Ann-Christine Woehrl

OBLIGATIONS AND SUPPLY CHAIN CONSIDERATIONS FOR THE SUPPLY OF ACIDS: **A COMPARATIVE ANALYSIS**

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ASTI is a UK registered not-for-profit charity and the only international organisation whose sole purpose is to end acid violence at a global level. We have partnered with and received grants from the United Nations, the British Government and numerous Foundations on delivering medical, legal, awareness raising, advocacy, rehabilitation and livelihood projects in multiple countries including India, Pakistan, Nepal, Bangladesh, Uganda and Cambodia.

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FOREWORD

Acid violence is a particularly brutal form of gender-based violence, where the majority of perpetrators are men. Women, very often, are the victims. The perpetrators' intentions are extreme: to facially disfigure and inflict enormous physical and mental suffering to victims.

Acid attacks are a global problem and are often under-reported as many countries do not keep official statistics. There are two key factors that lead to the majority of acid attacks: gender inequality and easy access to acid. This report seeks to better understand the latter.

Some of the earliest recorded acid attacks, dating as far back as the 1800s, took place in the UK and Europe, during the rise of early industrialisation when sulphuric acid was mass-produced to serve an array of industrial uses, such as dyeing and bleaching. This significantly increased access to acid to the general population. Anecdotal evidence suggests that the correlation between legitimate business uses of acid and the incidence of acid attacks continues to this day. Districts and provinces which have high levels of acid violence also tend to have industries, such as textiles and jewellery, that require sulphuric acid in large quantities. Both foreign and domestic companies operating in countries with high levels of acid violence should be aware of their obligations and responsibilities in relation to the handling of acid.

The aim of this research is to better understand how corporate legal entities involved in the manufacturing, sale, distribution or use of acid in their supply chains are tackling and reporting on local and global supply chain due diligence with respect to handling, storage, sale and disposal of the acid. The jurisdictions we have chosen to focus on are China; the European Union (as a whole); Germany; India; Spain; the United Kingdom; and the United States. Each country is a significant manufacturer of acid, particularly sulphuric acid, and/or is a major exporter/ importer.

Using our findings, we present a 'Corporate Toolkit' of best practices to assist corporates in maintaining the highest standards throughout their acid value chains.

We hope that this report will be a powerful tool in assisting corporates in their efforts to mitigate acid violence and promote responsible sourcing and human health and safety throughout their acid value chains.

We are very grateful to lawyers from Covington & Burling LLP (project coordinators, and the International, EU, Germany, Spain, UK and US chapters), Dechert LLP (US chapter) and Shardul Amarchand Mangaldas & Co (Indian chapter) for carrying out the legal research and analysis for this report on a pro bono basis, and to TrustLaw, the Thomson Reuters Foundation's global pro bono service for facilitating the research.

Jaf Shah
Executive Director
Acid Survivors Trust International

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COMPARATIVE ANALYSIS: KEY FINDINGS

The ultimate aim of this report is to better understand how corporates involved in the manufacturing, use, sale, distribution, storage, transport or disposal of acid (the "Acid Value Chain") can and are tackling and reporting on local and global supply chain due diligence with respect to acid harm-related issues. To achieve this, we investigated whether any mandatory and/or non-mandatory human rights and environmental due diligence obligations exist which are of relevance to corporates in the Acid Value Chain. We also researched whether mandatory and/or non-mandatory reporting obligations exist which could be of relevance. Finally, we surveyed other laws, standards or guidance on the supply, safe handling, storage, use, labelling, transfer, transport and disposal of acids by corporates which are (or could be) of relevance to corporate action on acid violence. We researched relevant rules, standards, best practice and guidance that apply at the international level. In addition, at the national level, we asked the following questions for each of China, the EU, Germany, India, Spain, the UK and the US (the "Studied Jurisdictions"):

i. Whether any mandatory and/or non-mandatory human rights and environmental due diligence obligations or standards exist or were in contemplation which may be directly or indirectly of relevance to corporates in the Acid Value Chain.

ii. Whether mandatory and/or non-mandatory reporting obligations or standards under various frameworks exist or were in contemplation which may be directly or indirectly of relevance to corporates in the Acid Value Chain.

iii. Finally, we surveyed other laws, standards or guidance on the supply, safe handling, storage, use, labelling, transfer, transport and disposal of acids by corporates which are (or could be) of relevance to corporate action on acid violence.

This third category of regulatory obligations are found in various different legal frameworks in the Studied Jurisdictions, but fall into and stem in particular from rules concerning worker and workplace health and safety, chemicals and regulated substances (including possession, sale and supply), and environmental and human health and safety considerations. These mandatory rules and frameworks are very detailed and subject-specific, however they tend to be relatively well-established and are measurable. They often, therefore, underpin or are used as the metrics to conduct due diligence and enable effective and comparable reporting/disclosures under the other frameworks - including under human rights and corporate sustainability frameworks - covered in this report. This report does not cover all these requirements comprehensively; however, we sought to set out the material requirements and those deemed of most relevance to the risk of misuse of acids, at a high level.

This exercise was undertaken with a view to identifying current and future key obligations, frameworks and practices, which have been demonstrated - or which had the potential to be - effective as a multijurisdictional baseline or best practice for the Acid Value Chain. This baseline or best practice is included in this report as a set of findings (key and comparative), recommendations and a 'Corporate Toolkit' which is intended for use by corporates involved in the Acid Value Chain wishing to improve and implement practices and behaviours that may mitigate the misuse of - and risk of harm associated with - acids in their supply chains.

