



**Submission to the UN Committee on the Elimination of Discrimination
against Women, 77th Session (19 Oct 2020 - 6 Nov 2020)
Review of Sweden**

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I. Introduction

This report draws the CEDAW Committee's attention to Sweden's state of compliance with its obligations under the Convention, in relation to arms transfers and the implementation of the UN Security Council Resolution 1325 (UNSCR 1325). It follows up on questions asked in the Committee's list of issues prior to reporting adopted for Sweden in 2019.¹

UN human rights mechanisms have increasingly addressed concerns relating to the impacts of the arms trade. For example, the HRC has adopted six resolutions, so far, to strengthen the links between the protection of human rights and disarmament,² related OHCHR reports have followed.³ Impacts of arms transfers on human rights in conflict situations are increasingly being investigated and criticised by HRC investigative mechanisms, such as the Col on Syria,⁴ the GEE on Yemen,⁵ the FFM on Myanmar,⁶ and by Special Procedures.⁷

¹ List of issues and questions prior to the submission of the tenth periodic report of Sweden, CEDAW/C/SWE/QPR/10, 20 March 2019.

² "Impact of arms transfers on human rights in armed conflicts", A/HRC/RES/24/35, 8 October 2013; "Human rights and the regulation of civilian acquisition, possession and use of firearms", A/HRC/RES/26/1, 16 July 2014; "Human rights and the regulation of civilian acquisition, possession and use of firearms", A/HRC/RES/29/10, 22 July 2015; Impact of arms transfers on human rights, A/HRC/RES/32/12, 15 July 2016; "Human rights and the regulation of civilian acquisition, possession and use of firearms", A/HRC/RES/38/10, 18 July 2018; "Impact of arms transfers on human rights", A/HRC/RES/41/20, 12 July 2019.

³ "Impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights", Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/42/21, 3 July 2019; Report of the Office of the United Nations High Commissioner for Human Rights, Impact of arms transfers on the enjoyment of human rights, A/HRC/35/8, 3 May 2017; "Human rights and the regulation of civilian acquisition, possession and use of firearms", Report of the United Nations High Commissioner for Human Rights, A/HRC/32/21, 15 April 2016.

⁴ See, for example, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic A/HRC/42/51, 15 August 2019, paragraphs 99 (g); Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/34/64, paragraph 106 (b); Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016- 28 February 2017; Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/CPR.3, paragraph 117 (a).

⁵ "Situation of human rights in Yemen, including violations and abuses since September 2014", Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen (GEE report on Yemen), 3 September 2019, A/HRC/42/17, paragraph 92, https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1.PDF.

⁶ "The economic interests of the Myanmar military", Independent International Fact-Finding Mission on Myanmar, 12 September 2019, A/HRC/42/CRP.3, <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx>.

⁷ "Situation of human rights in Mali", Report of the Independent Expert on the situation of human rights in Mali, A/HRC/40/77, 21 January 2019, paragraphs 41 and 43; See also, C. Knaus and B. Doherty, "Crime against humanity: UN expert calls on Australia to stop selling weapons to war-torn Mali," The Guardian, 11 March 2020, <https://www.theguardian.com/world/2020/mar/12/against-humanity-un-expert-calls-on-australia-to-stop-selling-weapons-to-war-torn-mali>; See also, "States should develop mechanisms to analyse whether any

Treaty bodies, including the CESCR,⁸ the CRC,⁹ and the HRCtte, have also increasingly addressed the impact of the arms trade on human rights.¹⁰ The CEDAW Committee has also raised this link in its dialogues with state parties, concluding observations,¹¹ and in general recommendations (GRs).¹² For example, it has recommended that State parties address the gendered impacts of the international transfers of arms, especially small and illicit arms, including through the ratification and implementation of the Arms Trade Treaty (ATT).¹³ Under article 7(4) of the ATT,¹⁴ it is illegal to transfer weapons if there is a risk that the weapons will be used to commit or facilitate serious acts of gender-based violence (GBV).

In its GR 30, it has stressed that “obligations under the Convention require States parties to focus on the prevention of conflict and all forms of violence. Such conflict prevention includes [...] 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.”¹⁵

arms being assessed for approval for transfer, as well as the granting of licenses on production, will facilitate or contribute to gender-based violence or violence against women by the recipient, in accordance with the obligation on risk assessment processes of the Arms Trade Treaty”, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings, A/HRC/35/23, 6 June 2017, paragraph 113.

⁸ See, for example, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, 14 July 2016, E/C.12/GBR/CO/6, paragraph 12 (c); List of issues prior to submission of the sixth periodic report of Italy, paragraph 10, E/C.12/ITA/QPR/6, 13 March 2020.

⁹ The Committee on the Rights of the Child regularly addresses the connection between child soldiers and small arms trade in its concluding observations. The Committee has recommended, *inter alia*, adoption of domestic legislation explicitly prohibiting the trade and export of small arms and light weapons to countries where children are known to have been or are involved in armed conflict.

¹⁰ See, for example, General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, paragraph 65; General Comment No. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35, paragraph 9.

