

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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Dear Mr. Kim,

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 Arbitrary Detention; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the right to education; Special Rapporteur on the human rights of migrants; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 42/10, 42/22, 35/7, 26/17, 34/21, 40/10 and 35/5.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 56 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning the situation of the employees of Grace Road Group in Fiji, who are allegedly subjected to abusive and exploitative labour conditions, which may amount to forced labour. Other human rights abuses reported refer to child labour, restricted freedom of movement, obstructed access to healthcare and education, as well as physical and psychological abuse.

Grace Road Group

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, a religious entity founded in the Republic of Korea by Ms. Shin Ok-ju, entered Fiji and established a private business enterprise called the Grace Road Group. In April 2014, the Grace Road Group was granted a 50-year land lease in Deuba, near the town of Navua. There appears to be a lack of clear separation between the leadership of the church and the management of the company with regards to decision-making, human resources policies and finances.

The church members, mostly citizens of the Republic of Korea, live in the premises owned by the Grace Road Group and carried out rice farming activities undertaken by the Grace Road Group. According to the teachings of the church, their work was required in light of an upcoming world famine. According to the website of the Grace Road Group, 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 past years, the businesses of Grace Road Group expanded. Currently, they include 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 also appears to be 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

It is alleged that the church members were coerced to work excessively long hours and without pay in various businesses owned by the Grace Road Group. The church members were reportedly told that as shareholders of the Grace Road Group they owned 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.

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

² <http://gr-church.org/en/>

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 premises of 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 leadership of the church. Furthermore, their freedom of movement was allegedly restricted 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, are allegedly subjected to repeated acts of physical violence and psychological abuse by verbal threats, intimidation, humiliation, isolation and other forms of manipulation and restrictions of freedom of movement.

These coercive practices are reportedly 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 has allegedly been 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. 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 is alleged that the members of the church who remain in Fiji continue to live in the premises of the Grace Raod Group in Navua and work for businesses owned by your company. 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 your company in Fiji³.

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 employees of your company. In particular, we are concerned about 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.

While States and public institutions bear the primary responsibility to ensure the realization of human rights, we would like to recall that the company has a responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights. As you are well aware, this responsibility requires that Grace Road Group prevents situations when its activities cause or contribute to adverse human rights impacts, and address such impact when they occur.

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 about the number and the whereabouts of the Grace Road Group employees in Fiji, including their legal status in Fiji, their living and working conditions, as well as their capacity to move freely and to return to the Republic of Korea if they wish to do so.
3. Please, provide concrete information on what measures have been implemented by the company to address the allegations of labor exploitation, including child labor, the lack of freedom of movement, retention of identity documents, withholding of wages, obstruction of access to healthcare, as well as acts of physical violence and psychological abuse against your company employees.

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

4. Please indicate whether there has been a criminal investigation related to these allegations and what measures the company has taken to collaborate with the relevant law enforcement agencies in Fiji and the Republic of Korea.
5. Please indicate which contracts or agreements the Grace Road Group has formalized with the Fiji Government and of what nature such contracts or agreements are.
6. Please provide detailed information on what measures the Grace Road Group has taken, or is considering to take to align its business operations with international human rights law and labour standards to prevent similar situation in the future. In this context, please explain what human rights due diligence steps were undertaken by the company to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts, and indicate if this process included meaningful consultation with potentially affected stakeholder.
7. Please explain what measures the Grace Road Group has taken, or is considering to take, to ensure that the individuals affected by allegations raised in this letter have access to complaint mechanisms without retaliation. Please also specify how access to justice and to an effective remedy, including adequate compensation, is granted to any members of the Grace Road Group in line with the UN Guiding Principles.

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 Permanent Mission of Fiji.

Please accept, Mr. Kim, 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 company on the international standards and norms applicable to the matters previously exposed.

As set forth in the United Nations Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/31), all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

The Principles 11 to 24 and Principles 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide for remedies when they have cause or contributed to adverse impacts. Moreover, the commentary of the Principle 11 states that "business enterprises should not undermine States' abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes".

The Guiding Principles have identified two main components to the business responsibility to respect human rights, which require that "business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts" (Guiding Principle 13).

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when "business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes".

We would also like to draw your attention to other international human rights standards relevant for this case that the Government of Fiji has committed to implement.

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), 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)."

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".

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) 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.

Article 11 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 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 International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) states that 'Each Member of the International Labour Organization 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'. A protocol to Convention No.29 passed by the International Labour Conference ILC in 2014, also provides specific guidelines to governments and businesses on steps to end forced labour.

Furthermore, 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) 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.

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."

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