



SWEDEN

SUBMISSION TO THE
UNIVERSAL PERIODIC REVIEW



©2019 Women's International League for Peace and Freedom

Permission is granted for non-commercial reproduction, copying, distribution, and transmission of this publication or parts thereof so long as full credit is given to the publishing organisation; the text is not altered, transformed, or built upon; and for any reuse or distribution, these terms are made clear to others.

Submission to the Universal Periodic Review of Sweden
35th Session, 20–31 January 2020

Submitted in original language: English

Submitted on 18 July 2019

16 pp.

Cover Design: Nadia Joubert

For more information, contact:

**Women's International League for Peace
and Freedom (WILPF)**

Rue de Varembé 1, Zip code 28, 1211 Geneva 20,
Switzerland
info@wilpf.org | +41 (0)22 919 70 80 | wilpf.org

**Women's International League for Peace
and Freedom (WILPF) Sweden**

Norrtullsgatan 45, 113 45 Stockholm,
Sweden
info@ikff.se | +46 (0)8 702 98 10 | ikff.se

Submission for the Universal Periodic Review of Sweden

35th session of the UPR Working Group (Jan-Feb 2020)

Contents

About WILPF Sweden	2
Nuclear disarmament	2
Recommendation	4
Arms exports	4
Sweden's obligations and commitments relating to arms transfers	5
Domestic law	6
Arms exports to countries with poor human rights records.....	6
Recommendations	7
Arms exports to countries involved in the Yemen conflict.....	7
Recommendation	8
The need to strengthen Swedish arms exports controls	8
Recommendations	10
Lack of focus on disarmament in the NAP 1325	11
Recommendations	11
Human rights impact of Swedish businesses abroad.....	12
Recommendations	13

About WILPF Sweden

Women's International League for Peace and Freedom (WILPF) is a worldwide movement founded in 1915 bringing together women from around the world who are united in working for peace by non-violent means and by promoting political, economic and social justice for all. WILPF addresses the root causes of war and violence through a feminist lens and constantly challenges systems of oppression, militarism, patriarchy and neoliberalism.

The Swedish Section of WILPF was founded in 1919 and named *Internationella Kvinnoförbundet för Fred och Frihet (IKFF)*. WILPF Sweden has seven local branches around the country with their own local activities. The national office, situated in Stockholm, is involved in a variety of different projects focused on disarmament, arms control, conflict prevention, and Women, Peace and Security, through information and advocacy at the national level. WILPF Sweden cooperates closely on capacity building and advocacy with a number of other WILPF sections in conflict and post conflict settings. It also collaborates with other Swedish and international organisations through networks in both the women's movement and the peace movement.

Nuclear disarmament

Like many other types of weapons, nuclear weapons have gendered impacts. Women and girls face unique devastation from the effects of the use of nuclear weapons, such as the effects of radiation on reproductive and maternal health. Research also indicates that women often are the ones most affected by the effects of nuclear radiation, e.g. in relation to psychological health, displacement, social stigma and discrimination.¹

¹ "Like many other types of weapons, nuclear weapons have gendered impacts. Women face unique devastation from the effects of the use of nuclear weapons, such as the effects of radiation on reproduction and maternal health. In some communities where testing has occurred, the cultural habits and responsibility of women have put them at greater risk of exposure. Studies show that women are more vulnerable to ionising radiation than men and pregnant women exposed to high doses of ionising radiation are at risk of harm to their children, including malformations, disabilities, as well as the risk of stillbirth. In some communities where testing has occurred, the cultural habits and responsibility of women have put them at greater risk of exposure. Studies show that women are more vulnerable to ionising radiation than men and pregnant women exposed to high doses of ionising radiation are at risk of harm to their children, including malformations, disabilities, as well as the risk of stillbirth. Similar to women that have survived other types of weapons exposure, such as landmines or explosives, women

On 7 July 2017, the Treaty on the Prohibition of Nuclear Weapons (TPNW)² was adopted, making history as a gender-sensitive nuclear weapons agreement. It calls attention to the “disproportionate impact” that nuclear weapons have on women and girls, including “ionising radiation.” It also addresses the importance of women’s participation in nuclear disarmament.³ The TPNW has clear references to and implications for human rights law and practice.⁴

