



**PERMANENT MISSION OF THE REPUBLIC OF FIJI TO THE UNITED NATIONS AND OTHER  
INTERNATIONAL ORGANISATIONS IN  
GENEVA**

**Ref: 1/3/14**

**Date: 22 July 2020**

To: *Urmila Bhoola*  
*Special Rapporteur on contemporary forms of slavery, including its causes and consequences*

*Githu Muigai*  
*Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporation and other business enterprises*

*Felipe González Morales*  
*Special Rapporteur on the human rights of migrants*

*Ahmed Shaheed*  
*Special Rapporteur on freedom of religion or belief*

Dear Rapporteurs,

Reference is made to the joint communication of 23 April 2020 (ref. AL FJI/2020). The Fijian Government appreciates the opportunity to address the concerns raised in relation to allegations concerning the living and working conditions of the members of the Grace Road Group in Fiji. In this regard, the Fijian Government provides the following observations to the concerns listed in the joint communication.

**Observations on Points 1 and 2**

The Fijian Government has worked with the Republic of Korea and Interpol in their investigation of complaints made against the Grace Road Church which culminated in the arrest, prosecution and conviction of several of its members in the Republic of Korea.

An inquiry is currently being carried out by the Ministry of Employment, Productivity and Industrial Relations into allegations concerning the Grace Road Group in Fiji.

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**Avenue de France 23, 1202 Geneva ; Phone : +41 22 733 07 89 ; Fax :+41227330739**

**Email : [mission@fijiprunog.ch](mailto:mission@fijiprunog.ch)**

The Fijian Government is committed to ensuring that all persons are afforded due process, including the members of the Grace Road Group. Any business operating within Fiji, including the Grace Road Group, is required to adhere to the laws of Fiji.

### **Observations on Point 3**

The Fijian Government works with various private sector entities on certain projects and initiatives. Any work undertaken by any private company for the Fijian Government is done through an open and transparent tender process as required under the laws of Fiji. Tenders are awarded on an independent and competitive basis by the Fijian Government Tender Board.

As earlier mentioned, Fiji has worked with the Republic of Korea and Interpol in their investigation of complaints made against the Grace Road Church which culminated in the arrest, prosecution and conviction of several of its members in the Republic of Korea.

In 2018, the Grace Road Group was issued a Prohibition Notice by the Director of Environment to stop the cutting of certain trees within their farmland. Though the Grace Road Group were clearing land to extend their agricultural farmland, this posed an immediate threat or risk to the environment, hence, a Prohibition Notice was issued accordingly.

Prior to conducting business in Fiji, any foreign investor is required under the laws of Fiji to apply for and obtain prior necessary approvals from the following agencies:

- Reservation of Business name from Registrar of Companies
- Investment Fiji for Foreign Investment Registration (FIRC)
- [Department of Immigration](#) for work permits
- Registrar of Companies Office for the registration of the business
- [Fiji Revenue & Customs Authority](#) for the registration of Tax and Vat
- [Reserve Bank of Fiji](#) for the issue of capital
- Local town/city councils for business license to operate in the respective area
- [Fiji National Provident Fund](#) for registration of the workers

Each of the above agencies has its own due diligence processes which must be adhered to before the issuance of any approval. Given the above, please note that the Grace Road Group of Companies are conducting their operations in Fiji legally as required under laws of Fiji.

### **Observations on Point 4**

Regarding the whereabouts of the members of the Grace Road Group, Fiji does not monitor their whereabouts as all persons in Fiji are afforded the right to privacy and freedom of movement under the Fijian Constitution. However, the physical address for the headquarters of the Grace Roads Group in Fiji is Lot 11 Wainidova Road, Navua.

The members of the Grace Road Group in Fiji are documented as migrant workers and the necessary details of their employment status and place of residence are maintained with the Fiji Immigration Department.

