

# Creating an International Gender and Peace Agenda:

## Transnational Companies, Weapons and Violence Against Women

Extraterritorial Obligations of Sweden under CEDAW  
Shadow Report to CEDAW 63rd Session

WOMEN'S INTERNATIONAL LEAGUE FOR  
**PEACE & FREEDOM**



This is a joint report by WILPF International and WILPF Sweden. The report is written by the WILPF's Human Rights Programme, which promotes a progressive gender perspective in preventing conflict and creating peace by bridging global and local efforts to implement a holistic and transformative human rights approach.

The Human Rights Programme monitors the UN human rights bodies to ensure their integration of disarmament, social justice and the Women, Peace and Security Agenda from a gender perspective in order to duly address the human rights of women on the ground.

The Swedish Section of WILPF was founded at the end of 1919 and named Internationella Kvinnoförbundet för Fred och Frihet (IKFF). Today, WILPF Sweden has about 800 members and 8 local branches around the country with their own local activities. The national office, situated in Stockholm, has 5 employees and 2 interns every semester. WILPF Sweden is involved in a variety of different projects focused on disarmament, conflict prevention, and women peace & security through lobbying, information and advocacy. 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 women's movement and the peace movement.

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CREATING AN INTERNATIONAL GENDER AND PEACE AGENDA:  
TRANSNATIONAL COMPANIES, WEAPONS AND VIOLENCE AGAINST WOMEN  
EXTRATERRITORIAL OBLIGATIONS OF SWEDEN UNDER CEDAW  
SHADOW REPORT TO CEDAW 63rd SESSION  
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TRANSNATIONAL COMPANIES, WEAPONS AND VIOLENCE AGAINST WOMEN**

**EXTRATERRITORIAL OBLIGATIONS OF SWEDEN UNDER CEDAW**

**Shadow report to CEDAW 63<sup>rd</sup> Session**

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## INTRODUCTION

In this globalised economy, human rights violations can occur cross-border and cannot be successfully addressed if the legal response does not take into account this transnational character.

For this reason, States' duty to protect human rights is not limited to their territory, but also to their actions that violate human rights extraterritorially as repeatedly affirmed by United Nations Treaty Bodies<sup>1</sup>, legal doctrine and by the International Court of Justice itself<sup>2</sup>. In addition, the obligation of States to protect human rights encompasses the duty of States to control the conduct of private actors<sup>3</sup>, including that of business enterprises incorporated under their laws, wherever these corporations operate. The Human Rights Committee in its concluding observations on the sixth periodic report of Canada recently reaffirmed this duty and its extraterritorial scope<sup>4</sup>.

Article 2) e of the Convention on the Elimination of All Forms of Discrimination against Women ("**CEDAW**" or the "**Convention**") and the CEDAW Committee<sup>5</sup> (the "**Committee**") also provide that States are expected to take all measures possible to prevent private actors, including enterprises, from adopting conduct that may lead to violations under CEDAW.

In addition, the Committee clarified in General Recommendation 28<sup>6</sup> the scope of these obligations: "*The obligations incumbent upon States parties that require them to establish legal protection of the rights of women on an equal basis with men, ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination and take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise also extend to acts of national corporations operating extraterritorially.*"

The present report aims at drawing the Committee's attention to Sweden's state of compliance with its extraterritorial obligations under the CEDAW Convention in three areas: arms exports, due diligence with regards to the activities of Swedish multinational companies outside of Sweden and the implementation of the Women, Peace and Security Agenda.

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<sup>1</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2000/4 (2000), para. 39; Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2002), The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2002/11 (26 November 2002), para. 31; Committee on the Elimination of Racial Discrimination, Concluding Observations: Canada, CERD/C/CAN/CO/18, para. 17; Concluding Observations: United States, CERD/C/USA/CO/6, para. 30

<sup>2</sup> Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004, para. 109; Armed Activities on the Territory of the Congo, Democratic Republic of the Congo v. Uganda) 19 Dec. 2005 paras. 178-180 and 216-217

<sup>3</sup> Human Rights Committee, General Comment No. 31, Nature of the General Legal Obligation Imposed to States Parties to the Covenant (CCPR/C/21/Rev. 1/Add. 13), 26 May 2004, para. 8; Committee on Economic, Social and Cultural Rights, General Comment No. 12 (1999): The right to adequate food (Art. 11), UN doc. E/C.12/1999/5, para. 15

