



**Lawyers for Palestinian Human Rights' submission to the
Office of the High Commissioner for Human Rights on business
enterprises allegedly involved in the construction and growth
of Israeli settlements under Human Rights Council Resolution
31/36**



About Lawyers for Palestinian Human Rights (LPHR)

LPHR is a legal charity in the UK that works on projects to protect and promote Palestinian human rights. Our trustees include leading human rights lawyers Sir Geoffrey Bindman QC, Michael Mansfield QC and Daniel Machover.

Contact

Tareq Shourouh
Director of LPHR
Direct Line 07949 212 795
Email: contact@lphr.org.uk



Section I: Introduction

1. LPHR is submitting a response to the Office of the High Commissioner for Human Rights (OHCHR) call for submissions under Human Rights Council Resolution 31/36.
2. This submission relates specifically to G4S PLC's operations in Israel and the occupied Palestinian territory (oPt), given LPHR's detailed experience of this company. G4S is a UK multinational security company.
3. The specific activity of concern under paragraph 96 of the independent fact-finding report on Israeli settlements (A/HRC/22/63) that implicates G4S is outlined in its second bullet point paragraph: "The supply of surveillance and identification equipment for settlements, the wall and checkpoints directly linked with settlements".¹
4. Although not referred to within the activities of concern listed under paragraph 96 of A/HRC/22/63, we submit that G4S' activities in regard to Israeli prisons and detention centres might also be considered relevant in connection to the OHCHR's call for submissions under Human Rights Council Resolution 31/36. A/HRC/22/63 itself observes a nexus between the presence of Israeli settlements and the "routine arrest and arbitrary detention"² of Palestinians, when noting that "most children are arrested at friction points, such as villages near settlements"³.

Section II: Overview of G4S' operations in Israel and the oPt

5. In November 2013, LPHR submitted a comprehensive human rights complaint⁴ to the UK National Contact Point (UK NCP) which alleged that some of G4S' operations in Israel and the oPt are in violation of certain human rights provisions of the OECD Guidelines for Multinational Enterprises (OECD Guidelines). The human rights chapter of the OECD Guidelines incorporates the UN Guiding Principles on Business and Human Rights.
6. 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

1 Report of the international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem. A/HRC/22/63. 7 February 2013.

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf

2 Ibid. Paragraph 47 of A/HRC/22/63.

3 Ibid. Paragraph 48 of A/HRC/22/63.

4 LPHR's Complaint submitted to the UK National Contact Point concerning the conduct of G4S and subsidiaries in the Occupied Palestinian Territory and Israel, November 2013. <http://lphr.org.uk/wp-content/uploads/2015/06/LPHR-OECD-Complaint-Master-no-contact-details.pdf>



international humanitarian law and international human rights law. These include contracts to service and maintain full body scanners and baggage scanning equipment used at military checkpoints in the West Bank including the Qalandia checkpoint, the Bethlehem checkpoint and the Irtah (Sha’ar Efraim) checkpoint. All of these military checkpoints are part of the Separation Barrier/Wall, whose route was declared illegal by the International Court of Justice in its Advisory Opinion dated 9 July 2004. Additionally, the company has provided full body scanners to the Erez checkpoint in Gaza that has been used since 2007 to facilitate Israel's illegal closure of Gaza. In July 2007, G4S Israel signed a contract with the Israel Prison Service to provide security systems for the Ofer facility in the oPt, and for different facilities inside Israel, including the Ketziot, Megiddo and Damon prisons as well as for the Kishon (“Jalameh”) and Jerusalem (“Russian Compound”) detention facilities. The maltreatment of Palestinian children in these facilities– who have been found by UNICEF to suffer from widespread, systematic and institutionalised ill-treatment throughout the military detention process⁵ - is a particular concern.

Section III: Overview of the UK NCP complaint findings

7. In June 2015, following a detailed investigation process, the UK NCP reached its conclusions on LPHR’s complaint and published its findings in a “Final Statement”⁶. 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.
8. Pursuant to their findings, the UK NCP published three recommendations addressed to G4S:
 - i. Consider how to work with business partners in Israel to address the human rights violations referred to in LPHR's complaint;
 - ii. Communicate to stakeholders and business partners the actions it is taking; and
 - iii. Implement a contract approvals process that includes assessment of human rights risks and application of mitigations.

