop clear, implementable guidance regarding the hazards of tobacco farming for children without delay. Urge states and companies to prohibit all children under 18 from tasks involving direct contact with tobacco in any form;
- Consult meaningfully with states, such as Brazil, that prohibit all children under 18 from work in tobacco farming. Gather information about the development and implementation of these prohibitions, including government enforcement activities, industry requirements, and educational and training programs;
- Allow a range of different types of experts to contribute meaningfully to the tripartite process on hazardous child labor and occupational safety and health in tobacco growing.

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Zimbabwe is the world's sixth-largest tobacco producer, and the crop is the country's most valuable export commodity, generating US\$933 million in 2016. Human Rights Watch found child labor and human rights abuses on tobacco farms in Zimbabwe risk undermining the sector's contributions to economic growth and improved livelihoods.

*A Bitter Harvest*—based on interviews with 125 people working in tobacco farming—documents how children work in hazardous conditions on tobacco farms in Zimbabwe, often performing tasks that threaten their health and safety or interfere with their education. Child workers are exposed to nicotine and toxic pesticides, and many suffer symptoms consistent with nicotine poisoning from handling tobacco leaves.

Adults working on tobacco farms in Zimbabwe also face serious health risks and labor exploitation. The government and companies have not provided small-scale farmers and hired workers with enough information, training, and equipment to protect themselves from nicotine poisoning and pesticide exposure. Employers on some large-scale farms push hired workers to work excessive hours without overtime compensation, and deny or delay their wages, forcing workers to go weeks or months without pay.

Tobacco grown in Zimbabwe is purchased by some of the largest multinational tobacco companies in the world. Human Rights Watch urges Zimbabwean authorities and tobacco companies to take urgent steps to end child labor and address the human rights abuses faced by small-scale farmers and hired workers sustaining the tobacco industry.

*(above) A child walks between bales of tobacco on an auction floor in Harare, Zimbabwe.*

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*(front cover) A farmworker stands near a tobacco field on a farm east of Harare, Zimbabwe.*

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