In this report, references to "acids" are taken to mean the following: any substance that can cause visible destruction and/or permanent change in human skin tissue at the site of contact. Broadly, this means chemicals that have corrosive properties, be they acidic or alkali in nature, and include (among others) sulphuric acid, sodium hypochlorite (i.e., bleach), ammonia and nitric acid.

THE STORY OF CHANTHEOUN / CAMBODIA

"My name is Chantheoun. I am 38 years old. I was born in Kampong Speu, Cambodia. I was attacked with acid in September 1997. At the time I worked in a club in Phnom Penh where I met a married man with whom I had a short affair. His wife found out about it. One day, when I went for a walk with my sister, she was following us. So I had an argument with her. The next morning the woman and three of her relatives drove past me on two motorbikes and threw two litres of acid on me.

The man I had had the affair with came to visit me in hospital. He also offered some financial support to my mother – about 100 dollars for every visit during the first two or three months. After a while he stopped visiting because he was afraid of his wife. I did not report the wife and her family to the police because most of my sisters live in Phnom Penh. So I was afraid that they would also be attacked. I was discharged from hospital in February 1998. My family was looking after me from then on. When I went to my hometown, the neighbours felt sorry for me and cried.

After the attack I was ashamed of my disfigurement. Wherever I went, I always wore a hat, a mask and sunglasses. It is not easy when everyone is staring at me. But now I am brave enough to face the people. I have come to value myself.

Three years after the attack, when I was in a much better state, the woman, who had attacked me, ordered her son to kill me. He came to my sister's house in Phnom Penh, where I was living at the time, and tried to strangle me. But neighbours saw him and shouted 'Thief!', as they thought he was robbing me. He jumped out of the window and ran away. The police chased after him and told him to stop, but he did not. So he was eventually shot dead by the police. I think their deeds had bad karma. What you reap is what you sow.

Six years after the attack the Cambodian Acid Survivors Charity found me and gave me a job as a cook. They also enabled me to have three operations to separate adhesions, and I got physiotherapy. I have not cared much about myself since I have lost my beauty. I just think about working hard to support my family. Before I was attacked, I just wanted to earn a lot of money to buy my own house, some land and cows for my mother. But my life was turned upside down. The words goodness and beauty have lost their meaning for me. Now I only hope for a small income. I only live from one day to the next.

Two years ago I got to know another man. At first we only spoke on the phone. Chatting with him helped to overcome my stress and sadness. When I met him for our first date, he confessed to love me despite my looks. We are still together. He values me, even if he can't offer big financial support to my family."

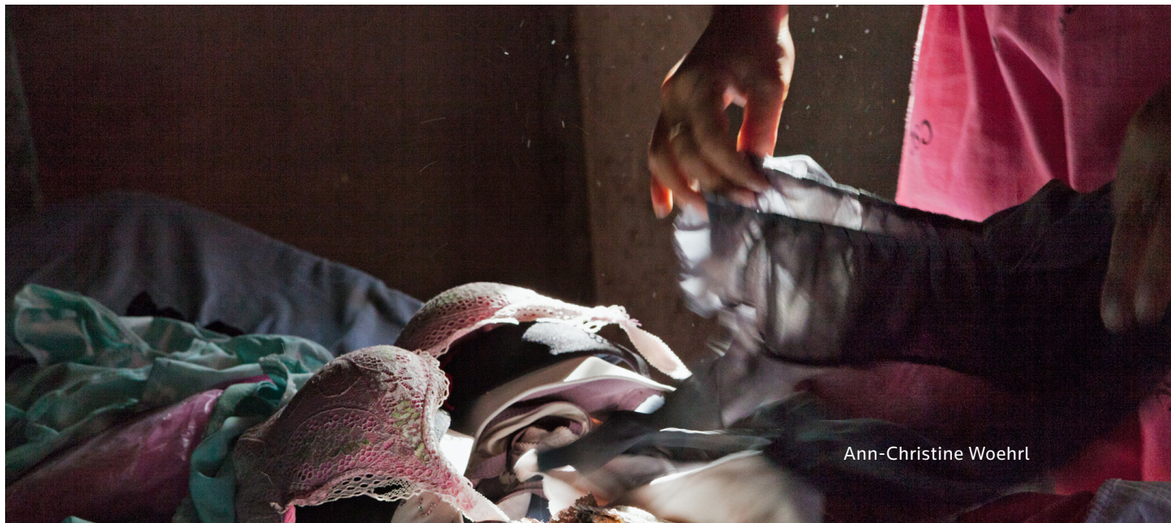
Our key findings are as follows:

- Corporates producing, selling, distributing or using acid in their value chains may be subject already or in future to a number of legal obligations which directly or indirectly go to managing risks to prevent or minimize acid violence, in particular under existing and proposed rules and requirements on handling, storage, labelling, transfer, sale and disposal of acid, especially in chemicals, workplace health and safety and environmental legislation.
- These rules go to compliance with, and can be used as metrics to assess performance against, current and emerging requirements and standards on reporting, notifications and disclosures, under chemicals, workplace health and safety and environmental rules, as well under non-financial/corporate sustainability and business human rights frameworks; and due diligence requirements.
- There are a number of voluntary or best practice frameworks, standards and codes of practice which may be used by analogy, to inform specific frameworks or best practice on corporate activities involving acid with a view to preventing or minimizing acid violence.