¹¹ See for example, Concluding observations on *Australia*, CEDAW/C/AUS/CO/8; *France*, CEDAW/C/FRA/CO/7-8, paragraph 22; *Italy*, CEDAW/C/ITA/CO/7, paragraph 20; *Germany*, CEDAW/C/DEU/CO/7-8, paragraph 28; *Netherlands*, CEDAW/C/NLD/CO/6, paragraph 46 (a); *Sweden*, CEDAW/C/SWE/CO/7, paragraph 35; *Switzerland*, CEDAW/C/CHE/CO/4-5; See also, List of issues prior to reporting for *Germany*, CEDAW/C/DEU/QPR/9, paragraph 6 and List of issues for *Germany*, CEDAW/C/DEU/Q/7-8, paragraph 5.

¹² See General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, paragraph 32; General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, paragraph 31 (c).

¹³ CEDAW/C/GC/30, paragraph 33 (e).

¹⁴ The Arms Trade Treaty, Article 7.4: “The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.”

¹⁵ CEDAW/C/GC/30, paragraph 29.

II. Sweden's arms transfers remain a source of concern

In its list of issues, the CEDAW Committee asked, *inter alia*, how Sweden ensures a gender-specific perspective in the export of arms, with regards to the adoption in 2017¹⁶ of new legislation regulating the export of arms.¹⁷ This follows up on questions raised during its review of Sweden in 2016 and a related recommendation to, in line with GR 19 on violence against women, “ensure that the new legislation to regulate the export of arms includes a strong and robust gender-specific perspective.”¹⁸ During its third UPR cycle, in 2020, Sweden received five recommendations regarding its arms exports but, regrettably, accepted only one.¹⁹

Swedish Arms exports

Swedish exports of arms and military equipment continue to be a source of concern in view of their

¹⁶ The law entered into force in April 2018.

¹⁷ List of issues and questions prior to the submission of the tenth periodic report of Sweden, CEDAW/C/SWE/QPR/10, 20 March 2019, paragraph 13.

¹⁸ CEDAW/C/SWE/CO/8-9, 10 March 2016, paragraph 26 (h).

¹⁹ Sweden **accepted** UPR recommendation 156.180 Ensure that all arms transfers and exports comply with Sweden's obligations under the Arms Trade Treaty (Iceland).

Sweden only **noted** the following recommendations:

- 156.179 Prohibit trade and transit of arms to places where children could be used as soldiers (Mexico)

- **Noted. Explanation** “Sweden is a State Party to the ATT and adheres to article 6(3) of the treaty which stipulates that a State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of war crimes as defined by international agreements to which it is a party. The criteria of the EU Common Position on arms exports (2008/944/CFSP) are applied in parallel and stipulate that member states should deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of human rights and international humanitarian law.”

- 156.181 Stop the selling of weapons to the countries that have a long record of serious violation of international human right and humanitarian law (Islamic Republic of Iran) – **Noted. Explanation** “When examining license applications for arms exports, adherence to international humanitarian law and respect for human rights by the recipient country are both important assessment requirements. These principles are detailed in the Government's guidelines for the export of military equipment and other foreign cooperation (cf. Govt Bill 1991/92:174 pp. 41-42, Govt Bill 1995/96:31 pp. 23-24 f. and Govt Bill 2017/18:23), the EU Common Position defining common rules governing control of exports of military technology and equipment (2008/944/CFSP), and the Arms Trade Treaty.”

- 156.182 Refrain from transferring arms when there is a risk that they might be used to commit grave violations of human rights or international humanitarian law (Panama) – **Noted. Explanation:** same as for 156.179.

- 156.183 Take into account the human rights perspective in the arms export procedure, so that these weapons are not used to facilitate or commit violations of human rights and international humanitarian law (Peru) – **Noted. Explanation:** same as for 156.179. **Source for Sweden's position:**

<https://www.regeringen.se/49be62/contentassets/49b69f19914542d2ab6c00d1e2ed56b2/response-from-the-swedish-government-regarding-upr-recommendations.pdf>.

potential effects in terms of fuelling conflict and contributing to or facilitating human rights violations, including GBV and other violations of women's rights. Some of the recipient states of Swedish arms in 2019 included Saudi Arabia, the United Arab Emirates, the United States, Turkey, Thailand, Brazil, Bahrain, Kuwait, the Philippines, Pakistan, India, Qatar, Indonesia, Algeria and Hungary.²⁰

Inconsistencies between Sweden's own human rights assessment and its arms exports

The Swedish Ministry of Foreign Affairs (MFA) publishes country specific reports on the state of human rights, democracy and the rule of law on all countries. These reports, together with other statements and activities, clearly show the inconsistency between Sweden's own human rights assessments and