Sweden participated in the negotiations of the TPNW and voted in favour of its adoption. Regrettably, on 12 July 2019, Sweden announced that it would, “as it stands now”, not sign the TPNW.⁵ For a nuclear-weapons-free State like Sweden joining the TPNW is an important strategic undertaking to create conditions for disarmament at a time when the norm against nuclear weapons is weakened. It is also in line with Sweden's obligation under Article VI of the Non-Proliferation Treaty (NPT) to contribute to negotiations on disarmament.⁶ It would reaffirm Sweden’s position against weapons of mass destruction, its strong support for the need to respect international humanitarian law (IHL) and international human rights law at all times and its feminist foreign policy. A 2018 joint assessment

who have survived nuclear weapon tests or use also face unique social challenges related to how they are treated in societies and communities. They are often stigmatised or shut out.” See, *The Nuclear Weapon Ban Treaty Resource Guide*, WILPF, available at: <https://www.wilpf.org/portfolio-items/the-nuclear-weapon-ban-treaty-resource-guide/>

² https://treaties.un.org/doc/Treaties/2017/07/20170707%2003-42%20PM/Ch_XXVI_9.pdf.

³ “Recognising that the equal, full and effective participation of both women and men is an essential factor for the promotion and attainment of sustainable peace and security, and committed to supporting and strengthening the effective participation of women in nuclear disarmament”. See page 7, *The Nuclear Weapon Ban Treaty Resource Guide*, WILPF, available at: <https://www.wilpf.org/portfolio-items/the-nuclear-weapon-ban-treaty-resource-guide/>

⁴ Preambular paragraph 8 reaffirms “the need for all States at all times to comply with applicable international law, including international humanitarian law and international human rights law.” The most relevant human rights concern in the context of a nuclear weapons attack is the right to life. Other relevant concerns include the prohibition of inhuman and degrading treatment, the right to a home and to property, as well as human rights violations resulting from nuclear weapons testing.

⁵ Foreign Minister Margot Wallström “noted that while Sweden had voted in favour, it had also expressed concern about the lack of a clear definition in the treaty of which weapons would be covered, and how it would relate to other treaties, such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Instead of signing the treaty, Sweden would seek observer status, Wallström said, adding her country remained committed to a world free of nuclear arms.” <https://twnews.se/se-news/sweden-declines-to-sign-un-nuclear-ban-treaty>

⁶ Article VI: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” <https://www.un.org/disarmament/wmd/nuclear/npt/text/>

conducted by WILPF Sweden and *Svenska Läkare mot Kärnvapen*⁷ shows that there are no legal obstacles for Sweden to join the TPNW.⁸

At its core, the TPNW holds the devastating consequences that nuclear weapons have on people, the climate and the environment. This is fully in line with Sweden's obligations under international human rights and IHL. These aspects are also included in Sweden's national security strategy.⁹

Recommendation

- Sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons (TPNW).

Arms exports

Swedish exports of arms and military equipment continue to be a source of concern in view of their potential effects in terms of fuelling conflict and contributing to or facilitating human rights violations.

As the CEDAW Committee has indicated, the proliferation of arms, including those diverted from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence and as protesters or actors in resistance movements.¹⁰ The accessibility and availability of arms can facilitate or exacerbate gender-based violence, not only in situations of armed conflict but also in non-conflict situations, such as in countries that experience high rates of firearm-related deaths, including femicides, as well as high levels of impunity and insecurity. Arms proliferation tends to have a negative impact on women's equality and bargaining power within the household, their mobility, and their political participation. Widespread possession

⁷ Swedish Physicians against Nuclear Arms

⁸ <https://ikff.se/wp-content/uploads/2018/09/i-skuggan-av-makten.pdf>

⁹ "Sweden's policy for disarmament and non-proliferation is an integral part of our security policy and has clear relevance for both regional and global security. [...] The devastating harmful effects on people and the environment that the use of nuclear weapons would entail gives rise to continued Swedish involvement in this issue. It is a clear security policy interest for us that the stalemate that has long characterised the multilateral cooperation for nuclear disarmament can be lifted.

Security issues must now be seen from a much broader perspective than before [...] To the wider security work must also be counted [...] counteracting devastating climate change, efforts for peace and global development, and much more." (unofficial translation) (Prime minister office, Sweden's national security strategy, 2017, p. 13 and p.3)

¹⁰ General recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, paragraph 32.

and use of weapons tend to prevent women from fully participating in public and political life, and to hinder their access to and use of resources, business and employment opportunities.

Sweden's obligations and commitments relating to arms transfers

Sweden has ratified the Arms Trade Treaty (ATT), which includes provisions that make it illegal to transfer weapons if there is a risk that they will be used to violate international human rights law or IHL, including due to acts of gender-based violence.¹¹ It is important to underscore that risk assessments assess just that – the risk that the arms in question will be used in any of the ways prohibited by the ATT. It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied. During the drafting of the ATT, Sweden supported the call for the inclusion of provisions on gender-based violence.¹²

The CEDAW Committee has stated that obligations under the CEDAW requires State parties to focus on the prevention of conflict and all forms of violence, including through robust and effective regulation of the arms trade.¹³ Sweden is further bound by the EU Common Position on Arms Exports, which explicitly rules out the authorising of arms licences by EU Member States if there is a clear risk that the military technology or equipment to be exported might be used to commit serious violations of IHL and to undermine regional peace, security and stability.

¹¹ Under Article 6 of the ATT, a State must prohibit arms transfers if it has knowledge at the time of authorisation that the arms would be used “in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such.” Further, Article 7 obligates the exporting State to undertake an assessment prior to any arms export to establish the risk that the arms might be used to “commit or facilitate a serious violation of international human rights law;” in which case arms exports are not to be authorised. Article 7 (4) requires that States shall, prior to authorisation of the export of arms under its jurisdiction, in an objective and non-discriminatory manner, take into account the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women.

¹² <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/negotiating-conference/att-gbv.pdf>

¹³ “Obligations under the Convention require States parties to focus on the prevention of conflict and all forms of violence. Such conflict prevention includes effective early warning systems to collect and analyse open-source information, preventive diplomacy and mediation, and prevention efforts that tackle the root causes of conflict. It also includes robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence. (...)”. CEDAW General Recommendation 30, paragraph 29, CEDAW/C/GC/30

Through its National Action Plan on Women, Peace and Security, the government has committed itself to strengthening women's influence and participation in peace and State building, counteracting structural root causes of conflict and violence, strengthening protection of girls and women from all types of armed violence, and to strengthening a gender perspective in work on peace and security.¹⁴ This should imply a strict interpretation of Swedish export control regulations as well as Sweden's obligations under international law in this area.

Domestic law

A so-called 'principle ban' applies to arms exports from Sweden. But exceptions can be granted according to the Military Equipment Act, if there are security or defence policy reasons for it and if it does not conflict with Sweden's foreign policy. A new arms export law, which entered into force in April 2018, envisages that democratic status should be a key condition and that serious and extensive human rights violations, or serious deficiencies in the recipient's democratic status, should constitute an obstacle to the granting of permission.¹⁵ If there are serious deficiencies in the democratic status of the recipient country, this should constitute an obstacle to export licences.¹⁶

Arms exports to countries with poor human rights records

According to the Stockholm International Peace Research Institute (SIPRI), Sweden was the 15th largest arms exporter in 2014–2018;¹⁷ the recipients include countries with serious and widespread human rights violations as well as weak accountability mechanisms to stop and prevent such violations. The three largest export destinations for Swedish military equipment in the period 2014–2018 were Saudi Arabia, the United Arab Emirates (UAE) and Algeria.¹⁸ According to the Swedish Peace and Arbitration Society (SPAS), 24% of Sweden's military equipment exports went to non-democratic countries in 2018. ¹⁹ (The criterion of democracy is significant in the Swedish export policy because,

¹⁴ See page 3, Sweden's National Action Plan for the implementation of the UN Security Council Resolutions on Women, Peace and Security 2016–2020, available at: <https://www.peacewomen.org/sites/default/files/Sweden%20NAP%202016-2020.pdf>

¹⁵ <https://ikff.se/besvikelse-over-regeringens-forslag-om-ny-vapenexportlagstiftning/>

¹⁶ www.svenskafreds.se/vad-vi-gor/vapenexport/snabba-fakta-om-vapenexport/

¹⁷ https://www.sipri.org/sites/default/files/2019-03/fs_1903_at_2018.pdf

¹⁸ https://www.sipri.org/sites/default/files/2019-03/fs_1903_at_2018.pdf

¹⁹ <https://www.svenskafreds.se/vad-vi-gor/vapenexport/snabba-fakta-om-vapenexport/> ; see also <https://www.thelocal.se/20180226/swedish-arms-exports-topped-11-billion-kronor-last-year>

as noted earlier, it is included in its law on arms exports.²⁰) In addition to the already mentioned Saudi Arabia, UAE and Algeria, SPAS refers, for example, to Pakistan,²¹ Philippines, Turkey and Thailand.

Recommendations

- Comply with its own legislation and cease to export arms to non-democracies and other countries that seriously violate human rights, such as those in which there is risk that arms might be used to facilitate or commit serious violations of international human rights law and IHL or facilitate or exacerbate gender-based violence or violence against women and children.
- Deny authorisation of any arms sales or transfers in contexts where gender-based violence is a significant concern or where there are widespread or serious human violations and abuses.

Arms exports to countries involved in the Yemen conflict

Among the countries that received military equipment exports from Sweden in 2018 were Saudi Arabia, UAE, Jordan, Kuwait, Bahrain and Qatar, countries that have been involved in the armed conflict in Yemen.²² Yemen has become the largest humanitarian crisis in the world with devastating consequences on women and girls.²³ In 2019, the French website *Disclose* reported, through leaked documents, that the Swedish company Saab's radar and mission system *Erieye* had been used for combat control and to maintain the blockade in Yemen.²⁴

²⁰ The proposal for the inclusion of the 'democracy' criterion into the Swedish arms export law was based on the idea that transferring arms to non-democracies is a way of legitimising that non-democratic government. This in turn would be contrary to the foreign policy goal of Sweden to promote democracy and human rights. For more, see WILPF "The Swedish arms trade and risk assessments: does a feminist foreign policy make a difference? , available at:

<http://www.reachingcriticalwill.org/images/documents/Publications/swedish-arms-trade.pdf>

²¹ The Swedish Erieye surveillance radar systems may for example have been used by Pakistan in the air strike with the Indian Air Force in Kashmir; <https://omni.se/expert-saabs-erieye-kan-ha-anvants-i-strid-med-indien/a/ngqv00Q?fbclid=IwAR2pXFn9Ub5KukA5DG3UyAJj1x8ZtduiqoCN6qyBNunyOoFMSQe399nKMfM>

²² <https://www.aljazeera.com/news/2016/06/key-facts-war-yemen-160607112342462.html>

²³ See *Changes Ahead: Yemeni Women Map the Road to Peace*, https://www.wilpf.org/wp-content/uploads/2019/04/WILPF_Yemen-Publication2018.pdf

²⁴ <https://made-in-france.disclose.ngo/en/>. See also <https://theintercept.com/2019/04/15/saudi-weapons-yemen-us-france/>

A government agreement from January 2019,²⁵ agreed upon by four Swedish parliamentary parties,²⁶ takes a clear principled position against arms exports to countries that participate militarily in the Yemen conflict. Despite this, arms exports to countries involved in the conflict have continued. For example, the planned delivery of Saab's radar and mission system Global Eye to the United Arab Emirates, a sequel to the system mentioned in the French documents, has yet not been stopped. Sweden also continues to deliver follow-on deliveries to Saudi Arabia.

Recommendation

- Fully and immediately stop all arms transfers to all countries involved in the Yemen conflict, including follow-up deliveries.