<sup>4</sup> Human Rights Committee Concluding observations on the sixth periodic report of Canada, 13 August 2015, paragraph 6. The Committee recommended that : "*The State party should (a) enhance the effectiveness of existing mechanisms to ensure that all Canadian corporations under its jurisdiction, in particular mining corporations, respect human rights standards when operating abroad; (b) consider establishing an independent mechanism with powers to investigate human rights abuses by such corporations abroad; and (c) develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad*"

<sup>5</sup> Committee on the Elimination of Discrimination against Women General Recommendation No. 19, violence against women, paragraph 9

<sup>6</sup> <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf>

# IMPACT OF SWEDEN'S ARMS TRANSFERS ON GENDER-BASED VIOLENCE

## *Article 2) d*

### *General Recommendations 12, 19 and 30*

#### 1. Introduction

The Committee has established that gender-based violence constitutes discrimination under article 1 of the Convention when such violence is directed against a woman because she is a woman, but also when it affects women disproportionately<sup>7</sup>. Arms exports can have serious consequences on the rights and safety of women in countries where the weapons end up, particularly those of small arms and light weapons.

As the Committee has noted, the proliferation of small arms in particular, can have specific effects on women as victims of conflict-related gender-based violence, as victims of domestic violence and also as protestors or actors in resistance movements<sup>8</sup>.

In its interpretation of the Convention in General Recommendation 30, the Committee has recognised that the Convention requires State parties to focus on the prevention of conflict and all forms of violence, including by: “ {...} *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.*”<sup>9</sup>

The Committee also recommended State parties to address the gendered impact of international transfers of arms, especially small and illicit arms including through the ratification and implementation of the Arms Trade Treaty<sup>10</sup> (the “**ATT**”). Under article 7 (4) of the ATT<sup>11</sup>, it is indeed 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.

#### 2. State of play in Sweden

Sweden has ratified the ATT. In addition to this, a parliamentary committee on export controls introduced a proposal in June 2015 aiming at sharpening Swedish export regulations in particular in relation to “non-democratic” States<sup>12</sup>. The report by the committee also proposes that Swedish export controls should include gender-sensitive analysis in risk assessments of arms transfers.

WILPF welcomes Sweden’s efforts in this regard. However the proposal by the committee is too vague, and therefore too weak, especially in terms of how it seeks to “balance” human rights concerns vs. security interests. It is unclear whether the

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<sup>7</sup> Committee on the Elimination of Discrimination against Women General Recommendation No. 19, violence against women, paragraph 6

<sup>8</sup> Committee on the Elimination of Discrimination against Women General recommendation No. 30, women in conflict prevention, conflict and post-conflict situations, paragraph 32

<sup>9</sup> Committee on the Elimination of Discrimination against Women General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, paragraph 29

<sup>10</sup> Committee on the Elimination of Discrimination against Women General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, paragraph 33 e)

<sup>11</sup> 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.*”

<sup>12</sup> <http://www.sou.gov.se/kex/>

proposed provisions would ensure that export licenses are denied when serious or widespread violations of women's rights have been identified in the importing state.

Swedish exports of arms and military equipment are a continued source of concern in view of their potential effects in terms of fuelling conflict and contributing to or facilitating human rights violations, in particular gender-based violence against women.

### **3. Small arms sales and femicides**

In 2011, Sweden authorised sales of military firearms, small arms ammunition, shotgun cartridges, parts and accessories of shotguns and rifles to the US, Canada, Germany, France, Kuwait, United Arab Emirates, Saudi Arabia and Italy<sup>13</sup>. Some of these countries present serious situations of violence against women including domestic violence, femicides, sexual harassment, honour crimes and other forms of violations of women's rights.

Studies<sup>14</sup> have shown in a number of countries that between 40 and 70 per cent of female murder victims are killed by an intimate partner and that guns, where easily available, are often the weapon used in these murders<sup>15</sup>. A study conducted on 25 high-income countries has also confirmed a very high correlation between firearm availability in a country and firearm femicides, notably in the United States<sup>16</sup>. Indeed, recent statistics show that firearms are still significantly used in female intimate partner homicides. In 2010, 52 per cent of women victims of homicide in the United States were killed with a firearm, and two-thirds of them by an intimate partner<sup>17</sup>. Handguns were used in around 70 per cent of firearm femicides<sup>18</sup>.

Canada is another example. Data from 2000 to 2009 shows that 26 per cent of women killed in intimate partner violence are killed with firearms<sup>19</sup>. Finally, in Italy an analysis of women homicides, occurring between 1<sup>st</sup> January 2012 and 31<sup>st</sup> October 2014, showed that firearms were the second most used weapons in these crimes<sup>20</sup>. In addition, women may be at risk of gun violence from mafia clans in case of denunciation, political involvement or when challenging mafia rules<sup>21</sup>.

### **4. Sales of arms to Saudi Arabia**

The decision of the Swedish government not to prolong the military cooperation agreement with Saudi Arabia was a very welcome step to respect and protect human rights. However, the decision does not imply an end to Swedish arms sales to Saudi Arabia, nor to other States where women's human rights are violated. For example, it was recently announced that the Swedish arms company Saab has signed a contract with the United Arab Emirates (UAE) to deliver a new airborne surveillance system with

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<sup>13</sup> Small Arms Survey 2014 : Women and Guns, Annexes 4.1 and 4.2 Major exporters and importers, page 8

<sup>14</sup> WHO (World Health Organization). 2002. World Report on Violence and Health. Geneva: WHO, 93; UNODC (United Nations Office on Drugs and Crime). 2011a. 2011 Global Study on Homicide: Trends, Contexts, Data. Vienna: UNODC.

<sup>15</sup> Small Arms Survey 2013, Too Close to Home, Guns and Intimate Partner Violence, page 1

<sup>16</sup> Hemenway, Shinoda-Tagawa, and Miller, Firearm availability and female homicide victimization rates among 25 populous high-income countries, 2002, page 102

<sup>17</sup> Small Arms Survey 2013, Too Close to Home, Guns and Intimate Partner Violence, page 26

<sup>18</sup> Violence Policy Center, 2012a, When Men Murder Women: An Analysis of 2010 Homicide Data, Washington, DC: VPC, page 7

<sup>19</sup> Family Violence in Canada: A Statistical Profile. Catalogue No. 85-224-X. Ottawa: Statistics Canada, 2011, page 33-35

<sup>20</sup> Italian Journal of Pediatrics 2015 41:68, "Femicide and murdered women's children: which future for these children orphans of a living parent?"

<sup>21</sup> Small Arms Survey 2013, Guns in the Family, Mafia violence in Italy, page 86

a new version of the Saab Erieye radar system. Erieye has also previously been exported to Saudi Arabia.

The role of the UAE and Saudi Arabia in the on-going conflict in Yemen, where civilians bear the brunt of the violence, exemplifies the clear and unacceptable risks that come with authorising arms transfers to States where human rights are violated. Swedish human rights organisations and media have reported<sup>22</sup> that Erieye may have been used in Saudi Arabia-led attacks in Yemen that have targeted civilians and civilian targets such as humanitarian supplies.<sup>23</sup>

As well as causing the deaths and injuries of more than 2000 civilians, the conflict in Yemen has exacerbated an already severe humanitarian crisis and 80% of the population is in urgent need of humanitarian assistance<sup>24</sup>. In such a context, women and girls often suffer disproportionately due to forced displacement, sexual violence, trafficking, lack of access to health care (including sexual and reproductive health) and lack of access to victim and survivor assistance<sup>25</sup>. The UN Refugee Agency has expressed concern with sexual violence and abuse of refugee women fleeing to Europe from conflicts in the Middle East, including that in Yemen<sup>26</sup>

## 5. Sales of arms to India

Swedish arms continue to be sold to India while violence continues in conflicts such as in the State of Manipur, where a conflict has been on going for decades and a martial law (the Armed Forces Special Powers Act « **AFSPA** ») applied since 1958. This Committee has found that the AFSPA has serious consequences on the human rights of women enshrined in CEDAW, in particular on the right to access to justice and the risk of reprisals<sup>27</sup>.

During the period 2001-2010, Sweden exported arms and military equipment to India with a total value of more than 430 million US Dollars. India was the biggest buyer of Swedish arms in 2012. Exports included for example anti-tank weapons and howitzers<sup>28</sup>.

In the context of the conflict in Manipur, Indian security forces have been found responsible for extrajudicial killings, arbitrary detention, violations of due process, and ill treatment in custody. Armed groups have also committed human rights abuses against civilians including the use of explosives and landmines, forced recruitment of soldiers including of children and killings<sup>29</sup>. Finally, testimonies of rape and killing of women and

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22 <http://www.omvarlden.se/Branschnytt/regeringens-politik-for-global-utveckling-fungerar-inte/>;  
<http://www.svd.se/svenska-vapen-anvands-i-krig-mot-jemen>

23 Action on Armed Violence and the UN Office for the Coordination of Humanitarian Affairs, State of crisis: Explosive weapons in Yemen, August 2015, <http://www.inew.org/site/wp-content/uploads/2015/09/State-of-Crisis.pdf>

24 <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

25 Committee on the Elimination of Discrimination against Women General Recommendation 30 on women in conflict prevention conflict and post conflict situations, paragraphs 34-81

26 UNHRC concerned at reports of sexual violence against refugee women and children, 23 October 2015, <http://www.unhcr.org/562a3bb16.html>

27 Committee on the Elimination of Discrimination against Women: Concluding observations on the combined fourth and fifth periodic reports of India. Para: 12 and 13

28 <http://www.government.se/contentassets/5d8c412db8d249dd976b165cc760164e/strategic-export-control-in-2012--military-equipment-and-dual-use-products>; <http://www.svenskafreds.se/node/2249>

29 <https://www.hrw.org/world-report/2009/country-chapters/india>

girls at gunpoint by the Indian army and armed groups have also been reported<sup>30</sup> and remain unpunished<sup>31</sup> to this day.

## 6. Conclusion

WILPF considers that these findings demonstrate non-compliance to CEDAW and other international instruments such as the ATT in two ways. Firstly, the assessment mechanism that is in place in Sweden is not transparent and efficient enough to prevent arms exports that may facilitate violations of human rights such as gender-based violence. The lack of due assessment is already a violation in itself.

Secondly, continued small arms sales to the USA and Canada as well as sales of Erieye radar systems and other weapons to Saudi Arabia, the United Arab Emirates, and India, risk having dire consequences for women and girls and contravene General Recommendation 30<sup>32</sup> made by this Committee.

For these reasons, WILPF suggests the following recommendations to Sweden:

- To conduct rigorous and transparent gendered impact assessments of international transfers of arms by adopting national legislation and policies to this effect, developed in full consultation with civil society organisations, in order to fully implement Sweden's obligations under CEDAW, General Recommendation 30 and the ATT,
- To deny authorisation of any arms sales or transfers when there is a risk that they would be used to commit or facilitate acts of gender based violence against women or where there are widespread or serious violations of women's human rights, including acts of gender-based violence.

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<sup>30</sup> <http://www.cafi-online.org/articles.php?event=det&id=87&page=1>

<sup>31</sup> <http://blogs.reuters.com/india/2013/01/27/rape-goes-unpunished-under-indias-military-special-powers-act-committee-says/>; <http://timesofindia.indiatimes.com/city/guwahati/8-years-on-justice-eludes-Manorama-Devis-family/articleshow/14839688.cms?referral=PM>; [https://www.washingtonpost.com/world/asia\\_pacific/in-indias-remote-northeast-civilians-challenge-rape-killing-by-security-forces/2013/02/18/53cfd894-75ca-11e2-aa12-e6cf1d31106b\\_story.html](https://www.washingtonpost.com/world/asia_pacific/in-indias-remote-northeast-civilians-challenge-rape-killing-by-security-forces/2013/02/18/53cfd894-75ca-11e2-aa12-e6cf1d31106b_story.html)

<sup>32</sup> Committee on the Elimination of Discrimination against Women General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, paragraph 29



# IMPACT OF SWEDISH TRANSNATIONAL COMPANIES OPERATING IN THE TEXTILE INDUSTRY IN BANGLADESH

## *Article 2) e*

## *Article 11*

### 1. Introduction

The garment sector of Bangladesh employs about 3.6 million workers. With over 80%<sup>33</sup> of the workforce of the garment industry, women are the backbone of this industry. In addition, the overwhelming majority of women working in this sector are migrant women coming from the poorer rural areas<sup>34</sup>.