²⁰ The Swedish governments report to the parliament on 2019 arms export (Source in Swedish): *Regeringens skrivelse 2019/20:114, Strategisk exportkontroll 2019 – krigsmateriel Skr. och produkter med dubbla användningsområden 2019/20:114*, available at: <https://www.regeringen.se/4972b8/contentassets/64b1d3382c6f460385b1daa64e2c3666/regeringens-skrivelse-om-strategisk-exportkontroll-2019-krigsmateriel-och-produkter-med-dubbla-anvandningsomraden.pdf>, (unofficial translation) pages 47-49. **Saudi Arabia:** Sweden sold arms from the common military list of the EU category (EU category) 5,11,21; which include categories like Fire control, surveillance, warning equipment, Electronic Equipment, software etc. p. 49. **UAE:** Including radar and mission systems *Global Eye* as well as EU category 4,5,10,11,17,21,22. **United States:** The United States received a variety of material types from Sweden, for example marine artillery systems and grenade rifle systems, as well as from EU category 5,11,21,2,3,5,6,8,10,11,13,14,17,18,21,22, p. 48. **Turkey:** Military equipment was delivered to Turkey in 2019 from EU category 5,14,22, including Fire control, surveillance and warning equipment and Specialised equipment for military training etc. p. 48. **Thailand:** Including from EU category 2,5,9,10,22; such as Smooth-bore weapons, Ground vehicles, Vessels of war and "Aircraft", "lighter-than-air vehicles", "Unmanned Aerial Vehicles" (UAVs), etc., p. 49. **Brazil:** In 2019 Sweden arms export to Brazil consisted of deliveries of the *Jas Gripen* project (fighter jet), but also portable air defence system, tank weapon systems, Man-Portable Air Defence Systems as well as equipment from the EU category 2,4,5,10,14,15,17,18,21,22; which includes categories like; Smooth-bore weapons, Bombs, torpedoes, rockets, missiles, other explosive devices, Fire control, surveillance and warning equipment, equipment for military training for the use of for example firearm, software and other technologies, etc. pp. 6, 48 and 52. **Bahrain:** Including EU category 15; "Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories", p. 49. **Kuwait:** EU list category 4; Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, p. 49. **Philippines:** EU category 5,21,22; Fire control, surveillance and warning equipment, software and technology, etc., p. 49. **Pakistan:** EU category 4,5,10,22; Bombs, torpedoes, rockets, missiles, other explosive devices and charges, Fire control, surveillance and warning equipment, "Aircraft", "lighter-than-air vehicles", "Unmanned Aerial Vehicles" and other technology, etc. The main export was a follow-up delivery related to aircraft-borne radar (*Erieye*), pp. 6 and 49. **India:** Sweden exported for example antitank ammunition as well as from EU military list category; 2,3,4,5,9,11,13,14,17,18,22; which includes amongst others smooth-bore weapons, Ammunition, Bombs, torpedoes, rockets, missiles, other explosive devices, Fire control, surveillance and warning equipment, Vessels of war, etc. pp. 6 and 49. **Qatar:** From EU category 14,17; 'Specialised equipment for military training' or for simulating military scenarios and Miscellaneous equipment, p. 49. **Indonesia:** From EU category 17; Miscellaneous equipment, p. 49. **Algeria:** From EU category 5, 18; Fire control, surveillance and warning equipment and 'Production' equipment and components. **Hungary:** Recoilless antitank rifle and from EU category 2,3,5,8,10,14,17,18,22; Smooth-bore weapons, Ammunition, Fire control, surveillance and warning equipment, "Energetic materials", "Aircraft", "lighter-than-air vehicles", "Unmanned Aerial Vehicles", etc., pp. 48 and 52.

its arms exports. Below are examples of countries where Sweden has identified grave issues in regards to human and women's rights but has, nonetheless, granted authorisations to sell arms to them.²¹

In the report on **Brazil**,²² the MFA highlights big challenges with increasing violence against, and marginalisation of, women and LGBTQI people, widespread impunity of the police and military, as well as human trafficking and sexual exploitation.²³ In 2016, the Special Rapporteur on minorities, recalled *inter alia*, that Brazilian society faces extraordinarily high levels of violence, regrettably this violence also has a clear racial dimension. Of further concern is that many deaths are perpetrated by agents of the State, including the military police, often with complete impunity.²⁴ In 2017, in the context of the UPR, Sweden recommended to Brazil to take necessary measures to address homophobic and transphobic crime.²⁵

The MFA's report on **Hungary** emphasises the criticism made over the last decade by the EU, the UN, the Council of Europe (CoE), the OSCE,²⁶ and a number of independent organisations that monitor human rights.²⁷ It also highlights that in May 2018, the UN HRCtte expressed concern over reports of persistent and underreported violence against women and the penal code's inadequate protection of female victims of violence.²⁸ In 2019, the CoE's Commissioner for Human Rights stated, *inter alia*, that she was "deeply concerned about repeated reports of excessive use of violence by the police during forcible removals of foreign nationals." She also found that Hungary is backsliding in gender equality.²⁹ In May 2020 the Hungarian parliament blocked the ratification of the Istanbul Convention,³⁰

²¹ The examples also include some information from concerns expressed by international human rights mechanisms.

²² Ministry of Foreign Affairs' country report on Brazil (Source in Swedish), <https://www.regeringen.se/49f292/contentassets/7f98e99c25044680876b1e98d07ff6d2/brasilien-manskliga-rattigheter-demokrati-och-rattsstatens-principer-2017.pdf>, (*unofficial translation*).

²³ *Ibid*, (*unofficial translation*).

²⁴ Report of the Special Rapporteur on minority issues on her mission to Brazil, A/HRC/31/56/Add.1, 9 February 2016, paragraph 90.

²⁵ A/HRC/36/11, recommendation 136.39.

²⁶ Organization for Security and Cooperation in Europe.

²⁷ Ministry of Foreign Affairs' country report on Hungary (Source in Swedish), <https://www.regeringen.se/491540/contentassets/e17fc15ebd5d42f8923c1630e54f0d09/ungern--manskliga-rattigheter-demokrati-och-rattsstatens-principer-2018.pdf>, (*unofficial translation*).

²⁸ *Ibid*, p. 14 (*unofficial translation*). See also, CCPR/C/HUN/CO/6 (CCPR, 2018), paragraph 25.

²⁹ "Hungary should address interconnected human rights issues in refugee protection, civil society space, independence of the judiciary and gender equality", Council of Europe Commissioner for Human Rights, 2019, <https://www.coe.int/en/web/commissioner/-/hungary-should-address-interconnected-human-rights-issues-in-refugee-protection-civil-society-space-independence-of-the-judiciary-and-gender-equality>.

³⁰ Council of Europe Convention on the Prevention and Control of Violence against Women. It is worth recalling that after her visit to Hungary, Council of Europe Commissioner Mijatović urged "the authorities to ratify the Istanbul Convention on preventing and combating violence against women." For information on Parliament's

a convention highlighted in the Swedish feminist foreign policy with the goal to ensure that more states accede to it and implement it.³¹

The MFA's report on **India**³² refers to serious human rights violations by the military. Members of police and security forces are, in certain circumstances, given formal impunity under special laws. It also recalls that some states are covered by special legislation, which gives the government the right to issue regional exemptions from existing legislation, including regarding immunity for security forces from civil prosecution.³³ The CEDAW Committee found the Armed Forces Special Powers Act (AFSPA) to have serious consequences on the human rights of women enshrined in the Convention, in particular on the right to access to justice.³⁴

Sweden also sells arms to **Pakistan**, a country that has been in conflict with India over the Kashmir region since 1947.³⁵ In the MFA's report on Pakistan, the country is ranked as one of the world's most dangerous for women. Women's enjoyment of human rights is consistently violated, and sexual abuse of women is widespread and characterised by impunity.³⁶ Sweden raised violence against women in addition the issue of impunity for crimes against journalists and media workers during UPR of Pakistan in 2016.

In June 2018, Sweden joined a statement to the HRC on human rights violations in the **Philippines** linked to the 'war on drugs', and the harassment of persons exercising their rights to freedom of opinion and expression, including human rights defenders and journalists.³⁷ In 2019, Sweden

decision to block ratification, see, for example, <https://www.theguardian.com/world/2020/may/05/hungary-parliament-blocks-domestic-violence-treaty>; See also, Human Rights Watch, <https://www.hrw.org/news/2020/05/08/hungary-rejects-opportunity-protect-women-violence>.

³¹ <https://www.government.se/499195/contentassets/2b694599415943ebb466af0f838da1fc/the-swedish-foreign-service-action-plan-for-feminist-foreign-policy-20192022-including-direction-and-measures-for-2020.pdf>, p. 8.

³² Ministry of Foreign Affairs' country report on India (Source in Swedish), <https://www.regeringen.se/4ada70/contentassets/8a6f037a44404ceabed8bb41eb49767f/indien---manskliga-rattigheter-demokrati-och-rattsstatens-principer-2019.pdf>, (*unofficial translation*).

³³ *Ibid.*

³⁴ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of India, CEDAW/C/IND/CO/4-5, 24 July 2014, paragraphs 12 and 13.

³⁵ 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/ngqv0Q?fbclid=IwAR2pXFn9Ub5KukA5DG3UyAj1x8ZtduigoCN6qyBNunyOoFMSQe399nKMfM>.

³⁶ Ministry of Foreign Affairs' country report on Pakistan (Source in Swedish), <https://www.regeringen.se/4ada70/contentassets/13db4d512c224541a53907125d4c846a/pakistan---manskliga-rattigheter-demokrati-och-rattsstatens-principer-2019.pdf>, (*unofficial translation*).

³⁷ Human Rights Council 38th session, Joint Statement on the Human Rights Situation in the Philippines, 2018, <https://idpc.net/alerts/2018/06/statement-of-iceland-on-the-human-rights-situation-in-the-philippines>.

cosponsored an HRC resolution raising similar concerns.³⁸ In 2016, the CEDAW Committee expressed concerns about, *inter alia*, the high prevalence of GBV against women and girls and intensified GBV against women, including by members of the armed forces, such as killings and sexual violence and abuse in conflict-affected areas and in areas of large-scale development projects in the Philippines.³⁹ The MFA country report on the Philippines refers to, *inter alia*, violence against women being widespread.⁴⁰

In October 2019 the Inspectorate of Strategic Products (ISP), the agency responsible for implementing control of Sweden's arms export, revoked all export licenses to **Turkey** as the Swedish government stated that Turkey's military operation in Syria violated international law and the UN Charter.⁴¹ This shows that Sweden can stop arms export when there is a political will to do so.

Arms exports to countries involved in the war in Yemen

Since 2015, a Saudi-led coalition has been involved in the Yemen conflict. Human rights violations and abuses and violations of international humanitarian law (IHL) have been committed by all parties to the conflict. The Saudi-led coalition airstrikes have targeted schools, hospitals, markets, weddings and funerals, and have been the leading cause of civilian casualties.⁴²

³⁸ "Promotion and protection of human rights in the Philippines", A/HRC/RES/41/2, 17 July 2019. The resolution, for example, includes the following "Expressing concern at the allegations of human rights violations in the Philippines, particularly those involving killings, enforced disappearances, arbitrary arrest and detention, the intimidation and persecution of or violence against members of civil society, human rights defenders, indigenous peoples, journalists, lawyers and members of the political opposition, and restrictions on the freedoms of opinion and expression, peaceful assembly and association," and "Bearing in mind that, since the campaign against illegal drugs was announced in the Philippines in mid-2016, there have been allegations of the killing of thousands of people allegedly involved in the drug trade and drug use."