The need to strengthen Swedish arms exports controls

The stated ambition of new Swedish arms export law is a tightening of the Swedish arms export system; however, the law does not contain an unconditional ban on arms transfers to dictatorships or to other countries with serious and/or widespread violations of human rights.²⁷ Each export license application is still to be assessed individually, based on an overall judgment taking into account numerous factors, including those relating to security and defence policy.²⁸ Therefore, how the text will be interpreted will have a major impact on Sweden's human rights record in relation to arms transfers and this interpretation will depend on the political will of future Swedish governments. (The Parliament through the Export Control Council (EKR) has only an advisory role for export control issues.)

The government's guidelines briefly state that arms exports should not be granted if a country is involved in, or is at risk of being drawn into, an armed conflict or if there are serious and extensive human rights violations in the country. As noted earlier, a so-called 'democracy criterion' also applies, in addition to human rights, which were already a 'central condition' for the issuing of licenses under the previous regulation.²⁹

²⁵ <https://sites.tufts.edu/reinventingpeace/2019/03/19/who-is-arming-the-yemen-war-an-update/>

²⁶ Social democrats, the greens, central party and liberals (socials democrats and the greens make up the current Swedish government)

²⁷ <https://sites.tufts.edu/reinventingpeace/2017/12/12/swedens-proposed-democracy-criterion-for-arms-exports-taking-the-lead-in-export-controls-or-new-words-for-old-policies/>

²⁸ <https://sites.tufts.edu/reinventingpeace/2017/12/12/swedens-proposed-democracy-criterion-for-arms-exports-taking-the-lead-in-export-controls-or-new-words-for-old-policies/>

²⁹ www.svenskafreds.se/vad-vi-gor/vapenexport/snabba-fakta-om-vapenexport/

The Swedish Inspectorate for Strategic Products (ISP) is the agency responsible for implementing controls on arms export; but the government can require ISP to refer to it licence applications relating to certain countries.³⁰ Authorities with expertise in defence, security policy and procurement of materials, such as the Swedish Defence Materiel Administration and the Swedish Armed Forces, have been tasked to assist ISP in its assessment. However, authorities with expertise in gender, development and democracy issues, such as the *Folke Bernadotte Academy*³¹ and the Swedish International Development Cooperation Agency (Sida),³² have not been given a similar task.

Sweden's feminist government has committed itself to ensuring that a "gender equality perspective is brought into policy-making on a broad front, both nationally and internationally."³³ This is also reiterated in the feminist's foreign policy action plan for 2019-2022 stating that "the Foreign Service will work for a gender perspective in the area of disarmament, non-proliferation and arms control [...]."³⁴

According to both the Swedish national policy for global development (PGU – *politik för global utveckling*) and target 17.14 in Agenda 2030, Sweden should work towards enhancing policy coherence for sustainable development. Swedish arms exports are directly counterproductive to Sweden's efforts in other policy areas such as promoting human rights and democracy and to the Women, Peace and Security agenda.

Sweden's OECD Development co-operation Peer Review in 2019 highlighted that "[...] Sweden scores poorly on security due to its [...] high share of arms export to countries with poor human rights records

³⁰ <https://sites.tufts.edu/reinventingpeace/2019/03/19/who-is-arming-the-yemen-war-an-update/>

³¹ Swedish government agency for peace, security and development.

³² Swedish government agency for development assistance to developing countries.

³³ Government office of Sweden official webpage; <https://www.government.se/government-policy/a-feminist-government/> (collected 2019-07-03).

³⁴ The Swedish Foreign Service action plan for feminist foreign policy 2019–2022, including direction and measures for 2019; www.government.se/49e7d9/contentassets/66afd4cf15ee472ba40e3d43393c843a/2019-swedish-foreign-services-action-plan-for-feminist-foreign-policy-eng.pdf, p.7.

and undemocratic regimes.”³⁵ Sweden is in the top for most areas of the *Commitment to Development Index* except for security due to its arms export.³⁶

Recommendations

- Ensure that the implementation and interpretation of the new regulations on Swedish arms exports have a consistent human rights-based approach, including a specific gender perspective.
- Ensure that authorities with expertise in gender analysis, human rights, development and democracy, such as the *Folke Bernadotte Academy* and *Sida*, are included in the licensing process and provide the basis for export assessments for arms exports.
- Include in its assessments on arms exports the recipient countries’ national implementation of UN Security Council resolution 1325 (2000) and subsequent related resolutions, including NGO reports assessing such implementation; reports and recommendations from international and regional human rights bodies, such as by the Special Rapporteur on violence against women; countries’ reports and NGO shadow reports to the CEDAW Committee and other treaty bodies; reports from relevant UN agencies.
- Ensure greater transparency regarding how decisions are made by the Swedish arms licenses authority (ISP) to enable an examination of how human rights and other key national criteria, such as democracy, are assessed and prioritised in authorisations of arms transfers, including through issuing public explanations for licensing decisions as soon as they are made.

³⁵ <http://www.oecd.org/dac/oecd-development-co-operation-peer-reviews-sweden-2019-9f83244b-en.htm> (page 28-29)

³⁶ The *Commitment to Development Index*, published by the Center for Global Development, is a yearly ranking of the world’s 27 richest countries based on how their policies favour and affect the five billion people living in the world’s poorest countries. Available at: www.cgdev.org/cdi-2018/country/SWE

Lack of focus on disarmament in the NAP 1325

The third Swedish National Action Plan (NAP) for the implementation of Security Council resolution (UNSCR) 1325 was adopted in 2016 (2016-2020).³⁷ The new NAP places greater emphasis on conflict prevention, support for the work of women's rights activists, gender-sensitive conflict analysis, and the need for political and diplomatic work to implement the Women, Peace and Security (WPS) agenda. The work on the new NAP has also made Sweden's process more inclusive, as it involved civil society to a greater extent.

The Swedish feminist foreign policy has also highlighted the WPS agenda, something that WILPF Sweden welcomes. However, a policy that prioritises women's participation and rights should also prioritise it financially. WILPF Sweden is, therefore, concerned about the fact that in 2018 the government removed earmarked money for civil society that was previously in place for the direct implementation of UNSCR 1325 by the Swedish authority *Folke Bernadotte Academy*; such funding has not been replaced.

WILPF has recognised Sweden's role as a Security Council member (2017-2018) for its work with women-led civil society on a range of good practices.³⁸ However, as a Security Council member, Sweden did not emphasise disarmament and non-proliferation as central issues in the implementation of the WPS agenda.

Recommendations

- Ensure that the implementation of the Women, Peace and Security (WPS) agenda integrates disarmament, non-proliferation and arms control as an important pillar of conflict prevention and women's security.
- Strengthen its implementation of the WPS agenda by including a focus on national context and policies, such as in Swedish arms exports.
- Re-establish earmarked funds for civil society to implement the WPS agenda.

³⁷ Sweden's National Action Plan for the implementation of the UN Security Council resolutions on Women, Peace and Security 2016–2020, available at: <https://www.peacewomen.org/sites/default/files/Sweden%20NAP%202016-2020.pdf>

³⁸ These include more regular engagement with civil society through geographic briefers to the Security Council, supporting analysis of the root causes of violence, and strengthening national implementation mechanisms. For more, see: https://www.wilpf.org/wilpf_statements/wilpf-launches-guidance-note-for-security-council-members/

Human rights impact of Swedish businesses abroad

With a feminist foreign policy based on a rights perspective,³⁹ the government needs to regulate government investments and Swedish companies' actions abroad so that they do not contribute to violations of human rights, especially women's rights. In 2015, Sweden adopted a National Action Plan (NAP) on Business and Human Rights, which is a welcome step.⁴⁰ The NAP was revised in 2018.⁴¹ However, the NAP is still based on volunteerism since no action is foreseen to adopt regulation or requirements for mandatory human rights due diligence. In addition, it does not integrate a gender responsive perspective.

Reports indicate that Swedish companies still do not adequately carry out human rights due diligence in their supply chains and that large clothing companies' purchasing methods continue to have negative impacts on workers' wages.⁴² Several Swedish companies are major players within the textile industry, which is a women-dominated industry. This makes it even more crucial that business human rights impacts be evaluated with a gender-responsive perspective.⁴³ In 2016, the CEDAW Committee expressed concerns about the NAP's "limited impact to date on the activities of Swedish companies operating abroad."⁴⁴ It also recommended that Sweden uphold its due diligence obligations to ensure that companies under its jurisdiction or control respect, protect and fulfil women's human rights when operating abroad.⁴⁵

³⁹ <https://concord.se/wp-content/uploads/2018/05/civsam-utr-pol-2018.pdf>

⁴⁰ <https://www.government.se/information-material/2015/08/action-plan-for-business-and-human-rights/>

⁴¹ <https://globalnaps.org/wp-content/uploads/2017/11/follow-up-report-to-sweden-s-national-action-plan-on-business-and-human-rights-nap.pdf>

⁴² https://swedwatch.org/wp-content/uploads/2018/05/90_Bangladesh_180531.pdf; <https://swedwatch.org/en/regions/africa-south-of-the-sahara/swedfund-fmo-lacked-responsibility-leaving-project-without-exit-strategy/>; <https://concord.se/hog-tid-for-sverige-att-lagstifta-om-hallbart-foretagande>; <https://concord.se/wp-content/uploads/2019/05/positionspapper-foretagande-och-manskliga-rattigheter-concord-sverige.pdf>

⁴³ Gender dimensions of the Guiding Principles on Business and Human Rights, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Index A/HRC/41/43, 23 May 2019, para. 23; https://ikff.se/wp-content/uploads/2016/02/WILPF-report-Transnational-Companies-Weapons-and-Violence-Against-Women_Corrigendum-100216.pdf

⁴⁴ Concluding observations on the combined eighth and ninth periodic reports of Sweden, UN index CEDAW/C/SWE/CO/8-9, paragraph 34.

⁴⁵ *Idem*, paragraph 35.

The NAP should be reviewed including in light of the Working Group on Business and Human Rights' Gender framework and Gender guidance on the UNGPs.⁴⁶ Sweden should also adopt legislation on mandatory corporate human rights due diligence that takes into account the protection of human rights defenders and a gender-responsive approach. Such due diligence should, for instance, assess risks of violations of workers' rights to freedom of assembly and to peaceful protests, which are particularly relevant in the textile industry and even more so for women workers, who are often under-represented in unions.⁴⁷

The government also needs to ensure particular scrutiny over businesses that are owned or controlled by the State, or that receive substantial support and services from State agencies, as it is often the case with companies in the arms industry.

Recommendations

- Adopt legislation on mandatory human rights due diligence for companies that takes into account a gender-responsive perspective and the protection of human rights defenders and that imposes sanctions in case of non-compliance to ensure that Swedish companies respect human rights throughout their operations, including abroad.
- Review and update its NAP on Business and Human Rights to:
 - Integrate in it a gender responsive perspective, following the Gender framework and guidance to the UN Guiding Principles on Business and Human Rights (UN Index A/HRC/41/43).⁴⁸

⁴⁶ Gender dimensions of the Guiding Principles on Business and Human Rights, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Index A/HRC/41/43, 23 May 2019.

⁴⁷ Gender dimensions of the Guiding Principles on Business and Human Rights, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Index A/HRC/41/43, 23 May 2019, paragraph 13; For an example in Cambodia, see: Action-oriented research on gender equality and the working and living conditions of garment factory workers in Cambodia, ILO Regional Office for Asia and the Pacific, available at: http://ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--sro-bangkok/documents/publication/wcms_204166.pdf

⁴⁸ Gender dimensions of the Guiding Principles on Business and Human Rights, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Index A/HRC/41/43, 23 May 2019.

- Ensure that the NAP take into account fully the specific risks posed by the arms industry, so as to ensure stringent human rights impact assessments of arms transfers in line with the UNGPs.
- Apply the Gender framework and guidance to the UN Guiding Principles on Business and Human Rights in developing or revising all initiatives and measures relating to Business and Human Rights.