Recent high-profile industrial disasters, such as the tragic building collapse in April 2013 of the Rana Plaza, that killed 1138 workers<sup>35</sup>, raise important questions about worker safety and in particular about women workers' rights. In Bangladesh, where eight out of ten garment workers are women, mainly rural women, the needs and challenges to women's rights under CEDAW should be considered with specific attention.

### 2. Unsafe working conditions

Multinational companies of the textile industry which outsource manufacturing in factory suppliers in Bangladesh do bear a responsibility in this regard and some companies, after the Rana Plaza disaster and after international pressure from unions and labor rights advocates, have publicly and legally committed to improve the safety of their suppliers' factories by signing the Accord on Fire and Building Safety in Bangladesh<sup>36</sup> (the "**Accord**").

The signatory brands have notably committed to require their factories to undergo essential safety renovations, to provide financial assistance to factories that need it, and to stop doing business with factories that fail to undertake renovations. However, many of these commitments remain dead letter to this day and the lives of ten of thousands of Bangladeshi garment workers, among whom mainly women, remain endangered.

Thirteen Swedish companies in the textile industry such as H&M, Åhléns/Lagerhaus, Gina Tricot AB, Hemtex, ICA Sverige, Kwintet Sweden AB, are signatories of the Accord<sup>37</sup>. H&M is the largest apparel purchaser in Bangladesh and has 229 manufacturing factory suppliers in Bangladesh<sup>38</sup>. A recent report<sup>39</sup> published by the Clean Clothes Campaign (CCC), International Labor Rights Forum (ILRF), Maquila Solidarity Network (MSN), and Worker Rights Consortium (WRC) analysed publicly available information regarding the level of progress H&M has achieved in addressing safety hazards in its factories in Bangladesh.

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<sup>33</sup> [http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS\\_234670/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_234670/lang-en/index.htm)

<sup>34</sup> Rags, Riches and Women Workers : Export-oriented Garment Manufacturing in Bangladesh, N. Kabeer and S. Mahmud, page 146, 148

<sup>35</sup> <http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/10014778/Bangladesh-building-collapse-kills-at-least-82-in-Dhaka.html>

<sup>36</sup> <http://bangladeshaccord.org/about/>

<sup>37</sup> <http://bangladeshaccord.org/signatories/>

<sup>38</sup> <http://sustainability.hm.com/en/sustainability/downloads-resources/resources/supplier-list.html>

<sup>39</sup> <http://www.cleanclothes.org/resources/publications/hm-bangladesh-september-2015.pdf>

The report concludes that H&M has not fulfilled its commitments to ensure the safety of the workers from its suppliers' factories in Bangladesh and that its factories have failed to meet mandated timeframes for repairs and the majority of all renovations have still not been carried out. The remaining renovations include the installation of fireproof doors, the removal of locking or sliding doors from fire exits, and the enclosure of stairwells - meaning that in many factories workers may be unable to safely exit a factory in an emergency<sup>40</sup>.

Corporations at the top of the supply chain have the obligation to ensure that no violations are perpetrated at the bottom of the supply chain. This obligation is justified by the power relationship existing between corporations and their subcontractors based on the different size, stability, wealth and political influence. This has been pointed out by the Special Rapporteur on Contemporary forms of Slavery in its recent report on supply chains<sup>41</sup>.

In an industry where women are overrepresented, the absence of safe working conditions amounts to discrimination against women under the Convention and in particular, to a violation of the right to protection of health and to safety in working conditions under article 11 f). Indeed, the definition of discrimination against women is broad and not only covers direct types of discrimination, but also indirect discrimination, which result from laws, policies and/or practices that are formally gender neutral but that, in practice, have a disproportionately negative impact on women<sup>42</sup>. The lack of safe working conditions in the Bangladeshi garment industry disproportionately impacts women who constitute more than 80% of the workforce in that sector.

### **3. Gender gap in indecent salaries**

Data about women's wages in the garment industry are not consistently measured but studies show a wide income gap between male and female workers<sup>43</sup>. Men workers are usually paid 25% more than women workers<sup>44</sup>. In addition, most supervisors in factories are male<sup>45</sup>.

Gender discrimination also occurs regarding training within the factories; men are often favoured over women to carry out the most skilled-labour tasks such as using advanced machineries because they are considered as more capable than women to do more complex tasks<sup>46</sup>. This phenomenon enhances men's opportunities to better

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<sup>40</sup> <https://www.cleanclothes.org/news/press-releases/2015/10/01/h-m-fails-to-make-fire-and-building-safety-repairs-in-bangladesh>

<sup>41</sup> UN Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Urmila Bhoola, 8 July 2015, A/HRC/30/35, available at: <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

<sup>42</sup> Committee on the Elimination of Discrimination against Women General Recommendation 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, paragraph 16

<sup>43</sup> Swedwatch report #47, « A lost revolution? Empowered but trapped in poverty. Women in the garment industry in Bangladesh want more. »

<sup>44</sup> USAID, Thematic Brief, Gender and the garment and Textile Industry – evidence from Bangladesh and the Dominican Republic. p. 5, 2008

<sup>45</sup> Working conditions in the Bangladeshi garment sector : social dialogue and compliance, Fair Wear Foundation and University of Delft, page 93; [http://www.fairwear.org/ul/cms/fck\\_uploaded/documents/countrystudies/bangladesh/WorkingconditionsintheBangladeshigarmentsectorSocialdialogueandcompliance.pdf](http://www.fairwear.org/ul/cms/fck_uploaded/documents/countrystudies/bangladesh/WorkingconditionsintheBangladeshigarmentsectorSocialdialogueandcompliance.pdf)

<sup>46</sup> Working conditions in the Bangladeshi garment sector : social dialogue and compliance, Fair Wear Foundation and University of Delft, page 121

career advancement and higher salary (even if still indecently low)<sup>47</sup> thus strengthening the discriminatory effect on women.

Although women constitute the vast majority of the garment workforce, they are discriminated in their working environment and do not earn or cover higher position as men. These discriminatory practices amount to violations of article 11 b) (right to the same employment opportunities, c) (right to receive training) and d) (right to equal remuneration) of the Convention.

#### **4. Slavery**

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences identified the textile industry as a high-risk industry of slavery in view of the complex subcontracting relations in this sector which may render controls opaque and labour inspections difficult to conduct in practice. Workers in this fast-paced industry are also vulnerable to exploitation in order to meet the tight deadlines and large orders of international brands.<sup>48</sup> It is important to note that women workers, who are mainly young migrants from poor rural areas, may be particularly vulnerable to exploitation due to the nexus of gender discrimination and inequality<sup>49</sup> that characterises the garment industry in Bangladesh as developed here above. Swedish companies operating in the textile sector in Bangladesh should hence also take into account the heightened risk of exploitation of women in this context.

#### **5. Conclusion**

WILPF considers that these findings show non-compliance of article 2 e) of the Convention and with General Recommendation 28 in two ways. Firstly, the due diligence mechanisms are not efficient enough to ensure that Swedish corporations do not violate women's human rights when operating outside Sweden. The lack of due diligence mechanisms is already a violation in itself.

Secondly, in light of the findings above, the Swedish government has failed to effectively prevent human rights violations in activities of its national corporations in their operations outside Sweden.

The prospective international legally binding instrument to regulate the activities of transnational corporations and other business enterprises to be negotiated in accordance with resolution 26/9 of the Human Rights Council, could be an important instrument to strengthen the obligation of States to protect human rights, including extraterritorially and in activities of corporations. Such a treaty could hence also be an effective tool to enhance States' obligations to protect women's rights under CEDAW and most importantly, to prevent and remedy violations to CEDAW committed in the context of corporate activities.