³⁹ See Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of the Philippines, CEDAW/C/PHL/CO/7-8, 25 July 2016, paragraph 25 (a and e).

⁴⁰ Ministry of Foreign Affairs country report on Philippines (Source in Swedish), <https://www.regeringen.se/4ada6f/contentassets/295c45ce5f414090b4f84d36df70d5/filippinerna--manskliga-rattigheter-demokrati-och-rattsstatens-principer-2019.pdf>, p. 16, (*unofficial translation*).

⁴¹ The Swedish governments report to the parliament on 2019 arms export (Source in Swedish), *Regeringens skrivelse 2019/20:114, Strategisk exportkontroll 2019 – krigsmateriel Skr. och produkter med dubbla användningsområden 2019/20:114*, available at: <https://www.regeringen.se/4972b8/contentassets/64b1d3382c6f460385b1daa64e2c3666/regeringens-skrivelse-om-strategisk-exportkontroll-2019-krigsmateriel-och-produkter-med-dubbla-anvandningsomraden.pdf>, p. 6, (*unofficial translation*).

⁴² "Yemen: Saudi-Led Funeral Attack Apparent War Crime", Human Rights Watch, 13 October 2016, available at: <https://www.hrw.org/news/2016/10/13/yemen-saudi-led-funeral-attack-apparent-war-crime>; "Letter to Saudi-Led Coalition Joint Incidents Assessment Team Regarding Yemen," Human Rights Watch, 13 January 2017, available at: <https://www.hrw.org/news/2017/01/16/letter-saudi-led-coalition-joint-incidents-assessment-team-regarding-yemen>; "Bride Among 20 Dead in Yemen Wedding Airstrike," Human Rights Watch, Daily Brief, 24 April 2018, available at: <https://www.hrw.org/the-day-in-human-rights/2018/04/24>;

Yemen has become the largest humanitarian crisis in the world with devastating consequences on women and girls.⁴³ Serious human rights violations have been well-documented, including by UN human rights mechanisms. For examples, in September 2019, the GEE on Yemen⁴⁴ reported that “the actions of the parties to the conflict have exacerbated this situation by exploiting gender norms in furtherance of their objectives. [...] New vulnerabilities to gender-based violence have emerged from displacement, poverty, and indiscriminate violence [...]”.⁴⁵ The same has been reported from different humanitarian actors present in Yemen, for example UNFPA⁴⁶ and International Rescue Committee (IRC).⁴⁷ The GEE reiterated a recommendation to States to prohibit the authorisation of transfers of, and refrain from providing, arms to parties to the conflict that could be used in the conflict.⁴⁸

Sweden has cosponsored HRC resolutions on Yemen, including the one adopted in 2019.⁴⁹ Sweden also hosted peace negotiations in 2018 in Stockholm, where UN Special Envoy Martin Griffiths led consultations with the parties to the conflict in Yemen.⁵⁰ Yet, Sweden has exported military equipment to Saudi Arabia, the UAE, Jordan, Kuwait, Bahrain all part of the Saudi-led coalition.⁵¹ (Qatar, a country to which Sweden has exported military equipment, was also a member of the coalition until June 2017.)

“Saudi-led airstrike on Abs hospital cannot be justified as “unintentional error,” Médecins Sans Frontières, 9 December 2016, available at: <https://www.msf.org/yemensaudi-led-airstrike-abs-hospital-cannot-be-justified-unintentional-error>; “Situation of human rights in Yemen, including violations and abuses since September 2014”, Report of the United Nations High Commissioner for Human Rights, A/HRC/36/33, 13 September 2017, paragraph 28.

⁴³ “Changes Ahead: Yemeni Women Map the Road to Peace,” WILPF, https://www.wilpf.org/wp-content/uploads/2019/04/WILPF_Yemen-Publication2018.pdf.

⁴⁴ Group of Eminent International and Regional Experts (GEE).

⁴⁵ A/HRC/42/CRP.1, 3 September 2019, paragraph 616.

⁴⁶ UN Population Fund, “As Yemen conflict drags on, women’s vulnerability grows”, 2015, <https://www.unfpa.org/fr/node/13382>.

⁴⁷ International rescue committee, Narrowing the gender gap in Yemen, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/finalyemengenderassessmentreport2020.pdf>, p. 8.

⁴⁸ “Considering the prevailing risk that arms provided to parties to the conflict in Yemen may be used to commit or facilitate serious violations of international humanitarian law and international human rights law, States should prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to such parties”, paragraph 933 of “Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen”, UN index: A/HRC/42/CRP.1.

⁴⁹ Human rights situation in Yemen, A/HRC/RES/42/2, adopted on 26 September 2019.

⁵⁰ Ministry for Foreign Affairs, “Stockholm Agreement gives hope of peaceful solution in Yemen”, 2018, <https://www.government.se/articles/2018/12/stockholm-agreement-gives-hope-of-peaceful-solution-in-yemen/>.

⁵¹ Aljazeera, “Key facts about the war in Yemen”, 2018, <https://www.aljazeera.com/news/2016/06/key-facts-war-yemen-160607112342462.html>.

The MFA own country reports on the UAE, Saudi Arabia, and Qatar highlight that women's rights are severely limited in these countries and highlight criticism directed at the warfare and alleged violations of international law, as well as human rights violations by the Saudi-led coalition in Yemen.⁵²

In 2019, the French website *Disclose* reported, through leaked documents, that the Swedish company Saab's radar and mission system *Erieye* could have been used for combat control and to maintain the blockade in Yemen.⁵³

In an agreement from January 2019⁵⁴ between four Swedish parliamentary parties, including the government,⁵⁵ a clear principled position was stated against arms exports to countries that participate militarily in the conflict in Yemen. Despite this, arms exports to countries involved in the conflict have continued. For example, on 29 April 2020 the weapon producer Saab announced in a press release⁵⁶ that they had delivered the first out of three radar and mission systems *Global Eye* to the UAE⁵⁷, a sequel to the system mentioned in the French documents that might have allegedly been used by Saudi Arabia to maintain the blockade. Sweden also continues follow-up deliveries to Saudi Arabia.⁵⁸

⁵² Ministry of Foreign Affairs country report on UAE (Source in Swedish), <https://www.regeringen.se/4af4c4/contentassets/e472d294b8da476cb3d4b01e77ab698a/forenade-arabemiraten-manskliga-rattigheter-demokrati-och-rattsstatens-principer-situationen-per-den-30-juni-2019.pdf>, (unofficial translation) and Ministry of Foreign Affairs country report on Saudi Arabia (Source in Swedish), <https://www.regeringen.se/4af741/contentassets/073cdefd6b3341788bfc0409f8d65b0b/saudiarabien-manskliga-rattigheter-demokrati-och-rattsstatens-principer-situationen-per-den-30-juni-2019.pdf>, (unofficial translation).

⁵³ Disclose, "Yemen papers", <https://made-in-france.disclose.ngo/en/>. See also The Intercept, "Secret report reveals Saudi incompetence and widespread use of US weapons in Yemen", 2019, <https://theintercept.com/2019/04/15/saudi-weapons-yemen-us-france/>.

⁵⁴ Perlo-Freeman, S, "Who is arming the Yemen war? An update", 2019, World peace foundation, <https://sites.tufts.edu/reinventingpeace/2019/03/19/who-is-arming-the-yemen-war-an-update/>.

⁵⁵ Social Democrats, the Greens, the Central Party and the Liberals (Socials Democrats and the Greens make up the current Swedish government).

⁵⁶ SAAB Group, Saab delivered the first GlobalEye Swing Role Surveillance System aircraft to the United Arab Emirates on 29 April 2020, <https://saabgroup.com/media/news-press/news/2020-04/saab-delivers-the-first-globaleye/>.

⁵⁷ The Swedish governments report to the parliament on 2019 arms export (Source in Swedish), <https://www.regeringen.se/4972b8/contentassets/64b1d3382c6f460385b1daa64e2c3666/regeringens-skrivelse-om-strategisk-exportkontroll-2019-krigsmateriel-och-produkter-med-dubbla-anvandningsomraden.pdf>, p. 6, (unofficial translation).

⁵⁸ From the 1950s, the definition of "follow-up deliveries" has gradually expanded to consist of a dozen categories, such as ammunition, upgrades and related equipment. In 2018, when the new arms export law entered into force, the definition was limited. However, the law only applies to deals made after its entry into force in April 2018. The deals made with Saudi Arabia are from 2016 and earlier. The guidelines for follow-up deliveries are very vague in comparison with new deals and, in principle, only arms embargoes constitute an unconditional obstacle to follow up deliveries.

Sweden's arms transfers-related obligations and commitments

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 GBV.⁵⁹ 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 GBV.⁶⁰

Sweden is further bound by the EU Common Position on Arms Exports, which rules out the authorising of arms licenses by EU Member States if there is a clear risk that the export *might* be used to commit serious violations of IHL and to undermine regional peace, security and stability.⁶¹

WILPF Sweden is aware of, through regular meetings with the Inspectorate of Strategic Products (ISP), the lack of expertise among its staff to carry out an adequate gender-based risk assessment. Authorities with expertise in defence policy, such as the Swedish Defence Materiel Administration and the Swedish Armed Forces, have been tasked to assist ISP in its assessments. However, authorities with expertise in gender, conflict prevention, and development, such as the Folke Bernadotte Academy⁶² and the Swedish International Development Cooperation Agency (Sida),⁶³ have not been given a similar task. This leads to deficiencies in the risk assessment required from the ATT's provision on GBV.

⁵⁹ 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.

⁶⁰ Reaching Critical Will, 75 UN Member States have called for the term gender-based violence to be included in the text of a future Arms Trade Treaty, 2012, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/negotiating-conference/att-gbv.pdf>.

⁶¹ European Council common position 2008/944/CFSP, 2088, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0944>.

⁶² Swedish government agency for peace, security and development.

⁶³ Swedish government agency for development assistance to developing countries.

Domestic law

A so-called general ‘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, and if it does not stand in 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 should constitute an obstacle to the granting of permission.⁶⁴ The new regulations however only apply to completely new applications for licenses after the date of entry into force of the new legislation. Deals classified as so-called “follow-up deliveries” are usually allowed and these can last for many years, sometimes over a decade, and include new products. The government’s guidelines also 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.

Even though ISP is the agency responsible for implementing control on arms export, the government always has the highest political responsibility. Therefore, the government can require ISP to refer the applications to it, when it sees it fit.⁶⁵ The government has the final responsibility of the Swedish arms export. A small group of parliamentarians have, through the Export Control Council (EKR), an advisory role for export control issues. However, the Council members are bound by strict non-disclosure agreements and are not allowed to discuss cases with others, including their own party leaders.

The new Swedish arms export law does not include a gender perspective, despite the fact that it was suggested in the Parliamentary Committee’s proposal on export control in June 2015, which laid the base for the new law. The Parliamentary Committee proposed that Swedish export control should include gender-sensitive analysis in risk assessments of arms transfers,⁶⁶ similarly to the CEDAW Committee recommendation in 2016.⁶⁷

Furthermore, in practice, Swedish arms exports are largely left outside the government’s policies and implementation of its feminist foreign policy, despite the fact that it should permeate all foreign policy. Instead, the government’s implementation of the feminist foreign policy focuses only on the link

⁶⁴ Internationella kvinnoförbundet för fred och frihet (WILPF Sweden) (Source in Swedish), <https://ikff.se/besvikelse-over-regeringens-forslag-om-ny-vapenexportlagstiftning/>.

⁶⁵ Perlo-Freeman, S, “Who is arming the Yemen war? An update”, 2019, World Peace Foundation, <https://sites.tufts.edu/reinventingpeace/2019/03/19/who-is-arming-the-yemen-war-an-update/>.

⁶⁶ The Parliamentary Committee report, 2015, (Source in Swedish), https://www.regeringen.se/contentassets/5f48df2fa0f64233acc5380217833f87/1_sou_2015_72_del-1_webb_ej-bilaga-4.pdf?fbclid=IwAR2Sy4MQi0Zst4YP1-F7TQTyB9o3q2rLD4-xPQgc7eBD-R6FjnfH69qVWQ, pp. 354-355, (*unofficial translation*).

⁶⁷ CEDAW/C/SWE/CO/8-9, 10 March 2016, paragraph 26 (h).

between arms exports of small arms and light weapons, a type of weapon which Sweden has limited exports of, and ignores the consequences of Swedish exports of other types of weapons and military equipment.

Sweden's feminist government has committed to ensuring that a "gender equality perspective is brought into policy-making on a broad front, both nationally and internationally."⁶⁸ The Feminist Foreign Policy Action Plan also states that "The feminist foreign policy will inform **all** Swedish Foreign Service activities and contribute to global gender equality and the full enjoyment of human rights by all women and girls. The work is organised around three Rs: rights, representation and resources."⁶⁹ [emphasis added]. This is also specified in the 2019 Action Plan that stated that "the Foreign Service will work for a gender perspective in the area of disarmament, non-proliferation and arms control [...]."⁷⁰

Recommendations

- Fully and immediately stop all arms transfers to all countries involved in the war in Yemen, including follow-up deliveries.
- Cease to export and deny arms export authorisations to countries that violate IHL and human rights and facilitate GBV or violence against women.
- Ensure that the implementation of the new regulations on Swedish arms exports have a consistent gender perspective approach, by, for example, giving clear directives and training to the governmental agency ISP.
- Ensure that authorities with expertise in gender analysis, human rights, development and conflict prevention, such as the Folke Bernadotte Academy and Sida, are included in the licensing process.

⁶⁸ Government office of Sweden official webpage, <https://www.government.se/government-policy/a-feminist-government/>, collected 3 July 2019.

⁶⁹ Ministry of Foreign Affairs, *The Swedish Foreign Service action plan for feminist foreign policy 2019–2022*, including direction and measures for 2020, <https://www.government.se/499195/contentassets/2b694599415943ebb466af0f838da1fc/the-swedish-foreign-service-action-plan-for-feminist-foreign-policy-20192022-including-direction-and-measures-for-2020.pdf>.

⁷⁰ Ministry of Foreign Affairs, *The Swedish Foreign Service action plan for feminist foreign policy 2019–2022*, including direction and measures for 2019, <https://www.government.se/4adabb/contentassets/66afd4cf15ee472ba40e3d43393c843a/2019-swedish-foreign-services-action-plan-for-feminist-foreign-policy-eng.pdf>, p. 7.

- Include reports and recommendations from international and regional human rights bodies, such as by the Special Rapporteur on VAW; country reports and NGO shadow reports to the CEDAW Committee and other treaty bodies in the expert assessment.

III. Sweden’s implementation of UNSCR 1325

The third Swedish National Action Plan (NAP) for the implementation of UNSCR 1325 was adopted in 2016 (2016-2020).⁷¹ As it expires at the end of 2020, Sweden is in the process of reviewing it.

