



Right Hon Sajid Javid MP  
Secretary of State for Business, Innovation and Skills and President of the Board of Trade  
Department for Business, Innovation and Skills (BIS)  
3rd Floor - Victoria Zone 3  
1 Victoria Street  
London  
SW1H 0ET  
United Kingdom

14 October 2015

Dear Mr. Javid,

**Re: G4S PLC found in violation of human rights obligations by the UK National Contact Point in relation to their activities in Israel and the occupied Palestinian territory**

We write further to the recent publication of the UK National Contact Point's (NCP) 'Final Statement' concerning our complaint against G4S PLC under the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (OECD Guidelines). In brief, the NCP found G4S to be in violation of three human rights obligations under the OECD Guidelines in relation to its involvement with Israeli state agencies' human rights violations against Palestinians.

The main purpose of this letter is to request information on the UK government's response to the NCP's Final Statement, and specifically the actions it plans to undertake to monitor and ensure that G4S brings itself into compliance with its obligations under the OECD Guidelines. We believe that the UK government's role in facilitating the implementation of human rights commitments under the OECD Guidelines is critical, as reflected by the UK government's publication in September 2013 of an action plan to implement the UN Guiding Principles on Business and Human Rights. We have set out below some background to our complaint (pp 1-2), followed by our specific requests of BIS (p 3), and an appendices (pp 5-7).

**Background**

In November 2013, we submitted a comprehensive human rights complaint to the NCP which alleged that some of G4S' operations in Israel and the occupied Palestinian territory (the OPT) are in violation of certain human rights provisions of the OECD Guidelines. The complaint arises from G4S' supply, installation and maintenance of equipment at facilities and operations in Israel and the OPT that are associated with violations of international humanitarian law and international human rights law. These include contracts to service and



maintain baggage scanning equipment and metal detectors used at military checkpoints, including some located along the illegal Separation Barrier/Wall, as well as contracts to install and maintain security systems within Israeli Prison Service facilities.

In June 2015, following a detailed investigation process, the NCP reached its conclusions on our complaint and published its findings in a 'Final Statement'. The adverse findings made against G4S consist of a specific breach of failing to address human rights violations by Israeli state agencies with which G4S is involved through a business relationship, and a 'technical' breach of two overarching obligations to respect human rights.

Pursuant to their findings, the NCP published three recommendations addressed to G4S:

1. Consider how to work with business partners in Israel to address the human rights violations referred to in LPHR's complaint.
2. Communicate to stakeholders and business partners the actions it is taking.
3. Implement a contract approvals process that includes assessment of human rights risks and application of mitigations (as G4S indicated an intention to do during the NCP process).

We have welcomed the NCP's adverse findings against G4S and subsequent recommendations as a starting point for addressing G4S' involvement in Israel's systemic human rights violations against Palestinians. Preventing or mitigating rights violations at Israeli military checkpoint locations and Israeli Prison Service facilities must be a central step in any follow-up actions taken by G4S. Publicly communicating on the actions it is taking to address this issue is also essential (as expressly noted by the NCP at paragraph 76 of its Final Statement).

According to G4S itself, however, previous apparent attempts to use its leverage to prevent or mitigate Israeli violations have been unsuccessful. Their own public statements since March 2011 (see Annex I at the foot of this letter) indicate that G4S has:

- long been aware of acute human rights concerns connected to its activities in Israel and the OPT;
- been in a dialogue about them with their contracting partners in Israel; and
- consequently made repeated commitments from March 2011 through to April 2013 to 'exit' contracts 'between 2012 and 2015', which shifted without explanation in June 2014 to a commitment to 'not renew' contracts that will end 'between 2014 and 2017'.

To date, there is no evidence available from G4S to confirm that any of the relevant existing contracts have been exited from, or have ended and not been renewed. This is of grave concern, given that it is now over four years since G4S first publicly expressed a commitment 'to exit' specific contracts so 'to ensure that our business practices remain in line with our Business Ethics Policy'. Their inconsistent public commitments, and the shifting time periods for them to apparently take effect, raise the substantial concern that G4S' stated commitments are not definitive and unfortunately cannot be taken at face value.



In this context, we note the commentary to the United Nations General Principles on Business and Human Rights (UNGPs) clarifies that withdrawal from a business relationship is the next step to consider when “the enterprise lacks the leverage to prevent or mitigate adverse impacts and is unable to increase its leverage.” In this situation, the commentary to Principle 19 of the UNGPs, states: “Here the enterprise should consider ending the relationship, taking into account credible assessments of potential adverse human rights impacts of doing so.” This underscores our carefully considered position that the only effective action that G4S can take to bring themselves into compliance with its human rights obligations under the OECD Guidelines is to end their business relationship with the relevant Israeli state agencies with immediate effect.

We have been deeply concerned that G4S has, in subsequent public statements following the release of the NCP Final Statement, selectively omitted and then misrepresented, the adverse findings made against them by the NCP. These can be viewed, along with our responses, on the Business and Human Rights Resource Centre’s website. Their statements very worryingly suggest that, contrary to undertaking necessary and responsible remedial action to bring themselves into compliance, G4S may intend to maintain the status quo and unacceptably continue to act in breach of its human rights obligations under the OECD Guidelines towards Palestinians.

