

Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on freedom of religion or belief

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the human rights of migrants; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 42/10, 35/7, 34/21 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of the members of the Grace Road Church and employees of Grace Road Group, who are reportedly based in Navua, Fiji and allegedly subjected to abusive and exploitative labour conditions, which may amount to forced labour, and other human rights violations, such as child labour, restricted freedom of movement, obstructed access to healthcare and education, as well as physical and psychological abuse.

According to the information received:

Grace Road Church and Grace Road Group operations in Fiji

In early 2014, 400 members of the Grace Road Church, reportedly mostly citizens of the Republic of Korea, entered Fiji and established a private business enterprise called the Grace Road Group. The Grace Road Church was originally founded in the Republic of Korea by Ms. Shin Ok-ju, who also serves as the church's head pastor. The Grace Road Group in Fiji is headed by Daniel Kim, who is the son of Shin Ok-ju. Members of the Grace Road Church are also employees of the Grace Road Group.

In April 2014, the Grace Road Group was granted a 50-year land lease in Deuba outside of the town of Navua. The church members lived in the company's premises and carried out work in rice farming activities undertaken by the Grace Road Group. They were reportedly told by Shin Ok-ju that they should consider Fiji as their country, not the Republic of Korea. This was connected to the teachings of the church that proclaimed Fiji as the country that will survive a world famine, which, according to the beliefs of the Grace Road Group, is upcoming.

According to the Grace Road Group’s website, Shin Ok-ju proclaimed Fiji as the country that will survive “the great famine and disaster” prophesied in the Bible¹. The website further explains that the Grace Road Group company was established to “develop Fiji into a wealthier and stronger country”; and “to give relief to the Christian refugees according to the Bible, who are persecuted and killed by ISIS”. The website of the Grace Road Church also claims that a number of individuals from other countries also came to Fiji to join the church².

In the subsequent years, the businesses associated with the company expanded. Currently, the Grace Road Group includes a number of companies focused on agriculture, construction, food processing, restaurants, trading, hotels and tourist resorts, beauty salons and health services. The Grace Road Group appears to be one of the most prominent business actors in Fiji, engaged in multiple development initiatives and government-funded projects. An agricultural farm is allegedly run in partnership with the Fiji National University. The company reportedly hires mainly Korean and Fijian nationals.

Allegations of forced labour, including child labor

Shin Ok-ju and Daniel Kim created a system that coerced the church members to work excessively long hours and without pay in various businesses owned by the Grace Road Group. Shin Ok-ju and Daniel Kim reportedly told the church members that as shareholders of the Grace Road Group they own the company. This has been used as justification for not paying members of the company for their work. Furthermore, it has been reported that, prior to their departure from the Republic of Korea to Fiji, multiple members of the church sold their properties and possessions and donated the money to the church, possibly under coercive conditions.

Furthermore, children of the church members were allegedly forced to work in Grace Road Group businesses and prevented from going to school. They were also reportedly assigned separate accommodation from their parents.

It has been further alleged that the church members intending to leave the Grace Road Group and return to the Republic of Korea have been unable to do so, because the identity documents, money and private possessions of all church members were retained by the leaders of the church upon their arrival in Fiji. Furthermore, their freedom of movement was allegedly restricted by Shin Ok-ju and the leadership of the church and they were physically confined in their work location, where they also lived. Access to medical care was reportedly discouraged or obstructed by the leadership of the church.

The church members, including children, were allegedly subjected to repeated acts of physical violence and psychological abuse by verbal threats, intimidation,

¹ <http://www.grgroup.com/beginning-of-grg>

² <http://gr-church.org/en/>

humiliation, isolation and other forms of manipulation and restrictions of freedom of movement.

Reportedly, these coercive practices are systematically applied by the church. This includes acts of physical and psychological abuse, such as group beatings, presented as religious rituals that serve the purpose of casting out demons from individual church members. Furthermore, physical abuse was allegedly used by the leadership of the church to punish what was presented as acts of disobedience, including opinions critical of the teachings of the church, the restriction of freedom of movements, as well as the working and living conditions.

According to information received, members of the church were coerced into this exploitative situation due to fear of supernatural retaliation associated with their religious beliefs that compelled them to join the church.

Criminal conviction of Shin Ok-ju in the Republic of Korea and investigation in Fiji

In July 2018, Shin Ok-ju, as well as several other leaders of the Grace Road Church were arrested in the Republic of Korea, where the church was registered. In November 2019, a second instance court sentenced Ms. Shin to seven years in prison on a number of charges related to fraud, forcible confinement, physical assault, as well as child abuse and child neglect. Other church members arrested with Ms. Shin were also convicted on lesser charges and sentenced to imprisonment. The judgment of the Suwon District Court's 8th Criminal Division in the Republic of Korea includes details of the physical abuse encouraged and executed by Shin Ok-ju and other church members and other details of the crimes committed by her.

