



Rt Hon Liam Fox MP
Secretary of State for International Trade and President of the Board of Trade
Department for International Trade
King Charles Street
London
SW1A 2AH

Rt Hon Boris Johnson MP
Foreign Secretary
Foreign and Commonwealth Office
King Charles Street
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20 September 2016

Dear Secretary of State,

Re: UK government intervention required following the UK National Contact Point's finding that G4S remain in breach of human rights obligations 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 (UK NCP) 'Follow-Up Statement' concerning our business and human rights complaint against G4S PLC under the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (OECD Guidelines). In brief, the UK NCP found that G4S:

- Continues to be in breach of fundamental human rights obligations through its operations in Israel and the occupied Palestinian territory;
- Has failed to implement two of the UK NCP's three recommendations to remedy the company's breach of human rights obligations;
- Issued a 'selective' and 'misleading' public response last year to the UK NCP's findings; and
- Failed to 'signal a serious intention' to address the UK NCP's findings and recommendations, a fact which the UK NCP refers to as 'disappointing'.

This was the UK NCP's first statement following its publication last year of its 'Final Statement' on LPHR's comprehensive human rights complaint against G4S. In June 2015, the UK NCP found the British multinational company in breach of three human rights obligations under the OECD Guidelines due to their involvement in Israeli state agencies' human rights violations against Palestinians in Israel and the occupied Palestinian territory.

The main purpose of this letter is to request information on the UK government's response to the UK NCP's Final Statement and Follow Up Statement, and specifically the actions it plans



to undertake to monitor and ensure that G4S brings itself into compliance with its human rights 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 critically important, as reflected by the UK government's publication in September 2013 (updated in May 2016) of a national action plan to implement the UN Guiding Principles on Business and Human Rights.

We have set out below some background to our complaint (pp 2-3), followed by our specific requests to the Department for International Trade and the Foreign Office (p 3-4).

Background to LPHR's business and human rights complaint against G4S

In November 2013, we submitted a comprehensive human rights complaint to the UK 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 UK NCP reached its conclusions on our complaint and published its findings in a 'Final Statement'. The adverse findings made against G4S consist of a core human rights breach of failing to address human rights violations by Israeli state agencies with which G4S is involved through a business relationship, and a linked '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 UK NCP process).

As aforementioned, the UK NCP critically found in its July 2016 Follow-Up Statement that G4S has not implemented the two recommendations made to the Company which "were specific to the issues examined in the [LPHR's] complaint", that is, the first two recommendations referred to above.

The UK NCP concluded that G4S remains in breach of its human rights obligations, stating: "Until G4S publicly communicates the actions it is taking to address the impacts it is linked to



by the contracts...the UK NCP considers that its actions are not consistent with its obligation...to address [human rights] impacts it is linked to by a business relationship.”

The UK NCP also stated in its Follow-Up Statement that it “noted the G4S response at that time, and considered that it referred to the [UK NCP's] Final Statement in a selective way that was misleading.”

The UK NCP further expressed that it is “disappointing” that G4S did not take the opportunity in its public response to “signal the seriousness of its intention” to address the UK NCP’s findings and recommendations.

The disturbing issue of persistent misrepresentation was one of the issues of concern detailed in an [LPHR letter privately sent to G4S in October 2015 – subsequently made public in May 2016 - which contained 16 key questions for the Company](#). G4S has failed to provide a reply despite it being re-sent in January and March this year, which is a point noted by the UK NCP in its Follow-Up Statement.

Following the UK NCP Follow-Up statement, LPHR publicly urged G4S to demonstrate responsible adherence to its fundamental business and human rights obligations and:

- To definitively commit to withdrawing from all of its relevant contracts with Israeli state agencies immediately, or as soon as practicable, so that it ends its unacceptable ongoing violation of human rights obligations towards Palestinians;
- To provide a specific date by which this full withdrawal will have occurred, and to publicly report to all stakeholders on that date whether full withdrawal has occurred; and
- To finally acknowledge the full extent of the UK NCP’s adverse findings of breach of human rights obligations made against the Company.

LPHR does not consider these issues to be adequately addressed by G4S’ statements this year that it plans to sell G4S Israel. As far back as March 2011, G4S publicly stated its intention to ‘exit as soon as possible a number of contracts which involve the servicing of security equipment at the barrier checkpoints, prisons and police stations in the West Bank’. However, despite repetition of similar public statements since then, such an exit does not appear to have substantively materialised.

Requested actions for the Department for International Trade and the Foreign Office

Given the context outlined above of the UK NCP's significant adverse findings that G4S is in ongoing violation of the OECD Guidelines in relation to its involvement with Israeli state agencies human rights violations against Palestinians, and the apparent failure of the company to exercise leverage to prevent or mitigate its 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 UK NCP's decision.



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

1. Urgently communicate with G4S on this matter and urge that they immediately implement all necessary measures to bring themselves into transparent compliance with the OECD Guidelines, as recommended by the UK NCP; 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 national 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 UK NCP.

We believe such action is further required following the news in late July that the UK Government has awarded G4S a contract to run a Government-funded helpline for victims of discrimination. In this context, we note that Baroness Williams of Trafford, in justifying the government's award of the contract during a House of Lords debate on 6 September, stated: “More generally, it [G4S] is committed to fulfilling its responsibilities in all its companies around the world by applying the UN’s 2011 Guiding Principles on Business and Human Rights.”

Unfortunately, although Baroness Williams of Trafford is correct that G4S has clearly stated this commitment, it nonetheless is in ongoing breach of the OECD Guidelines, and consequently the UN Guiding Principles on Business and Human Rights, through its activities in Israel and the occupied Palestinian territory. G4S' response to the UK NCP's findings has objectively fallen short of that expected of a company that holds itself out as committed to applying the UN Guiding Principles on Business and Human Rights.

Finally, we request that the UK government engages in sustained dialogue with the Israeli government to end the systemic and widespread human rights violations against Palestinians that are highlighted within our business and human rights complaint against G4S. These specifically are the serious human rights infringements that occur at military checkpoints in the occupied Palestinian territory, including those situated along the illegal separation barrier, and at Israeli prison facilities that incarcerate Palestinians, including children. The prolonged and pervasive breach of basic human rights standards against Palestinians at these locations requires urgent attention and cessation.

LAWYERS FOR PALESTINIAN
HUMAN RIGHTS



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) and Claire Jeffery
Lawyers for Palestinian Human Rights