



**BROKEN
CHALK**

Submission to United Nations Special Rapporteur on the
situation of human rights in the Palestinian territories
occupied since 1967

CALL FOR INPUT | SPECIAL PROCEDURES

**Human rights impact of business enterprises in
the occupied Palestinian territory.**

Submitting Organization: BROKEN CHALK

November 2023

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Broken Chalk is an Amsterdam-based NGO established in 2020 that monitors and minimises worldwide human rights violations in education. We aim to promote universal and equal access to education for all.

We encourage and support achieving societal peace with our international sponsors and partners by advocating for intercultural tolerance, preventing radicalism and polarisation, and tackling educational inequalities.

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1. How do business enterprises affect critical aspects of life, including economic, social and cultural rights in the oPt, particularly that of Palestinians under occupation?

Business enterprises significantly impact socio-cultural rights in Palestine, namely, children's access to education. Education in Palestine is mandatory between grades 1 and 10; hence, all children between 6 and 15 years old are supposed to be enrolled in school.¹

The current unemployment rate in Palestine has a drastic impact on children's rights to education. Parents' job loss and the erosion of resilience capacities often result in child school dropout, especially among low-income households, affecting primarily male children and children with low academic performance. Child labour is often used as a mechanism to alleviate families' poverty.² In 2018, approximately 4840 children out of 372600 worked full-time in Gaza.³ Thus, the deteriorating socioeconomic situation in Palestine hurts children's rights and access to education.

Also, businesses operating in Palestinian territory display low compliance with Corporate Social Responsibility, which refers to the moral conduct that a company must follow.⁴ Following Corporate Social Responsibility is essential, as businesses have a crucial impact on societal well-being, including children's access to education. Lack of compliance can have negative consequences as companies attempt to increase their profits by violating international law (e.g., the use of child labour). Businesses have played an essential part in reinforcing Israel's agenda of annexation, control and exploitation.⁵ This is visible, for example, in children's participation in Israeli settlement farms.

Palestinian children often work in Israeli settlement farms in the occupied West Bank, constituting a significant abuse of their rights.⁶ Children as young as 11 years old drop out of school to work under precarious and often dangerous conditions, being exposed to pesticides, dangerous equipment, and extreme heat (40 degrees and even 50 degrees Celsius).⁷ Children also do not receive medical insurance, having to pay for their medical bills in case of an accident at work. These children work 8 hours daily, six or seven days a week.⁸ During harvesting season, children work up to 12 hours per day and are heavily pressured by their employers, who do not allow breaks. This constitutes a grave violation of international as well as Israeli and Palestinian

¹ Di Maio, M. and Nistico, R. The effect of parental job loss on child school dropout: Evidence from the Occupied Palestinian Territories. *Journal of Development Economics*, 141, p.102375.

² OCHA. "Child labour increasing in Gaza", 2019. <https://www.ochaopt.org/content/child-labour-increasing-gaza>

³ Ibid.

⁴ Alhih, M., Tambi, A.M.B.A. and Abueid, A.I.S. Corporate Social Responsibility in Palestinian Public Schools. *American Based Research Journal*, 7(2018).

⁵ Farah, M. and Abdallah, M. "Security, business and human rights in the occupied Palestinian territory". *Business and Human Rights Journal*, 4(2019), pp.7-31.

⁶ Human Rights Watch. "Ripe for Abuse: Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank", 2015.

<https://www.hrw.org/report/2015/04/13/ripe-abuse/palestinian-child-labor-israeli-agricultural-settlements-west-bank#:~:text=This%20report%20documents%20rights%20abuses,dangerous%20equipment%2C%20and%20extreme%20heat>

⁷ Ibid.

⁸ Ibid.

law, which states 15 years as the minimum age of employment, and children receive less than the established Israeli minimum wage.⁹ Children work in the agricultural sector due to the lack of employment opportunities and the need to support their families financially.¹⁰ The dire financial situation of many Palestinian families is a consequence of Israel's occupation, which restricts access to land, water, and other essential means for agriculture. Moreover, the lack of career opportunities in Palestine also affects children's access to education. Children often drop out of school prematurely as they assume they will inevitably work for Israeli settlements despite their qualifications.¹¹

2. How have the operations and impact of business enterprises in the oPt evolved since 1967?

After the Israeli occupation of Palestinian territory in 1967, the Israeli government established settlements in the occupied territory. The low rents and cheap Palestinian labour often attract businesses.¹² Settlement businesses are responsible for violations of human rights, as they depend on Israel's unlawful confiscation of Palestinian natural resources and land to encourage the settlements' expansion.¹³ Settlement businesses also fuel and benefit from Israeli occupation, mainly as companies that focus on residential development depend on the forced displacement of Palestinian people. Thus, businesses have consistently violated international human rights law by contributing to discrimination against Palestinians.