THE LEGAL LANDSCAPE

- There are a variety of current and relatively well-established laws in the Studied Jurisdictions that directly and indirectly require corporates at various points in the Acid Value Chain to implement a range of measures with respect to acids. In particular, we identified the following obligations:
  - on supply, safe handling, storage, use, labelling, transfer and disposal of acids;
  - to obtain licenses or permits for activities involving certain regulated substances, which include acids;
  - to manage health and safety risks in the workplace which can and do include risks concerning acids, including for non-employees that might be exposed to risks;
  - to make reports and notifications relating to activities involving acids under subject- and sector-specific rules;
  - to undertake and implement due diligence in respect of activities and risks associated with acids; and
  - to publish reports on management of non-financial risks (including respect for human rights and environmental considerations).

In the following summaries, we address upfront the current and emerging due diligence and reporting obligations and voluntary standards we have identified in the Studied Jurisdictions and at the international level, and set out their relevance to the Acid Value Chain. This is followed by the more concrete and well-established obligations we have identified which go to the supply, safe handling, storage, use, labelling, transfer, transport and disposal of acids by corporates, as these often underpin and can be used to measure compliance or adherence to best practice with the former due diligence, reporting and disclosure frameworks.



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(i) Mandatory and/or non-mandatory human rights and environmental due diligence obligations

- Laws requiring human rights and environmental due diligence do exist or are emerging in one form or another, as are voluntary standards and best practices, but the picture across and within the Studied Jurisdictions is patchy.
- The mandatory requirements and voluntary standards in the Studied Jurisdictions and at the international level do not address acids or the risks associated with their misuse specifically. However, the risks of acids being accessed and used to perpetrate acid attacks might be a salient human rights issue which corporates in the Acid Value Chain could address.
- In requiring or encouraging "human rights and environmental due diligence", the laws and standards we have identified do not tend to be prescriptive in what they might require in terms of mitigating misuse of acids or risks of acid attacks. However, as drawn out further in the Corporate Toolkit, for a corporate in the Acid Value Chain, it is likely that some of the "best practices" for addressing and mitigating risks of acid violence — for example implementing policies and procedures — may already be covered by existing corporate policies and procedures (such as safe handling, transport, use and sale of acids).
- As the body of human rights due diligence laws and standards expands, it will be important for corporates in the Acid Value Chain to consider existing practice in relation to responsible use of acids/ chemicals (responsive to more well-established legal requirements and guidance) and additional measures that might need to be taken to ensure a fulsome, risk-based approach to human rights due diligence.
- When considering laws at the international level, it should be understood that international laws do not directly bind corporates. Rather, international laws are (usually) adopted by states, which transcribe those laws into domestic legislation. Thus, corporates are only required to conduct their business activity in accordance with international law to the extent that domestic laws apply those rules to their operations. At the time of writing, there are no international mandatory human rights and environmental due diligence obligations relevant to acids which (indirectly) bind corporates. However, a draft international treaty (i.e., the Draft UN Treaty of the Legally Binding Instrument on Business and Human Rights) has been prepared which, if passed, could require signatory states to implement mandatory human rights due diligence measures that could go towards the mitigation of acid violence risks.
- In February 2022, the European Commission published its proposal for a Corporate Sustainability Due Diligence Directive. If adopted as proposed, the Directive would require many EU and non-EU companies to conduct human rights and environmental due diligence across their operations and their up-stream and down-stream value chains. Many corporates in the Acid Value Chain may therefore be implicated. The proposed EU Directive will place a range of obligations on companies to identify, prevent, mitigate, and bring to an end adverse human rights and environmental impacts in their operations and value chains. Adverse human rights and environmental impacts are defined by reference to a list of key international conventions. The environmental obligations, in particular, may be of direct relevance to the handling of products in the Acid Value Chain. The law will be enforced by designated supervisory authorities and a civil liability mechanism. The proposed Directive also includes provisions to expand directors' duties to encompass human rights and environmental considerations. As a result, EU and non-EU corporates in the Acid Value Chain may need to make significant and meaningful investments in effective due diligence programs, and these programs could identify and address risks related to acid violence.
- Germany is the only jurisdiction of the Studied Jurisdictions which has passed legislation to impose mandatory human rights and environmental due diligence obligations on corporates; this law will come into force in phases from January 2023 onwards. The German due diligence law does not expressly address acids or the risks associated with the same (such as acid violence) but it does require assessment of human rights and environmental risks in own operations and supply chains, as well as a duty to mitigate identified risks; as such it could apply to acids and or acid violence risks if these are relevant risks to that corporate and it supply chain.
- Voluntary guidance and frameworks on human rights and environmental due diligence compliance exist in Germany, India, Spain, and the UK, which could be of relevance to corporate action on acid risks; however, we have not found any evidence that corporates currently conduct Acid Value Chain-specific due diligence on a voluntary basis. Whilst some voluntary human rights due diligence guidance exists in China and the US, we did not find them to be of meaningful relevance to corporate action on acid risks.