It has been reported that despite the conviction of Shin Ok-ju and findings of the court in the Republic of Korea with regards to the activities of the Grace Road Church in Fiji, the Grace Road Group continues its business operations in Fiji. The situation of the church members, who remained in Fiji is not clear, but it is alleged that they continue to live in the premises of the church in Navua and work for Grace Road Group businesses. At the same time, based on the public statements released by the Government of Fiji on 16 November 2019, we understand that the Police and the Ministry of Employment of Fiji are carrying out an investigation into the operations of the Grace Road Group in Fiji³. However, allegations have been made regarding the lack of transparency and progress in this investigation, based on the ongoing business links between the Grace Road Group and the Government of Fiji in areas such as agriculture and construction.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our deep concern about the living and working conditions reportedly faced by members of Grace Road Group who remain in Fiji. In particular, we are concerned about

³ <https://www.fiji.gov.fj/Media-Centre/News/STATEMENT-FROM-THE-FIJIAN-GOVERNMENT>

allegations regarding labor exploitation, including child labor, the lack of freedom of movement, retention of identity documents, withholding of wages, and obstruction of access to healthcare. Furthermore, we are deeply concerned by the alleged use of ‘religious rituals’ and coercive measures including physical force, psychological abuse and other penal sanctions to compel the church members to adhere to the teachings or demands of the Church.

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

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the status of the investigation into the allegations raised against the Grace Road Group in Fiji, including by confirming for which crimes the Group is under investigation. Kindly also indicate by when an outcome of the investigation is to be expected and if there will be a public report about it.
3. Please indicate the forms in which your Excellency’s the Government is cooperating with the Grace Road Group, for example in areas such as construction work and agriculture. Please also indicate which due diligence measures, if any, have been applied by the Government in this regard.
4. Please provide information about the number and the whereabouts of the Grace Road Group members in Fiji, including their legal status in Fiji, their living and working conditions, as well as their capacity to claim their rights. Please also indicate which complaint and redress mechanisms are available for members of the Grace Road Group in case they wish to report human rights abuses and how it is ensured that they are able to access them without a risk of retaliation.
5. Please indicate what measures your Excellency’s Government has undertaken to rapidly and accurately identify, assist and protect the affected individuals in this case and offer them necessary consular assistance if they wish to return to the Republic of Korea at their own will.
6. Please provide information about the measures that the Government has taken, or is considering to take, to ensure that the individuals affected by business activities have access to an effective remedy, including adequate

compensation, in line with the UN Guiding Principles on Business and Human Rights.

7. Please provide information on what policies and procedures your Excellency's Government has put in place to ensure the human rights of individuals belonging to vulnerable groups, such as migrant workers in Fiji are protected.
8. Please indicate what measures your Excellency's Government has taken to prevent and eliminate labor exploitation, child labor and forced labor in the operations of companies such as the Grace Road Group doing business in Fiji. In that connection, please also provide information on measures put in place by your Excellency's Government to ensure that all business enterprises operating in Fiji adhere to the UN Guiding Principles on Business and Human Rights.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Please be informed that a letter on the same subject has also been sent to the Grace Road Group company.

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

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 corporations 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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of Your Excellency's Government on the international standards and norms applicable to the matters previously exposed.

We wish to draw your Government's attention to the obligations undertaken under international human rights instruments, to which Fiji is a party. The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on December 10, 1948, contributes to international standards regarding the elimination of all forms of slavery. Article 4 states that "no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms." Recalling articles 3 of the UDHR and paragraph 1 of article 6 of the International Covenant on Civil and Political Rights, which guarantee the right of every person to life, liberty and security.

We would also like to draw your attention to article 8 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Fiji on 16 August 2018, which prohibits slavery and the slave trade in all its forms and states that no one shall be held in slavery or servitude. In addition, article 24 specifically recognizes the right of every child to the protective measures required by his or her status as a child. We would also like to draw your attention to the Human Rights Committee's general comment No. 25 on liberty and security of the person, as well as its general comment No. 17 on the rights of the child.

Furthermore, we would like to reiterate that article 18 (2) of the ICCPR stresses that "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." The Human Rights Committee in its General Comment 22, paragraph 5 further explained that "article 18(2) bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18(2)."