5 Children in Military Detention: Observations and Recommendations, UNICEF, February 2013. https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

6 UK NCP final statement: complaint by Lawyers for Palestinian Human Rights against G4S, June 2015: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431972/bis-15-306-lawyers-for-palestinian-human-rights-final-statement-after-examination-of-complaint-uk-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises-r1.pdf



9. In July 2016, the UK NCP critically found in its July 2016 'Follow-Up Statement'⁷ that G4S had 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 of the three 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.”
10. 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 was “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. G4S’ persistent misrepresentation was one of the issues of concern detailed in an LPHR letter privately sent to G4S in October 2015 – subsequently published in May 2016⁸ - which contained 16 key questions for the Company. G4S 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.
11. 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.

Section IV: The sale of G4S Israel and remaining concerns

7 UK NCP follow-up statement: complaint by Lawyers for Palestinian Human Rights against G4S, July 2016: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534307/bis-16-323-uk-ncp-follow-up-complaint-lphr-g4s.pdf

8 LPHR's letter dated 28 October 2015 sent to G4S with 16 key questions following publication of the UK NCP Final Statement (this was published with redactions in May 2016 by LPHR and the Business and Human Rights Resource Centre after no reply was received from the company). <http://lphr.org.uk/wp-content/uploads/2016/05/LPHR-letter-to-G4S-following-the-NCP-final-statement-Redacted-version.pdf>



12. On Friday 2 December 2016, G4S announced⁹ that it had reached an agreement on the sale of G4S Israel to FIMI Opportunity Funds for £88m, subject to regulatory approvals ‘which are expected within the next three months’. FIMI is an Israeli private equity fund.
13. We welcome the decision to sell G4S Israel as being an act in accordance with G4S’ business and human rights responsibilities. We have previously communicated to G4S that withdrawal from the relevant contracts with Israeli state agencies is required under the OECD Guidelines and the UNGPs if it is unable to exercise its leverage to mitigate or prevent the human rights violations with which it is linked through these business relationships.
14. However, it is notable that the G4S’ press release did not clearly set out the extent to which G4S will continue, post-sale, to be involved in the provision of services to Israeli state agencies that were the subject of that complaint. It remains to be confirmed that G4S is indeed fully withdrawing from providing the services that were the subject of the complaint.
15. LPHR takes the view that without such confirmation being provided to all stakeholders, it will not be possible to confidently conclude that the sale of G4S Israel equates to the ending of G4S’ violation of its business and human rights responsibilities under the OECD Guidelines and the UNGPs. As such, the prudent position to take is that G4S remains in breach of business and human rights obligations, as held by the UK NCP, and that G4S’ activities in Israel and the oPt should continue to be monitored by inclusion on the proposed database.
16. Further, G4S made no reference in its press release to the fact that G4S Israel has been heavily implicated in a successful business and human rights complaint that was initiated by LPHR in 2013. We do remain seriously concerned that, up until now, G4S has still not publicly acknowledged the extent of its breach of its human rights obligations as determined by the UK NCP. As mentioned above, this disturbing failure prompted the UK NCP to publicly reprimand G4S earlier this year for being ‘selective and misleading’ in its public response to the UK business watchdog’s significant findings.
17. The G4S press release further omits reference to G4S Israel providing services and equipment in the occupied Palestinian territory, when describing G4S Israel as “providing manned security and security systems across Israel”.
18. We further have seen no assurance from FIMI Opportunity Funds that it will seek to address the human rights violations at Israeli prisons and detention centres, and at military checkpoints, including along the Wall. This current omission, combined with the evidence

⁹ Agreement reached on sale of G4S Secure Solutions (Israel) Ltd (“G4S Israel”), 2 December 2016. <http://www.g4s.com/en/Investors/News%20and%20Presentations/Regulatory%20Announcements/2016/12/02/Agreement%20reached%20on%20sale%20of%20G4S%20Israel/>



alone that is has agreed to buy G4S Israel, does raise initial serious concerns over the adequacy or existence of a rigorous human rights due diligence process, and of the extent of consideration that it gives to adhering to its business and human rights responsibilities.

19. Given the context outlined above, we feel it is appropriate to request that FIMI Opportunity Funds also be considered for addition to the database upon the completion of its agreement to acquire G4S Israel.

Tareq Shrourou, Claire Jeffery