All migrant workers are afforded protections under the Constitution and laws of Fiji. The various complaint and redress mechanisms available are as follows:

- i. The Fiji Police Force initiates criminal investigations on all complaints received that allege the commission of a crime under the laws of Fiji. There are many police stations located throughout Fiji, including one that is located in close proximity to the Grace Road Group's headquarters in Navua. The Fiji Police Force remains committed to ensuring the human rights of all persons in Fiji are protected.
- ii. Any person in Fiji, including employees of the Grace Road Group may lodge a complaint to the Fiji Human Rights and Anti-Discrimination Commission with respect to any human rights violation. Complaints can be made via telephone, online or in-person, and may also be made on behalf of another person.
- iii. The Department of Immigration is available to investigate complaints in relation to migrant status or inability to leave Fiji.
- iv. The Ministry of Employment, Productivity and Industrial Relations is available to investigate any employment grievance brought to their attention. In addition to this, the Labour Inspection Unit within the Ministry conducts regular inspections in all workplaces to ensure that the minimum terms and conditions of employment are adhered to, including those of migrant workers. These inspections ensure that all workers are provided with an employment contract with decent working conditions.

#### **Observations on Point 5**

The Embassy of the Republic of Korea is located in the heart of the capital city, Suva, and is easily accessible to all persons. Korean nationals of the Grace Road Group who may require consular or other services may do so directly in-person or via phone, fax, or email (weblink: <http://overseas.mofa.go.kr/fj-en/index.do>).

#### **Observations on Point 6**

All civil claims against business enterprises seeking compensation may be pursued against business enterprises in the Courts of Fiji. Fiji also has accredited mediators registered with the Fiji Mediation Centre (weblink: <https://fijimmediation.org/>) who are qualified to mediate such claims, if parties wish to avoid litigation.

Migrant workers are afforded the same rights as any other worker in Fiji. If the violation and claim of compensation relates to an employment grievance, Fiji has a specialised Employment Relations Tribunal and

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Employment Relations Court. For proceedings at the Employment Relations Tribunal, parties are required to at least attempt mediation before proceeding to litigate.

### **Observations on Point 7 and Point 8**

The protections for migrant workers have been thoroughly discussed in the observations for the above prior 6 points, particularly in the observations on point 4. Slavery, servitude, forced labour and human trafficking are prohibited under the Fijian Constitution. Labour exploitation, child labour, and forced labour are prohibited under the Employment Relations Act 2007. The Crimes Act 2009 also has robust provisions criminalising forced labour, slavery, human trafficking, smuggling of persons, and unlawful compulsory labour. Appropriate action will be taken if these provisions are violated, including prosecutions. These legal protections include the following:

#### Constitution:

Section 6(3) of the Fiji Constitution extends its Bill of Rights to all natural or legal persons and therefore, applies to migrant workers. If these rights are violated, constitutional redress may be sought through the judicial process.

#### Employment Relations Act 2007

Fiji has ratified the ILO Convention on the Abolition of Forced Labour and the ILO Convention on Labour Inspection. In addition to this, Fiji recently ratified the UN Convention on the Protection of Rights of all Migrant workers and Members of their Families in 2019. The protections under these conventions are embedded in Fiji's Employment Relations Act.

The Employment Relations Act defines a worker as a person who is employed under a contract of service, and includes an apprentice, learner, domestic worker, part-time worker or casual worker. This definition captures all persons under a contract of service including migrant workers. Therefore, all the provisions of the Act apply to migrant workers equally, including the grievance process to address grievances that may arise in the course of employment.

#### Crimes Act 2009

In addition to criminalising forced labour, slavery, human trafficking, smuggling of persons, and unlawful compulsory labour, the Crimes Act provides that subjecting persons to cruel, inhumane or degrading treatment are aggravating factors for these offences which will give rise to harsher penalties.

The Fijian Government notes the request for accountability if the allegations against the Grace Road Group are substantiated. Accountability for any and all violations is guaranteed under the laws of Fiji.

Further, the Fijian Government respects and supports the work of the Special Mandate Holders of the Office of the High Commissioner for Human Rights and the mechanisms of the Human Rights Council.

On behalf of the Fijian Government, please accept the assurances of our highest consideration.



**H.E. Mrs. Nazhat Shameem Khan**  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative