



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the human right to safe drinking water and sanitation

REFERENCE: OL OTH 5/2014

30 May 2014

Dear Mr. Jeong-woo Choi,

We have the honour to address you in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolutions 25/17, 17/13, 24/5, 24/6, and 24/18.

We are grateful for your detailed response, dated 24 January 2014, to the letter that we sent to you in June 2013 concerning POSCO's project in Odisha, India. We would like to take this opportunity to seek further information on some of the points you made in your letter, with a view to continuing our constructive dialogue on the issues raised in our original correspondence.

We wish to request clarification regarding your views on the accuracy of our original description of the human rights concerns that have emerged in the context of the POSCO project in Odisha. As stated previously we received multiple reports that allege that, on several occasions, Indian authorities have used excessive force, arrested and detained people who have protested the development of the POSCO-India project. We have further received documented accounts that police officials have filed baseless charges against residents of the project-affected area, occupied schools and failed to protect people from attacks by private actors as a result of their stated opposition to the project which have, in several instances, resulted in fatal injuries.

These reports have also raised concerns that restrictions on the freedom of movement of residents of affected villages, due to a well-founded fear of arrest, has allegedly interfered with these peoples' access to adequate health services, food,

education and a range of other human rights. We would welcome any documentation you have that further clarifies your assertions of the inaccuracy of these claims.

We would also appreciate your assistance in better understanding how POSCO has complied with all applicable Indian laws. In particular, we understand that the Forest Rights Act requires that affected villages provide their consent through a gram sabha, or village resolution, before any utilization of forest resources or any action that would endanger their cultural or natural heritage. We have received multiple reports that the villages that would be directly affected by the POSCO-India project have rejected the diversion of forested lands for the POSCO-India project in several gram sabha resolutions, including in 2008, 2010, and 2012. In light of the fact that the consent of the affected villages has been withheld, we wish to understand further how POSCO has continued to promote the project while maintaining compliance with relevant Indian laws.

We also welcome information regarding the particular ways in which POSCO has fulfilled its responsibilities to identify and assess any actual or potential adverse human rights impacts associated with the POSCO-India project. We are pleased to learn that POSCO has developed a Code of Conduct and that a process for conducting due diligence is forthcoming.

We would be grateful for information regarding the specific ways in which that Code of Conduct will be applied to the above-mentioned human rights allegations that have been raised in the context of the POSCO-India project. With regards to the numerous meetings that you report conducting with affected people, we would be grateful for further details regarding the information that was shared with villagers in those meetings regarding the human rights impacts of the project, as well as the nature of the discussion about these impacts, including the opportunities that existed for local people – particularly marginalized people – to raise concerns, questions and suggested amendments to project plans. We would further appreciate information about the outcome of these conversations, specifically, how the feedback that was provided by affected people has informed the plans for the future stages of the project. Finally, we request clarification about how POSCO has used its influence to encourage Indian authorities to uphold their human rights obligations, particularly the operations of the state police.

In response to our original question about how POSCO has upheld the responsibility to draw on internal and/or independent external human rights expertise in order to gauge human rights risks, your letter mentioned the conduct of a corporate ethics audit. In this regard, we would appreciate clarification regarding who, within POSCO's staff, is involved in the corporate audits of ethical practices and the extent to which they may be considered to possess human rights expertise. We would also welcome information contained in the audit reports and any conclusions produced by with regards to the specific issues raised regarding the POSCO-India project.

Furthermore, we wish to better understand how POSCO has sought to establish an effective system to process and respond to project-level grievances related to forced evictions and other allegations of human rights abuse that may arise in the context of your company's projects. While we commend the establishment of a hotline to receive complaints related to the sexual harassment of workers, we are unsure of the relevance of this mechanism with regards to the concerns that have been reported in relation to POSCO's project in Odisha.

We would be most grateful to receive your reply in order to continue this constructive dialogue, which we highly value. We are in the course of concurrent dialogues with India as well as with the Republic of Korea. We undertake to ensure that the response of your company's management will be taken into account in our assessment of the situation and in developing any recommendations that we may make for POSCO's consideration pursuant to the terms of our respective mandates. Additionally, we undertake to ensure that POSCO's response is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Mr. Jeong-woo Choi, the assurances of our highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Maria Magdalena Sepúlveda Carmona

Special Rapporteur on extreme poverty and human rights

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Anand Grover

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

Catarina de Albuquerque

Special Rapporteur on the human right to safe drinking water and sanitation