3. What have been the most severe human rights violations, the environment and international law connected to the operations and relationships of business enterprises in Israel and the oPt, particularly in the oPt?

Private businesses operating in Israeli settlements in the occupied Palestinian territories contribute to the violation of children's rights in several ways.

Under Israeli military directives, 500-700 Palestinian minors from the occupied West Bank are convicted in Israeli juvenile military courts each year. They are frequently apprehended during night raids and subjected to inhumane treatment. Some of these children are being held in Israeli prisons in violation of the Fourth Geneva Convention. According to the UN, several children have been murdered or injured in settler attacks.¹⁴

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Human rights watch. "How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights", 2016 <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations>

¹³ Ibid.

¹⁴ Amnesty International. "CHAPTER 3: ISRAELI SETTLEMENTS and INTERNATIONAL LAW," 2019. <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law>.

Palestinian students encounter multiple challenges when it comes to their educational opportunities, including issues such as involuntary displacement, demolitions, limitations on their mobility, and a scarcity of available school facilities. An impartial investigation conducted in 2012 identified a concerning increase in incidents involving settlers targeting Palestinian schools and subjecting Palestinian children to harassment while they commute to and from school. These issues can lead to absenteeism among students and a decline in the overall educational quality.¹⁵

Palestinian children as young as 11 years old are employed through unwritten agreements with Palestinian intermediaries working on behalf of Israeli settlers. These practices employed by Israeli employers violate international law as well as Israeli and Palestinian law.¹⁶

4. To what extent do business enterprises contribute to, or are linked with, the maintenance and intensification of state and other actors' violations and abuses of international law in the oPt and towards the Palestinian people?

Business enterprises operating in the occupied Palestinian territories contribute significantly to the violation of children's rights and the intensification of violations and abuses of international law perpetrated by the state and other significant actors. Children in the West Bank and the Gaza Strip are subjected to some of the worst forms of child labour, including commercial sexual exploitation and other illicit activities.¹⁷ In particular, businesses operating in Israeli settlement farms employ Palestinian children as young as 11 years old, violating international law, as well as Israeli and Palestinian law, which stipulate 15 years as the minimum age of employment. These children work under dangerous conditions, carrying heavy loads, and are exposed to hazardous pesticides.¹⁸¹⁹ These practices are directly linked to the financial hardship faced by many Palestinian families, a consequence of Israel's occupation, which restricts access to essential resources like land and water. Businesses operating in the oPt cannot escape responsibility for their complicity in benefiting from the confiscation of resources that enable settlement expansion. This directly contributes to depriving Palestinians of their rights to a standard of living and access to resources.²⁰

Business enterprises play a central role in furthering the establishment of Israeli settlements, which have been declared illegal under international law. These settlements have far-reaching negative impacts on Palestinian life, including restrictions on freedom of movement, education,

¹⁵ Ibid.

¹⁶ Human Rights Watch. "Ripe for Abuse. Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank," April 13, 2015. <https://www.hrw.org/report/2015/04/13/ripe-abuse/palestinian-child-labor-israeli-agricultural-settlements-west-bank>.

¹⁷ ILAB. "2022 Findings on the Worst Forms of Child Labor: West Bank and the Gaza Strip," 2022.

https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2022/West-Bank-and-the-Gaza-Strip.pdf.

¹⁸ Ibid. (n. 16)

¹⁹ Human Rights Watch. "Human Rights Watch Submission to the United Nations Committee on the Rights of the Child," November 2022.

https://www.hrw.org/sites/default/files/media_2022/12/HRW%20submission%20to%20the%20Committee%20on%20the%20Rights%20of%20the%20Child%20Review%20of%20Israel.pdf.

²⁰ Ibid. (n.17)

and religion, and violation of the right to land and water. Businesses that support or benefit from these settlements contribute to these violations.²¹ Businesses operating in the should conduct human rights due diligence, ensuring that their activities do not violate human rights principles and that they are were not complicit in human rights violations committed by other state or non-state actors. However, businesses involved in activities in the oPt that are explicitly linked to Israeli settlements are unlikely to be in compliance with international human rights norms.²²

Thus, business enterprises in the oPt are closely linked with the violation of children's rights and the maintenance and intensification of state and other actors' violations and abuses of international law. These enterprises often fail to adhere to international human rights standards and contribute to ongoing human rights abuses in the region. It is crucial for businesses to take responsibility for their actions and ensure that they do not contribute to the exploitation of children and other human rights abuses in the oPt.

5. To what extent are the practices, policies and relationships of business enterprises in the oPt in line with the Guiding Principles of Businesses and Human Rights and other relevant instruments of international law?