We would also like to draw the attention of Your Excellency's Government to article 12 (2) of the ICCPR, which provides that "Everyone shall be free to leave any country, including his own", and article 13(2) of the Universal Declaration of Human Rights which states that "Everyone has the right to leave any country, including his own, and to return to his country".

In this context, we would also like to recall the paragraph 14 of the General Assembly resolution 62/156 which "requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with

regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association”.

We would also like to highlight the thematic report of the Special Rapporteur on the human rights of migrants on labour exploitation of migrants (ref. A/HRC/26/35), in which the Special Rapporteur recommends States to:

82. *Make sure that passports and other identity documents are not confiscated, and make the withholding of such documents an offence, with appropriate penalties, and effectively prosecute violations.*
91. *Ensure that migrants are free to terminate their employment contract, without fear of retribution, and find another employer or leave the country when they so wish. Protect migrants against unfair dismissals, and refrain from tying visas to the employer, so that migrants can find a new job in case their employment is terminated.*

Additionally, article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), also ratified by Fiji on 16 August 2018, enshrines the right of everyone to the enjoyment of just and favorable conditions of work, including safe and healthy working conditions. Moreover, article 10 of the ICESCR recognizes that special measures of protection and assistance should be taken on behalf of all children and young persons, who should be protected from economic and social exploitation. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Furthermore, article 12 of the Covenant and the Committee on Economic, Social and Cultural Rights' General Comment No.14, enshrine the right to health which encompasses a wide range of socio-economic factors that promote the conditions under which people can lead a healthy life, and extends that right to basic determinants of health, such as food and nutrition, housing, access to clean drinking water and adequate sanitation, safe and healthy working conditions and a healthy environment.

We take note that to date, Fiji has neither ratified the Slavery Convention of 1926 nor the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956. Fiji is, however, party to the following International Labour Organization (ILO) Conventions: Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

We would like also to refer Your Excellency's Government to the article 11 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ratified by Fiji in 2019), which states, inter alia, that:

1. *No migrant worker or member of his or her family shall be held in slavery or servitude.*
2. *No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.*

Article 1 of the Forced Labour Convention states that 'Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period'. As per article 2, paragraph 1, 'term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. Article 1 of the Worst Forms of Child Labour Convention establishes the obligation to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

We would also like to point out that article 32 of the Convention on the Rights of the Child (CRC), of which Fiji is a party since 13 August, 1993, recognizes the right of the child to be protected from economic exploitation, as well as from "performing any work that may be dangerous or interfere with their education, or that is harmful to their health or to their physical, mental, spiritual, moral or social development". In addition, article 36 of the CRC contains the obligation of the State to protect the child against all other forms of exploitation that are detrimental to any aspect of the child's welfare. We would also like to draw your attention to article 19 of the CRC, which states that "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child against all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, mistreatment or exploitation".

In addition, article 27 of the CRC recognizes the right of every child to an adequate standard of living for their physical, mental, spiritual, moral and social development, while article 37 indicates the obligation of the State to ensure that no child is subjected to "torture or other cruel, inhuman or degrading treatment or punishment." In this regard, article 39 assigns State the responsibility to take all appropriate measures to promote the physical and psychological recovery and social integration of children who are victims of exploitation or abuse or any other form of cruel treatment.

We would also like to draw attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31). The Guiding Principles clarify that according to international human rights obligations "States must protect against human rights violations committed within their territory and/or jurisdiction by third parties, including business" (Guiding Principle 1). This requires States to "clearly state that all companies domiciled in their territory and/or jurisdiction are expected to respect human rights in all their activities" (Guiding Principle 2). "In compliance with their obligation to protect, States must: (b) Ensure that other laws and regulations governing the creation and activities of companies, such as commercial law, do not restrict but rather encourage respect for human rights by companies; (d) Encourage and if necessary require

companies to explain how they take into account the impact of their activities on human rights. (Guiding Principle 3). States should also take appropriate measures to ensure, through appropriate judicial, administrative, legislative or other appropriate channels, that when such abuses occur in their territory and/or jurisdiction, those affected have access to effective redress mechanisms" (Principle 25).

Businesses also have a responsibility to respect human rights, which requires them to have appropriate policies and procedures in place; such as a human rights due diligence process to identify, prevent, mitigate, and account for how they address their human rights impact; and processes to redress all negative human rights consequences they have caused or contributed to causing. (Principles 11-24). Furthermore, enterprises should pay attention to the possible adverse human rights impacts on individuals belonging to specific groups or populations, such as indigenous peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families.

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