(ii) Mandatory and/or non-mandatory reporting obligations

- We did not find any binding frameworks at the international level, or legislative measures in any of the Studied Jurisdictions, that require corporates to report specifically on matters relating to misuse of acids, acid attacks or other corporate action on mitigating acid violence.
- Nonetheless, in many of the Studied Jurisdictions, corporates must periodically report on principal risks and key performance indicators. In the UK and EU Member States (including Germany and Spain), some corporates are under an additional obligation to disclose important information about the non-financial aspects of their business. These aspects can include the impact of their business on the environment and on human rights. However, we did not find that these nonfinancial reporting obligations have led to corporates reporting on their impact on acid attacks, although legislative reform is underway which could make that sort of reporting more common in the future.
- Currently, the EU Non-Financial Reporting Directive ("NFRD") requires corporates in the EU to report annually on the steps they are taking to manage non-financial risks, such as environmental, social governance, and human rights risks. However, the NFRD has a number of shortcomings and the effect of the reporting obligations on preventing acid attacks is limited. Only certain large public interest entities are in scope of the obligations: equating to around only 11,000 corporates at present. The reporting standards are somewhat vague and do not refer directly to acid attacks: only to the tangentially related issues of environmental impact (i.e. use of corrosive chemicals) and human rights. We have not found any data on corporates reporting anything relevant to acid attacks under the NFRD. That said, these existing reporting rules are currently being expanded. The new rules, in the form of the Corporate Sustainability Reporting Directive ("CSRD"), will require more companies to report (up to 49,000), in more detail, on more areas of impact. At this stage, the exact scope of the new reporting requirements is not clear, but it is likely that the CSRD will at least require corporates to report on their impact on gender violence: a key area of overlap with acid attacks.
- In addition, corporates in all the Studied Jurisdictions are subject to a wide range of industrial safety and environmental reporting requirements. These include those under subject matter specific requirements (e.g., concerning hazardous substances), environmental rules (e.g., notifications associated with permit non-compliance) and worker safety laws. However, we did not find any legislative measures in any of the Studied Jurisdictions that require corporates to report on matters that specifically go to risks of acid violence or the commission of acid attacks in this respect.
- In some of the Studied Jurisdictions, governments have imposed specific reporting requirements on corporates in an effort to combat particular threats. Such threats include terrorism, industrial accidents and the manufacture of illegal drugs; all of which, to some extent, implicate acids that are used in acid attacks (e.g., sulphuric acid). In some circumstances, thefts or significant disappearances of these acids must be reported to the authorities. However, the extent of these reporting obligations is limited in that they do not cover all acids used in acid attacks.
- In the UK, suspicious transactions involving certain acids commonly used in acid attacks must be reported to the authorities, and the UK Government has published guidance to assist


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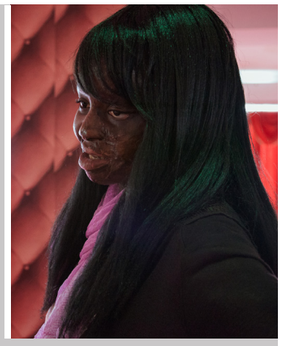
retailers (in particular) in identifying transactions that are suspicious. Whilst likely helpful in reducing the incidence of acid violence, the law is not comprehensive in that it does not make it illegal to sell acids where the circumstances are suspicious.

- We found very few cases where corporates in the Studied Jurisdictions engaged in non-mandatory corporate reporting on anything relevant to the Acid Value Chain, and we have found no instances of industry reporting standards designed specifically to tackle acid violence. In that sense, there is a significant opportunity for the establishment of a corporate reporting initiative, where corporates could voluntarily report on the steps they are taking to tackle acid violence.

(iii) Domestic laws, standards or guidance on the supply, safe handling, storage, use, labelling, transfer, transport and disposal of acids by corporates

- We have found that the Studied Jurisdictions all have some laws and standards that are of relevance to the supply, safe handling, storage, use, labelling, transfer, transport and disposal of acid. However, with India and the UK being limited exceptions, we have not found any laws that impose meaningful obligations on corporates to prevent acid attacks. Where laws are relevant to preventing acid attacks, they are usually only tangentially so. Further, there is considerable variation between the Studied Jurisdictions on how stringent those laws and standards are, and the types of issues they address.
- Where laws and standards of relevance to acid attacks do exist, they are typically limited in application: either to the day-to-day operations of corporates; to only some acids (e.g. particularly dangerous/hazardous substances or explosives precursors); or to only some circumstances (e.g., recordkeeping or enhanced security measures that are only triggered when acids are stored above certain quantities).
- In our EU analysis, we identified a possible means of using the main EU chemicals framework Regulation "REACH" to restrict the supply and use of acids in the EU and, potentially, in third countries, and outlined the way in which this could be achieved. Namely, the REACH restrictions procedure for chemicals. However, whether the European Commission decides to use this procedure to impose restrictions on the use and supply of acids will likely mainly be a political decision; it may be difficult to convince the European Commission and Member States that it makes political sense to regulate this at EU level rather than at national level.
- India is, currently, the only Studied Jurisdiction in which it is illegal to sell acids to those under the age of 18. The UK has introduced legislation which criminalizes the sale of acids to under 18s which is due to come into force in April 2022; however, certain retailers have committed to not selling to under 18s in the interim.
- India appears to have the least effective laws in the Studied Jurisdictions governing the handling and safe use of acids. Whilst there are laws in place which generally require employers to keep their workplace safe and to provide protective equipment, there are no specific health and safety laws of relevance to the handling and safe use of acids that provide for the enhanced protection of workers to the extent required in the other Studied Jurisdictions. Further, whilst India does have its own relevant classification, labelling and packaging laws of relevance to acids, these are limited in comparison to the other Studied Jurisdictions. India does not have laws mandating specific labelling requirements for acids and does not abide by a recognized international labelling system (although proposals are in place to bring Indian labelling and packaging in line with UN standards).
- With respect to online sales of acids, in the UK, new laws have been introduced (but are not yet in force) which will serve to restrict the online sales of acids. Deliveries of acids purchased online to residential premises will be prohibited; corporates will be responsible for taking measures to satisfy themselves that acids are not being delivered to such premises and, further, that the end recipient is 18 years old or older. Further obligations for online marketplaces, such as a need to report suspicious online transactions, are currently under consideration.
- Similarly, in the EU, recently implemented legislation seeks to address the risks of anonymity posed by the online sale of explosives precursors. Corporates who make in-scope acids available on online marketplaces are obliged to "take measures" to help ensure that the identities of those who purchase those acids is verified; these include offering software tools on the online marketplace that are capable of verifying licenses.
- Corporates in China appear to be subject to strict limitations with respect to the online advertisement of acids. As hazardous goods, there are restrictions on publishing information that pertains to acids online; in particular, corporates must be licensed to do so.
- In the UK, the Poisons Act 1972 provides for a licensing scheme whereby retailers must verify the Home Office-issued licenses of those who wish to buy certain acids above specific concentration thresholds from shops. The other Studied Jurisdictions, with the exception of the US (at the federal level), also implement licensing regimes which, to some extent, regulate the sale of acids which are commonly used in acid attacks to members of the public.
- In the EU, India, UK and the US, trade associations implement Responsible Care, which is the global chemical industry's commitment to continual improvement in health, safety, security and environmental performance. Awards programmes have also been set up, in particular the "Responsible Care Awards." These recognize corporates in the chemicals sector that have done the most to enhance safe chemicals management. The categories of awards can change annually; in 2021, many related to Covid-19. However, there do not appear to have been awards linked to action on reducing acid violence; the introduction of awards which do celebrate this would likely incentivize corporates to do more.