For corporations to act in conformity with the UNGPs, they have the responsibility to conduct a human rights due diligence process, through which they ensure firstly, that their business activities are not violating any human rights principles and secondly that they are not complicit in human rights violations committed by other state or non-state actors. Assessing the complicity of business activities with the UNGPs requires careful consideration of both direct and indirect impacts on social, cultural, economic, as well as civil and political rights, which could be challenging due to the historical, legal and political background of the region, as well as the occupational dynamics.

Following a UN Human Rights Council resolution 31/36, the UN High Commissioner for Human Rights, alongside the Working Group on the issue of human rights and transnational corporations and other business enterprises (from now on, the Working Group), issued a database of all businesses engaged in activities in the oPt which are explicitly linked to Israeli settlements or in some way support their establishment.²³ The actions mentioned above can be found in the report of the Independent Fact-Finding Mission to investigate the implications of Israeli Settlements on the rights of Palestinian people throughout the oPt and include supply

²¹ Ibid.

²² Ibid.

²³ United Nations General Assembly. Report of the United Nations High Commissioner for Human Rights: Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent 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. New York, NY: UN Headquarters, 2020

of materials, equipment, surveillance, security services to settlers, use of natural resources, pollution, etc.²⁴

Due to the complexity of operating in an environment such as the oPt, the Working Group on Business and Human Rights stated that businesses should not support the continuation of illegality; they should work towards effectively preventing or mitigating human rights abuses towards Palestinian civilians, and they should acquire resources through freely given consent of the owner. They should furthermore take into account the human rights impacts caused by the Israeli settlements in the oPt and exercise “enhanced human rights due diligence”.²⁵

According to the OHCHR, given that there is international consensus regarding the illegality of Israeli settlements in the region, as well as their adverse human rights impact, it isn't easy to imagine a way in which the businesses would engage in the list of activities in a manner conforming with the UNGPs or international law.²⁶ The OHCHR further stated that the human rights violations in the settlements reach every facet of Palestinian life, including restrictions on the freedom of religion, movement and education, as well as violations of the right to land and water, violations of the right to an adequate standard of living and right to family life.²⁷ The report continues by stating that businesses have a central role in furthering the establishment of settlements and challenges the arguments used in favour of the companies, mainly that they provide job opportunities for Palestinians and their further Palestinian economy. On the contrary, the OHCHR emphasises that the settlements suppress the Palestinian economy, reduce job opportunities and hinder Palestinian businesses.²⁸

6. Have international mechanisms to address business enterprises' potential negative involvement and impact on human and environmental rights in the oPt been adequately used? If not, why? What more/different could be done?

It is safe to say that multiple UN institutions, home States to international business enterprises, as well as the EU and non-governmental organisations such as the ICRC have urged on numerous occasions for compliance with the UNGPs, human rights law, humanitarian law and other international mechanisms which address potential negative involvement of businesses in the oPt. The UN Human Rights Council has called upon all UN bodies and the Working Group

²⁴ United Nations General Assembly. Report of the independent 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. New York, NY: UN Headquarters, 2013

²⁵ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights: Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent 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. New York, NY: UN Headquarters, 2018

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

on Business and Human Rights to ensure full respect for and compliance with the “Protect, Respect and Remedy” Framework.²⁹

The UNGPs prescribe that States should protect everyone against human rights impact by third parties and business enterprises. The ‘host’ State has such a primary obligation. However, the ‘home’ State also has a relevant role if the host State is unwilling or incapable of protecting individuals. In the case of the oPt, given the particularities of the occupational context, Israel can be considered the host State as it exercises effective control over the settlements. Unfortunately, there is no proof that Israel is willing to fulfil its duties under international law. The Government of Israel has played a leading role in the construction and expansion of settlements in the oPt.³⁰

Several UN Member States have acted as ‘home States’ for companies’ business activities domiciled in their territory. For example, the UK Trade and Investment stated that economic and financial activities in the settlements bring legal risks, and the UK does not support such activities.³¹ The Norwegian Ministry of Finance has withdrawn investments from several Israeli companies due to their involvement with settlement construction.³²

Regarding the responsibility to respect, the Working Group notes several examples of companies that have conducted their due diligence and stopped their activities in the oPt. For instance, PGGM, the company managing pension funds in the Netherlands, excluded Israeli banks in 2014 due to their involvement in the construction of settlements.³³

When it comes to access to justice, Palestinian workers do not have alternative redress mechanisms except submitting a case to Israeli courts, where they face technical, financial and legal barriers to justice.³⁴ Furthermore, Palestinians do not have access to a fair legal process. They often do not speak Hebrew, cannot reach courtrooms without special permits or simply because they cannot afford legal costs.³⁵

Therefore, it can be noted that international mechanisms such as the UNGPs or the OECD Guidelines can and have been adequately used to facilitate the protection of human rights. They have been promoted not only by UN institutions but also by non-governmental and