Sweden’s feminist foreign policy, announced in 2014, highlights the Women, Peace and Security agenda as a central tool to its implementation. However, more work remains to be done to ensure coherence and synergies between the two frameworks. For example, the 2020 Action Plan for the Feminist Foreign Policy highlights that Sweden will particularly consider the vulnerability and unique needs of refugee and migrant girls, as well as their capacity as actors.⁷² It also states that Sweden “will further push to ensure respect for the human rights, including SRHR, [...] of women and girl refugees and migrants [...] and to ensure that the rights of women and girls are taken into account in the implementation of the global compacts on migration and refugees.”⁷³ Such a commitment should also be included in Sweden’s NAP on 1325, as well as Sweden’s national asylum and migration frameworks to protect women in Sweden and globally. The current NAP lacks any reference to refugees and/or migrants in relation to the Swedish context or to the global context and frameworks.

Disarmament and arms control under the NAP

WILPF welcomes the fact that the current Swedish NAP highlights disarmament as both an area where women’s participation⁷⁴ is needed to a greater extent, and the need to adopt a gender perspective in multilateral processes on disarmament in relation to the conflict prevention pillar.⁷⁵ However, the fact

⁷¹ 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>.

⁷² Ministry of Foreign Affairs, *The Swedish Foreign Service action plan for feminist foreign policy 2019–2022, including direction and measures for 2020*,

<https://www.government.se/499195/contentassets/2b694599415943ebb466af0f838da1fc/the-swedish-foreign-service-action-plan-for-feminist-foreign-policy-20192022-including-direction-and-measures-for-2020.pdf>, p. 7.

⁷³ *Ibid*, p. 6.

⁷⁴ “to ensure women’s influence and meaningful participation in discussions and negotiations about disarmament and non-proliferation, including in international organisations in the area of disarmament”, p. 10 in Sweden’s NAP (2016-2020).

⁷⁵ “Contribute to ensuring that a gender perspective is integrated into discussions, final documents and

that this only applies to Sweden's work in multilateral fora is evidence of the lack of national anchoring. Sweden's NAP needs to be a framework also for national disarmament and arms control processes. As stated in the chapter above on arms export, the governmental agency ISP lacks the skills required to carry out adequate impact assessments of Swedish arms export in relation to development, poverty and women's rights. UNSCR 1325 and subsequent related resolutions should be included as part of the assessments of Swedish arms export. The ISP should also be added to the list of governmental agencies that need to report on the NAP, as many other agencies under the MFA do.

Climate

The report *Feminist policies for climate justice* by 16 Swedish civil society organisations, including WILPF Sweden, shows that Sweden's climate policy lacks gender analysis in many areas and that the feminist foreign policy fails to take a holistic approach to how gender equality and climate are linked.⁷⁶ In its list of issues, the CEDAW Committee asked Sweden about measures taken to integrate a gender perspective into policies and programmes on climate change, to ensure the effective participation of women in decision-making processes on climate change in line with the Committee's GR 37.⁷⁷

The current NAP1325 does not include climate change. Given the linkages between climate change, violence, and conflict, it is clear that a gender perspective needs to be added to the discussion. The WPS agenda would therefore offer a good policy platform to start.⁷⁸ One of the WPS resolutions, UNSCR 2242,⁷⁹ acknowledges the impact of climate change on the global context of peace and security. Furthermore, the EU Council conclusions on the EU's strategic approach to WPS makes this link,⁸⁰ and the Swedish 2020 Action Plan on the Feminist Foreign Policy together with the Swedish Handbook on Feminist Foreign Policy highlight that gender discrimination is reinforced by discrimination and vulnerability linked to factors such as poverty, conflict, migration, and climate change.⁸¹

relevant resolutions in the area of disarmament and arms control, and in their interpretation and implementation, particularly regarding small arms and light weapons", p. 12 in Sweden NAP (2016-2020).

⁷⁶ Concord Sweden, *Feminist policies for climate justice, highlighting key linkages between gender and climate*, 2020, <https://ikff.se/wp-content/uploads/2020/06/fem-rapport-2020-final.pdf>.

⁷⁷ CEDAW/C/SWE/QPR/10, paragraph 23.

⁷⁸ Kronsell, A, "WPS and Climate Change", in the Oxford Handbook of Women, Peace and Security, 2019.

⁷⁹ UN Security Council Resolution 2242, S/RES/2242(2015), <http://unscr.com/en/resolutions/doc/2242>, Preambular paragraph 13 .

⁸⁰ "EU Strategic Approach to Women, Peace and Security", pp. 22 and 32, available at: <https://www.consilium.europa.eu/media/37412/st15086-en18.pdf>.

⁸¹ Handbook Sweden's feminist foreign policy, Ministry of Foreign Affairs, 2019, <https://www.government.se/4ae557/contentassets/fc115607a4ad4bca913cd8d11c2339dc/handbook--swedens-feminist-foreign-policy.pdf>, p. 20.

Recommendations

- Include migration, asylum, and climate change in the upcoming NAP1325.
- Include UNSCR 1325, and subsequent related resolutions in the assessments of Swedish arms export carried out by the Inspectorate of Strategic Products (ISP). Such assessment should include the recipient countries' reports on implementation of UNSCR 1325 as well as NGO reports assessing such implementation.
- Require the agency ISP to report on the implementation of the NAP1325, in line with other agencies under the Ministry of Foreign Affairs (MFA).