THE STORY OF FLAVIA / UGANDA



"My name is Flavia. I am 25 years old and live in Kampala, Uganda. I was attacked in 2009 when I was in my second year of university. I was the first person to come home one night. I heard somebody behind me. As I turned around, someone splashed acid in my face and ran off. I did not know what it was. It began to sting and hurt. I started crying, running around, taking off my clothes. Then I fell over, but I forced myself to get up and get help. I ran to the shop next door. The little son of the shop-owner stood there in shock. People kept crowding around me. Then a good family friend saw me and drove me to hospital.

It only slowly sank in that I was really badly off. I was angry, sad, depressed. I was crying all the time. I missed what I had looked like. I did not want to accept that I would look like this for the rest of my life. My family and friends being there for me helped a lot. I spent seven months at hospital.

We don't know who it was. I had been seeing someone and broken it off shortly before the attack. He was too possessive. So most people think it was him. I don't have any proof. It could have been him or it could have been someone else. I really wanted to ask the person who did it: What did I do to you? But I have stopped thinking about it.

At the beginning I did not dare to leave the house. Then, when I started going out, I was scared when somebody was behind me. I could not go anywhere alone for a long time. I kept hiding my face for many years. First with a scarf, then I got a wig. I did not want any scar to show. Now I have accepted that people will stare. Recently I started to go out without a scarf. This is me after all. Even if I cover the scars they are still there. People just have to accept me the way I am. And I actually love myself now. I look in the mirror, have my photo taken, put on make-up. It has taught me to appreciate inner beauty more, even in other people. So I am trying to be proud of what is in my heart.

I help out at a friend's modelling school teaching communication. If my friend had asked me two years back, I would have said no, how can I be around models! Now I am not scared any more. I get my confidence from the fact that I have this knowledge that they need.

The other thing that keeps me busy is salsa dancing. It is my passion. First a friend taught me in private. But then he took me to a social night. I hid and only watched. I thought who would want to ask me to dance. With time I started making friends. They danced with me and I became good at it. I seem to make friends easily. If you are an acid survivor and keep to yourself, people also tend to keep away. But if you are open to them, you make it easy for them to feel comfortable.

I have no pain now, just scars. I even forget that I look different. I feel like I am back to the Flavia I was or an even better one. I am happy now."

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SUMMARY TABLES

Table 1:

HUMAN RIGHTS DUE DILIGENCE OBLIGATIONS

	International	China	EU	Germany	India	Spain	UK	US
Are there mandatory human rights due diligence initiatives or guidance relevant to the Acid Value Chain?	No	No	No. But there is a proposal for a Directive that will introduce mandatory due diligence obligations for certain large EU and non-EU corporates.	**Yes (albeit not yet in force).** German Act on Corporate Due Diligence and Supply Chains, passed in 2021, in force in 2023: introduces mandatory human rights and environmental due diligence in supply chains.	No. But certain corporates must spend at least 2% of their net profits made during the 3 immediately preceding financial years on certain corporate social responsibility initiatives.	No	No	No
Are there voluntary human rights due diligence initiatives or guidance relevant to the Acid Value Chain?	**Yes.** Several voluntary international frameworks have been established as guidance which could be relevant to due diligence conducted in the Acid Value Chain.	No. Some initiatives exist to improve human rights generally -however, these are of little relevance to supply chain monitoring.	No	**Yes (to some extent).** There are general non-mandatory human rights requirements that may, in theory, be of relevance.	**Yes (to some extent).** Indian case law provides that acid attacks committed against women violate their fundamental right - this could incentivize acid-specific due diligence initiatives.	No	**Yes (to some extent).** The UK Government has, to a certain extent, committed to implementing voluntary international frameworks.	No

Table 2:

CORPORATE TRANSPARENCY AND OTHER REPORTING OBLIGATIONS

	International	China	EU	Germany	India	Spain	UK	US
Are there mandatory reporting obligations relevant to corporate action on acid violence?	No	**Yes (to some extent).** Corporate transparency and non-financial reporting does not meaningfully exist in a way that is relevant to corporate action on acid violence, but other reporting exists.	**Yes (to some extent).** Corporates must make annual reports on the steps they are taking to manage non-financial risks, such as environmental, social and governance risks, which could, in theory, apply to acids. The scope of companies caught by these requirements is set to be broadened.	**Yes (albeit not yet in force).** When in force, the Act on Corporate Due Diligence and Supply Chains will require that corporates report annually on their due diligence activities, which could extend to acid violence issues.	**Yes (to some extent).** Corporate transparency and non-financial reporting does not meaningfully exist in a way that is relevant to corporate action on acid violence, but other reporting obligations exist.	**Yes (to some extent).** Reporting obligations in Spain closely mirror those of the EU.	**Yes (to some extent).** Corporates must make various reports related to industrial safety and non financial risk, although applicability to acid violence issues is tenuous. Suspicious transactions involving some acids must be reported.	**Yes (to some extent).** There are no mandatory corporate transparency, non-financial or securities law-mandated reporting obligations for corporates relevant to the responsible sourcing, use or supply of acids or tackling acid violence, but other reporting obligations exist.
Are there non-mandatory reporting standards relevant to corporate action on acid violence?	**Yes (to some extent).** There are various voluntary reporting standards that might guide companies involved in the Acid Value Chain.	No	No	**Yes (to some extent).** The German government backs the implementation of certain international guidelines and principles which, among other things, encourage voluntary business and human rights reporting by corporates.	**Yes (to some extent).** The Indian Chemical Council encourages its members to subscribe to the Responsible Care Sustainability Policy, which could go towards corporate action on acid violence.	**Yes (to some extent).** Industry bodies promote and offer guidance on the safe use of chemicals which applies to acids. However, no guidance exists which is specific to the Acid Value Chain.	**Yes (to some extent).** Some large corporates in the Acid Value Chain voluntarily report on human rights issues; however, these do not directly relate to acid violence.	**Yes (to some extent).** Whilst there is no evidence of non-mandatory reporting of specific relevance to acid violence, chemical industry trade bodies encourage their members to report on certain safety metrics which could, in principle, relate to acid violence.

Table 3:

SAFE HANDLING, SUPPLY, STORAGE, USE, LABELLING, TRANSFER, TRANSPORT AND DISPOSAL OF ACID: REGULATORY REGIMES

	Do health & safety laws protect workers from risks arising from the use of acids in the workplace?	Are acids subject to specific classification, labelling and packaging require-ments?	Is the storage of acid subject to strict regulation?	Is the carriage of acids strictly regulated?	Is the disposal of acids strictly regulated?	Are there restrictions on the supply and possession of acids?	Do record-keeping obligations exist?
International	Yes (to some extent).	Yes	No	Yes	Yes	Yes (to some extent).	No
China	Yes	Yes	Yes	Yes	Yes	Yes	Yes
EU	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Germany	Yes	Yes	Yes	Yes	Yes	Yes (to some extent).	Yes
India	Yes (to some extent).	Yes (to some extent).	Yes (to some extent).	Yes (to some extent).	Yes	Yes	Yes
Spain	Yes	Yes	Yes	Yes	Yes	Yes (to some extent).	Yes
UK	Yes	Yes	Yes	Yes	Yes	Yes	Yes
US	Yes	Yes	Yes	Yes	Yes	Yes (to some extent).	Yes

THE STORY OF NUSRAT / PAKISTAN

"My name is Nusrat. I am from Muzzafargarh in Pakistan and 32 years old. I married into a big family. And in exchange my brother's engagement had been organized with my sister-in-law. When my brother was old enough he refused to marry her. I supported him and arranged his wedding with the girl he actually wanted to marry. This is why my husband and brother-in-law attacked me.

When I was in a room with my husband one morning in 2009 he threw acid on me. First I didn't know what had happened. Then my clothes started falling off me. My body felt as if it was on fire. When I smelt the fumes, I realized it was acid. I started screaming and ran outside, where my brother-in-law threw more acid into my face. I was screaming so much that people came over. My brother-in-law told them, that I had thrown acid on myself. My neighbours took me to hospital.

When I was in hospital my photo was printed in the papers. My face was badly disfigured. So my in-laws would show the photos to my children and tell them that their mother had turned into a monster. However, when I saw them again in court for the first time, they came running towards me. They would later comfort me 'Mama, you'll be just the way you were before. Don't cry.'

I dropped the charge against my husband. I just wanted to go back to him, to take revenge. So he asked me to sign a paper saying that I wouldn't harm him. I refused. In the end my relatives persuaded me to leave him and he divorced me.

I was in hospital for five months. When I was discharged I moved into my mother's house. I was in a bad state; couldn't even walk by myself. I didn't even know how badly my face was affected. I fainted the first time I saw myself in a car mirror. People who visited said that I would die soon in any case. They would look at me and be scared. I just wanted to end it all. My mother stayed with me the whole time. She never left me alone.

When I went back to hospital for some surgery I met someone from the Acid Survivors Foundation (ASF), who brought me to Islamabad. Here, I met so many other survivors. Some were so badly burnt that they couldn't see anymore, use their hands or eat by themselves. I was so deeply grateful. I can eat and see the world. I can look after myself. I can do whatever I want. The life that God has given me is beautiful. And I want to live it well.

With the help of the ASF I was trained at a beauty parlour. So now I can make everyone, who has helped and comforted me, more beautiful. When I look at myself now I can't believe that I am still the same Nusrat that I was before; that I had wanted to end my life. Now there is no fear in my heart anymore."