²⁹ Human Rights Council Resolution 22/29, *Follow-up to the report of the independent international fact-finding mission to investigate the implications of 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/RES/22/29 (15 April 2013), available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/130/06/PDF/G1313006.pdf?OpenElement>

³⁰ United Nations General Assembly. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, New York, 2013

³¹ UK Trade and Investment. 2013. Review of Overseas Business Risk - Israel the Overseas Business Risk Report Provides Information on Key Security and Political Risks Which UK Businesses May Face When Operating in Israel. The National Archives. December 3, 2013. https://webarchive.nationalarchives.gov.uk/ukgwa/20140404011850/http://www.ukti.gov.uk/gb_gb/uktihome/premiumcontent/107322.html?null

³² Freedom Justice Equality. 2010. Review of *Norwegian Government Pension Fund Excludes More Israeli Companies*. Bdsmovement. August 23, 2010. <https://bdsmovement.net/news/norwegian-government-pension-fund-excludes-more-israeli-companies>.

³³ Ravid, Barak. 2014. Review of Largest Dutch Pension Fund Boycotts Israeli Banks over Settlement Ties. Haaretz.com. January 8, 2014. <https://www.haaretz.com/2014-01-08/ty-article/.premium/dutch-fund-boycotts-israeli-banks/0000017f-dc40-db5a-a57f-dc6ae4c40000>.

³⁴ International Trade Union Confederation, ‘Palestinian Workers in Israel and the Settlements’, available at: https://www.ituc-csi.org/IMG/pdf/ituc_palestinereport_en.pdf

³⁵ Ibid.

transnational organisations and have been followed by international business enterprises and States. However, their lack of legally binding nature can also pose difficulties in their implementation as it is evident that some companies still engage in activities in the oPt and facilitate their expansion. The Israeli Government has also played a vital role in reducing the adverse human rights impacts in the oPt.

7. Can you share any examples of progressive initiatives or actions that have been taken to address or remedy human rights violations and international law connected to the operation of business enterprises in Israel and the oPt?

The employment of child labour in occupied territory by businesses is prevalent. The efforts to mitigate such violation in the oPt mainly takes the form of enhancing the protection of children by civil society, government and international organisations.

Child Protection and Support Initiatives:

One notable initiative funded by the oPt Humanitarian Fund (HF) involves a US\$250,000 project for child protection in the Gaza Strip.³⁶ This project is implemented with Terre des hommes (Tdh) and national NGO partners. It focuses on addressing the protection needs of vulnerable children in the region, particularly those at risk of violence, abuse, neglect, and exploitation.³⁷ Besides, Tdh has been actively providing integrated child protection services for working children and their families in Gaza's north governorate since 2011.³⁸ This initiative is particularly significant in the context of children's rights, as it aims to protect children from economic exploitation and hazardous labour.

Government and International Partnerships:

In 2022, the labour inspectorate detected 360 more violations of child labour laws than in 2021, and courts achieved nine convictions for child labour crimes.³⁹ In 2023, the Minister of Social Development in Palestine, in collaboration with UNICEF and Terre des Hommes, launched technical guidelines for child protection case management and updated the national referral system. These guidelines and procedures aim to protect children who are victims of violence, abuse, neglect, and exploitation receive the necessary support and protection.⁴⁰ At the central level in the West Bank, the Ministry of Social Development chairs the Child Protection Network

³⁶ OCHA, "Humanitarian Bulletin - occupied Palestinian territory," April 2019, available at https://www.ochaopt.org/sites/default/files/hummonitor_april_2019_english.pdf

³⁷ Ibid.

³⁸ OCHA, "Child labour increasing in Gaza", available at <https://www.ochaopt.org/content/child-labour-increasing-gaza#ftn4>

³⁹ US Department of Labor's Bureau of International Labor Affairs, "West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)," U.S. Department of Labor's 2022 Findings on the Worst Forms of Child Labor, available at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/west-bank-and-gaza-strip>.

⁴⁰ UNICEF, "Strengthening the child protection national system in the State of Palestine: MOSD, UNICEF & TdH launch the technical guidelines for case management to protect children [EN/AR]," available at https://www.un.org/unispal/wp-content/uploads/2023/04/UNICEFUNDPTdHPR_160423.pdf

Steering Committee throughout the West Bank to provide essential psychological and social support to children and caregivers.⁴¹

8. Any other relevant information which would assist the Special Rapporteur in drafting the report.

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https://www.instagram.com/brokenchalk_/

⁴¹ See Dr. Chrissie Gale, "The National Child Protection System and Alternative Child Care in Palestine," SOS Children's Villages, January 2021, available at <https://www.sos-childrensvillages.org/getmedia/859d6a18-6c1b-4fa8-b7fa-27491e7f8daa/Palestine-Final-Report-Child-Protection-System.pdf>.