



Ministry for Foreign Affairs  
Director-General for Legal Affairs

The Special Rapporteurs and  
Independent Experts signatories  
to the Joint Communication AL  
SWE 4/2022

Office of the High Commissioner  
for Human Rights  
Palace of Nations  
CH-1211 GENEVA 10  
Switzerland

### Communication from Special Procedures

Reference: AL SWE 4/2022

Mesdames and Sirs,

1. I have the honour of referring to your letter of 11 October 2022 in which the relevant Special Rapporteurs and Independent Experts reiterates some of the alleged consequences of the fact that Mölnlycke Health Care AB (Mölnlycke) has stopped selling certain medical dressings to Iran.
2. In response to the invitation from the Special Rapporteurs and Independent Experts to submit observations on questions related to the abovementioned issue, I have the privilege, on behalf of the Swedish Government, to submit the following.
3. In its replies to other joint communications, the Government has outlined the policies and general measures taken by Sweden in regard of business and human rights. The Government wishes to refer the relevant Special Rapporteurs and Independent Experts to the communications AL SWE 2/2020, AL SWE 2/2021 and AL SWE 3/2021 for more details in this regard.

4. The Government notes in particular that one of the communications (AL SWE 3/2021) also concerned consequences of the fact that Mölnlycke stopped selling certain medical dressings to Iran. The Government replied to this communication on 14 December 2021.

5. In the observations of 14 December 2021, the Government, *inter alia*, clarified that, if a company is believed to have breached the OECD Guidelines for Multinational Enterprises (the OECD Guidelines), this may be reported to the National Contact Point (NCP) for the OECD Guidelines. Sweden's NCP is a three-party collaboration between the state, the industry organisations and the trade unions, chaired by the Ministry for Foreign Affairs.

6. A submission by the Iranian Center for International Criminal Law (ICICL) concerning Mölnlycke was received by the Swedish NCP on 15 May 2021. On 15 November 2021, the NCP decided that the issue did not merit further examination, but that the NCP could give recommendations concerning the due diligence process of the company.<sup>1</sup>

7. The Government wishes to underline the following concerning the developments since December 2021.

8. As the signatories are aware, the Ministry for Foreign Affairs and the Swedish Embassy in Tehran have interacted with UNICEF in order to find a way to deliver the products to Iran via UNICEF. The Ministry has also been in contact with Mölnlycke. In February 2022, the Government decided to contribute SEK 18 million to UNICEF for the purchase of mepilex dressings from Mölnlycke for the treatment of Iranians suffering from *Epidermolysis Bullosa*.

9. A first shipment of mepilex units arrived in Tehran in August 2022 and a second delivery arrived in September. This should correspond to an annual need of mepilex units in Iran. However, as of November 2022, the entire second delivery still remained at customs in Iran. The Iranian Ministry of Health is requesting UNICEF to manage and pay for the customs clearance, a demand that UNICEF has difficulty in fulfilling and which had not been presented in advance.

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<sup>1</sup> <https://www.regeringen.se/4af6f0/contentassets/20e6af9a9ba54a479d13c3c387f16980/initial-assessment-ncp-matter-december-2021.pdf>

10. Accordingly, during the last year, substantial efforts have been made on the part of the Government to find a solution and UNICEF has indicated that it remains prepared to respond to requests from the Iranian Ministry of Health.

11. The Government also notes that a substantial part of the communication concerns Sweden's human rights duties.

12. The Government is in full agreement with the signatories on the importance of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Universal Declaration of Human Rights, and it is obviously in full agreement with the assertion that Sweden has substantial human rights obligations under these instruments. However, the Government finds it difficult to understand how the provisions invoked by the signatories are relevant to the circumstances surrounding Mölnlycke's decision not to sell certain products to Iran.

13. Furthermore, the Government finds the signatories' interpretation of the UN Guiding Principles on Business and Human Rights (the UNGP) to be overtly extensive as it indicates a responsibility on companies to provide medical products to specific markets. However, it is primarily the responsibility of states to provide adequate health care and it should be noted that EU operators are free to conduct their business at their own discretion, in conformity with EU law and national law. This means that they may choose to initiate, continue or end their business with third countries.

14. Furthermore, the OECD Guidelines are voluntary commitments, and not legally binding commitments. The Government finds it pertinent to reiterate that it is not for the Government to conduct human rights *due diligence* within the framework of human rights and business. In this regard, the Government also wishes to emphasise that Mölnlycke has received adequate information about the OECD Guidelines and the expectations on companies as regards human rights and due diligence.

15. In summary, the Government wishes to emphasise that it has worked actively to find a solution to the issue at hand, *inter alia*, through contacts with relevant actors and a substantial financial contribution. The Government furthermore recognizes the importance of business and human rights. However, in this

particular case the Government does not agree with the notion that Sweden has acted in contravention with any human rights obligations.

16. Finally, the Government wishes to clarify that it stands at the disposal to the Special Rapporteurs and Independent Experts should any further information be required.

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Please accept, Mesdames and Sirs, the assurances of my highest consideration

A handwritten signature in blue ink, appearing to read 'C. Nesser', with a long horizontal stroke extending to the right.

Carl Magnus Nesser  
Ambassador, Director-General for Legal Affairs