Ann-Christine Woehrl

CORPORATE TOOLKIT

Taking into account findings on both the well-established and evolving laws and guidance in the Studied Jurisdictions, and at the international level, this Toolkit sets out broad principles and practical steps corporates in the Acid Value Chain could or must consider taking in line with chemicals-specific, reporting and/or due diligence laws in order to mitigate the risks of acid attacks connected to Acid Value Chains. For any particular corporate, the requirements and guidance that is required or recommended will vary.

FIVE RECOMMENDATIONS FOR CORPORATES IN THE ACID VALUE CHAIN	
Recommendation **ONE**	Conduct risk and impact assessments of your direct operations and the operations of others in your Acid Value Chain.
Recommendation **TWO**	Implement measures to mitigate risks in your own operations.
Recommendation **THREE**	Conduct due diligence of business partners in the Acid Value Chain.
Recommendation **FOUR**	Respond appropriately to risks and incidents that arise throughout the Acid Value Chain.
Recommendation **FIVE**	Report effectively on risks inherent to your Acid Value Chain and the steps taken to mitigate them.

Recommendation ONE

CONDUCT RISK/ IMPACT ASSESSMENTS OF ACID VALUE CHAIN

Before corporates are able to implement measures to reduce, mitigate or eliminate the risks of acids connected to their Acid Value Chains being used for acid attacks, they need to examine the potential and actual risk of harm ("adverse human rights impact") in their: (i) direct operations; and (ii) value chain (e.g. connected to their business through their business relationships). Conducting a risk (or "impact") assessment is a key exercise to accomplish this. When performing a risk assessment, corporates could undertake the following:

- **Risk mapping:**
  - » Gather or "**map**" information on acids being obtained and used for acid attacks linked to own operations and activities of business partners. This mapping exercise should take into account the corporate's specific sector, geographies, products and services, business partners such as sub-contractors and suppliers.
  - » Consider gathering information through publicly available sources and send a tailored **questionnaire** to relevant business units and business partners. To help gather information on industry-specific risks, the questionnaire should ask questions related to information such as the rate of acid attacks in the corporate's region(s) of operation and those of its business partners, the type(s) of acids used in an Acid Value Chain, and areas of corporate activity (including business partner activity) where perpetrators are most likely to gain access to acid.

- **Identify high risk areas:** Using findings from the risk mapping as a starting point, pinpoint specific areas of the Acid Value Chain (e.g. a specific geography, or even factories or suppliers) where risks are high and might require deeper assessment.
- **Update regularly:**
  - » Risks change. Consider updating risk mapping exercises periodically, and also as and when there are significant changes to their operations or business relationships.
  - » As well as periodic global risk assessments, corporates should ensure they are conducting regular assessments/audits to inspect the corporate's own operations and those of business partners, to ensure that relevant standards designed to mitigate risks, including unauthorized use of acid, are met (e.g. workplace health and safety audits).

Getting a comprehensive picture of risks will help corporates implement appropriate and risk-based preventative and remedial measures.

Recommendation TWO

TAKE STEPS TO MITIGATE RISKS IN OWN OPERATIONS

Corporates can take steps to mitigate risks of misuse of acids, including acid violence, that arise from their own operations. The measures taken will depend on the corporate's role and/or position in the Acid Value Chain. Corporates should in all cases comply fully with all applicable laws and binding requirements, along with any regulatory or industry codes of practice, and aim to implement best practice. The following recommendations and practices are by no means comprehensive in this respect - they do not aim to cover measures which go to protecting individual workers or what to do in the case of accidents, for example - but they provide some of the key practices and actions which corporates can consider implementing in respect of their own activities involving acids, with a view to minimizing misuse and the potential for acids associated with their own operations to be used in acid violence:

- **Safe handling and use**
  - » Provide workers with **adequate training and information** on how to safely handle specific acids, the risks involved with their use (including potential misuse) and the steps to take in the case of exposure.
  - » Implement a **monitoring, auditing, and reporting system** on acids (including as products, by-products and waste), to assess compliance and best practices, along with a **grievance system** whereby staff who have safety or security concerns can report these to management without fear of retribution.
- **Packaging and labelling:**
  - » Package acids in secure, **tamper-proof packaging,** in particular ensuring they are child-proof and not attractive to children or young people, and packaged and labelled in way that does not overall or specifically undermine the hazardous nature of the substance/mixture.
  - » Use **internationally recognized classification, labelling and packaging standards** that provide detailed and consumer-focussed hazard information where possible, e.g., adhere to the Globally Harmonized System of Classification and Labelling of Chemicals.
  - » To the extent allowed under local laws, consider:
  - » **Additional specific warnings, labels and information** which go to risk of acid misuse and the consequences of acid violence, and possible prevention measures.
  - » Including **health warnings and images** that detail the severity of the injuries that the acids can cause, possibly with short, accompanying survivor stories to raise public awareness of victim impact.
  - » Including **information on the maximum penalties** that perpetrators of acid crimes may be subject to in the relevant jurisdiction.
- **Storage:**
  - » **Secure and restrict access to acids**, e.g., implement and maintain robust monitoring and accounting systems to track volumes of acids transferred to and from or stored on and off site, employ a dedicated security team, use 24/7 closed-circuit camera, monitor and/or maintain a record/log of access to acid supplies.
  - » If a **retailer**, consider, to the extent allowed by law, keeping hazardous industrial and household acid products in locked cabinets behind counters.
  - » **Report any thefts or significant disappearances** to relevant authorities. As above, to determine whether there have been any thefts or significant disappearances, corporates should have accurate and robust systems in place whereby the quantity of acids kept in storage is regularly checked and recorded.
- **Transfer/Carriage:**
  - » Take steps to **monitor acids during transit.** Drivers should **never leave acids unsecured or unattended** at any point during transit. Acids should be loaded onto and removed from transport vehicles **promptly**.
  - » If operating as couriers of acids purchased online, **verify the identity of the purchaser at the point of delivery.** Couriers should have discretion to refuse the delivery of such acids should they deem the circumstances of the purchase to be suspicious (see suggestions for 'sale to the public' below).
- **Disposal/Treatment:**
  - » Implement and maintain robust **waste duty of care systems and procedures,** including checks on carriers, brokers and dealers, and waste transfer and treatment facilities - e.g., request evidence that all permits, licences, consents and registrations have been obtained and they are current (not expired), and that they contain the correct name (corporate and individual) and registered and permitted address, and verify the information independently where possible (e.g., against official registers).
  - » **Ensure that the sites at which acids are disposed of are satisfactorily secured,** e.g., are subject to 24/7 surveillance and cannot be accessed by the public. Corporates should inspect these sites where possible to satisfy themselves that adequate security measures are in place.
- **Product design:**
  - » See above as regards packaging and labelling.
  - » Where possible, **consider implementing measures regarding the design of products to prevent them from being misused:** e.g. by changing the material composition of 'squirty' drinks bottles so that they cannot hold corrosives without melting, producing a foul odour or changing to a distinctive colour; dye commonly available acids a distinctive colour, or consider 'smart water' or indelible or flourescent marking or tagging technologies, to prevent perpetrators from passing off acid as more benign mixtures and make it easier for police and others (like security personnel in nightclubs) to identify it including as a potentially a concealed weapon.
- **Sale to the public:**
  - » **Train staff regarding any legal or regulatory requirements** relevant to the sale of acids. Staff should also be trained to **refuse sale in suspicious circumstances.**
  - » To the extent allowed under national law, **implement maximum order/purchase amounts** of in-scope products (including in combination with other in-scope products), per individual within a certain timeframe.
  - » Implement procedures so that sales staff **make enquiries and verify customers' intended use of the acid(s), check licences and permits (as required), and consider the quantities** being ordered/purchased against intended/stated use.
  - » Implement **robust record-keeping procedures** for the sale of acids which record the customer's name, date of birth (for individuals) and address, as well as the type and quantity of acid purchased and the reasons for the purchase. Verify the information and undertake supplementary due diligence where possible on corporates and sole traders.
  - » Consider the attachment of **security accessories** to certain acids, e.g., security tags.
  - » **Use verification software** to verify the identity of customers in online sales.

Recommendation THREE

CONDUCT DUE DILIGENCE ON BUSINESS PARTNERS

International guidelines, as well as an increasing number of laws, require corporates to implement due diligence procedures to identify human rights potential or actual risks in the operations of business partners that are linked to a corporate's operations, products, or services. The following recommendations may help to achieve a robust due diligence procedure on business partners' responsible and compliant practices involving acids,

- **Screen new business partners** to understand how they are involved in the manufacturing, sale, distribution, or use of acid and how they handle, store, sell and/or dispose of acid. For companies that import products manufactured using acid from countries with high rates of acid attacks, this could involve verifying that companies within their supply chains follow safe handling, storage, labelling, transfer, and disposal procedures, and comply with existing local laws regulating acid.
- Develop **clear standards for business partners,** for example through requiring adherence to human rights and labour standards (covering acid-related risks) in a Supplier Code of Conduct.
- **Monitor business partner compliance** with standards (including any Supplier Code of Conduct) for example, through regular engagement and/or audit programs (either using internal teams or third party audit partners).
- **Train business partners** on a corporate's expected standards.

Recommendation FOUR

RESPOND TO REPORTED RISKS/ INCIDENTS

- Implement **grievance mechanisms** (for example, a hotline) to allow for information to be reported on actual risks and/or incidents of acid attacks connected to its own operations and the operation of its business partners in the Acid Value Chain.
- **Investigate and respond to reports of non-compliance** in the Acid Value Chain raised through formal grievance mechanisms, or otherwise (e.g. through an NGO or media report). Policies should include consideration of: immediate incident response, including any further investigatory steps needed, elevating concerns to key corporate bodies and stakeholders, managing communications with business partners and relevant stakeholders, and processes to determine the appropriate response to identified risks.
- Take concrete steps to **remediate** any acid attack risks or adverse impacts in own operations.
- Consider **supporting remediation efforts by business partners** (and using any leverage the corporate has), for example, if a supplier is found to be non-compliant with health and safety laws surrounding use of acid, encourage the supplier to develop a corrective action plan. Where necessary (i.e. when a business partner is unwilling or unable to remediate), consider terminating business relationships with problematic business partners and transition to new business partners with more robust human rights policies and procedures.

Recommendation FIVE

IMPLEMENT ENHANCED REPORTING AND DISCLOSURE

There has been a trend in jurisdictions to implement robust non-financial human rights and environmental disclosure and reporting requirements. To increase transparency on risks relating to Acid Value Chains:

- **Establish internal processes** to identify potential or actual acid violence risks in supply chains. Treat acid violence as a serious human rights risk that must be reported.
- **Report** on local and global risk-based supply chain due diligence findings with respect to the handling, storage, sale and disposal of acid.
- Implement **formal periodic and ad hoc reporting** procedures.
- Formalize **document and record-keeping systems** and internal quality controls to assist with reporting obligations and, if needed, to respond to external scrutiny.
- **Format reports** in a standardised and machine-readable manner that allows for clear, simple comparison with reports made by other corporations in the Acid Value Chain.
- **Verify** reports and reporting procedures with third-party auditors to increase accuracy, robustness and transparency.

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