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<sup>47</sup> Working conditions in the Bangladeshi garment sector : social dialogue and compliance, Fair Wear Foundation and University of Delft, page 104

<sup>48</sup> UN Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Urmila Bhoola, 8 July 2015, A/HRC/30/35, paragraph 24, available at: <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

<sup>49</sup> UN Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Urmila Bhoola, 8 July 2015, A/HRC/30/35, paragraph 19, available at: <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

For these reasons, WILPF suggests the following recommendations to Sweden:

- To ensure that Swedish companies comply with human rights obligations to ensure safe and decent working conditions throughout their supply chains within and outside of Sweden,
- To ensure that Swedish companies active in the textile industry take into account a gender perspective in order to assess specific risks of women's rights violations under CEDAW and of exploitation of women workers throughout their supply chains,
- To actively engage in the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights with a view to adopting an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises in accordance with resolution 26/9 of the Human Rights Council,
- In line with Sweden's National Action Plan for Business and Human Rights<sup>50</sup>, to concretely deliver measures in order to put into practice the statement in its National Action Plan that: *"Companies should also help to defend and strengthen women's rights, including through access to the labour market and by combating discrimination in all its forms."*

## **IMPLEMENTATION OF THE WOMEN, PEACE AND SECURITY AGENDA BY SWEDEN**

### ***Article 7***

### ***Article 8***

### ***General Recommendation 30***

### ***UN Security Council Resolutions 1325, 1889, 2122 and 2242***

Sweden is in the process of drafting a new National Action Plan for the implementation of UNSCR 1325 and its subsequent resolutions. This represents an opportunity to have a strong and comprehensive instrument that fully incorporates the Convention and General Recommendation 30.

A number of the recommendations put forward by civil society in consultations on the upcoming Swedish National Action Plan on Women, Peace and Security, are already reflected in the newly adopted Ministry for Foreign Affairs' National Action Plan on feminist foreign policy<sup>51</sup>. WILPF welcomes this and urges the Swedish government to ensure that the upcoming National Action Plan on Women, Peace and Security reflects these goals and commitments where relevant and ensure coherence and synergies between the two documents.

The current Swedish National Action Plan on Women, Peace and Security, does not sufficiently address responsibilities and accountability mechanisms for government ministries. The new National Action Plan must set out clear responsibilities, not only for relevant government agencies but also for all relevant government ministries. The

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<sup>50</sup> <http://www.government.se/contentassets/822dc47952124734b60daf1865e39343/action-plan-for-business-and-human-rights.pdf>

<sup>51</sup> <http://www.government.se/contentassets/b799e89a0e06493f86c63a561e869e91/action-plan-feminist-foreign-policy-2015-2018>

government must also ensure that all implementation efforts come with sufficient budget allocations.

All obligations relating to Sweden's implementation of the Women, Peace and Security agenda must be included in relevant strategies and other steering documents, as well as in annual reports, for ministries as well as for agencies. This will also be a critical measure in order to create better conditions for transparency, evaluation and accountability in Sweden's implementation process. The current National Action Plan does not address this need sufficiently.

WILPF welcomes the fact that the Swedish government has identified conflict prevention and gender equality in peace building as priority areas for the new upcoming Swedish platform on international development cooperation. These critical priorities must also be reflected in the new National Action Plan on Women, Peace and Security, based on a holistic approach to conflict prevention which includes strengthened efforts for disarmament, as well as strong support, politically and financially, to women peace activists in conflict and post conflict settings.

For these reasons, WILPF suggests the following recommendations to Sweden:

- To ensure that the National Action Plan sets out clear responsibilities including for all relevant government ministries and agencies,
- To ensure that implementation efforts come with sufficient budget allocations,
- To ensure that all obligations relating to Sweden's implementation of the Women, Peace and Security agenda is included in relevant strategies and other steering documents, as well as in annual reports, for ministries as well as for agencies,
- To ensure that conflict prevention and gender equality in peace building are reflected in the new National Action Plan with strengthened efforts for disarmament as well as strong support, politically and financially, to women peace activists in conflict and post conflict settings,
- To reject being part of any peace negotiation that does not include women in the process and that does not incorporate a gender analysis.



The Women's International League for Peace and Freedom (WILPF) is an international non-governmental organisation (NGO) with National Sections covering every continent, an International Secretariat based in Geneva, and a New York office focused on the work of the United Nations (UN).

Since our establishment in 1915, we have brought together women from around the world who are united in working for peace by non-violent means and promoting political, economic and social justice for all.

Our approach is always non-violent, and we use existing international legal and political frameworks to achieve fundamental change in the way states conceptualise and address issues of gender, militarism, peace and security.

Our strength lies in our ability to link the international and local levels. We are very proud to be one of the first organisations to gain consultative status (category B) with the United Nations, and the only women's anti-war organisation so recognised.



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