### **Requested actions for the Department for Business, Innovation and Skills**

Given the context outlined above of the NCP's significant adverse findings that G4S are in violation of the OECD Guidelines in relation to its involvement with Israeli state agencies human rights violations against Palestinians, and the track record of G4S' apparent unsuccessful attempts to exercise leverage to prevent or mitigate their involvement in these human rights violations, we believe it is essential that the UK government urgently takes clear action to contribute to the effectiveness of the NCP's decision.

In particular, we request the UK government considers taking the following appropriate actions:

1. Communicate with G4S on this matter to urge that they immediately implement all necessary measures to bring themselves into transparent compliance with the OECD Guidelines; and
2. Issue a public statement concerning the need for G4S to immediately implement all necessary measures to bring themselves into transparent compliance with the OECD Guidelines.

Such action would be consistent with the UK government's action plan that emphasises the commitment “to protect human rights by helping UK companies understand and manage human rights” and to “seek clear and consistent communication of this policy through ministers, UK business ambassadors and officials who engage with business”. It would send a



clear message to G4S, and to companies generally, about the UK government's expectations of them on human rights and the imperative need to comply with the OECD Guidelines, as affirmed by the NCP.

We would be grateful for your careful consideration of the above, and for your written reply informing us of the actions that the UK government plans to undertake.

Yours sincerely,

Tareq Shrourou  
**Director, Lawyers for Palestinian Human Rights**



## ANNEX I

### **G4S public statements regarding human rights and their activities in Israel and the OPT**

#### **April 2015**

G4S releases a Corporate Social Responsibility Report, which states: “There have been a number of independent reviews of the business in Israel, the latest of which was commissioned in April 2014. That review concluded that the company has no causal or contributory role in human rights violations. At the group’s annual general meeting in June 2014, the Chairman reconfirmed decisions made previously by the company in relation to specific contracts: that they would not be renewed when they expire. The group stands by that commitment.”

- Reported by G4S, April 2015

#### **June 2014**

G4S verbally announces at its Annual General Meeting that three of its contracts in Israel and the OPT will not be renewed when they expire. G4S states that these contracts are due to expire at the end of 2014, the end of 2015 and the end of 2017, but that it will subsequently fulfil warranty periods.

G4S stated that the ‘Framework Agreement’ ending in 2014, covers all contracts with the Israeli Prison Service for facilities holding Palestinian prisoners, both within the West Bank and in Israel.

- Reported by Corporate Watch, June 2014

#### **April 2013**

G4S reaffirms its March 2011 statement when telling the Financial Times: “[h]aving conducted a review in 2011, we concluded that, to ensure that G4S Israel business practices remain in line with our own business ethics policy, we would aim to exit the contracts which involve the servicing of security equipment at a small number of barrier checkpoints, a prison and a police station in the West Bank area.”

This was reportedly due to occur in 2015.

- Reported by Financial Times, 21 April 2013

#### **May 2012**

G4S issued a CSR update, providing the following chronology:



“G4S in Israel

2002

- Group 4 Falck stated the company would “exit the West Bank”
- The company exited settlement protection services

2011

- G4S legal review of ongoing operations in the region
- G4S ethical review of ongoing operations in the region
- G4S consultation with stakeholders
- Concluded that commercial contracts for traditional security services are not controversial
- Decided to attempt to exit certain other contracts
- Began customer dialogue

2012

- Customer insisting on contractual requirements
- Exits of contracts scheduled upon contract expiry between 2012 and 2015.”

- Reported by G4S, May 2012

**April 2012**

The G4S 2011 Annual Report states:

“In 2010 and 2011 we faced increasing criticism regarding the provision of services to customers in the West Bank area through contracts which we had inherited through an earlier acquisition. This issue prompted us to consider our position on human rights and to undertake a broad project tasked with creating a clear human rights policy. Our review mapped the human rights landscape, analysed G4S operations to determine human rights risks and challenges and developed a human rights policy.

As a result of the project, we have recently drafted a new human rights policy and are currently seeking feedback from internal and external stakeholders on its content. Once the policy is agreed, we will implement it across the group and will develop operational guidelines to support its implementation.

We have also recently upgraded our CSR checklist process for evaluating new country entries, acquisitions and major contract bids to improve the human rights elements of the process based on a variety of external sources of human rights data.”

- Reported by G4S, April 2012



**March 2011**

G4S releases a public statement regarding its activities in Israel and the OPT: "...we have... concluded that to ensure that our business practices remain in line with our Business Ethics Policy, we will aim to exit a number of contracts which involve the servicing of security equipment at the barrier checkpoints, prisons and police stations in the West Bank. We will aim to complete this exit as soon as possible, but also recognise that we have contractual obligations to our customers which we must take into consideration."

- Reported by Who Profits, March 2011