



Ministry for Foreign Affairs  
Director-General for Legal Affairs

The Special Rapporteur on the  
negative impact of unilateral  
coercive measures on the  
enjoyment of human rights

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

## Communication from Special Procedures

Reference: AL SWE 3/2023

Dear Special Rapporteur,

1. I have the honour of referring to your letter of 11 September 2023 in which the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights brings to the attention of the Swedish Government the alleged consequences of the fact that Mölnlycke Health Care AB (Mölnlycke) allegedly has stopped selling certain medical dressings to Belarus.
2. In response to the invitation from the Special Rapporteur to submit observations on certain questions related to the abovementioned issue, I have the privilege, on behalf of the Swedish Government, to submit the following.
3. Initially, the Government wishes to express its utmost sympathy for patients suffering from Epidermolysis Bullosa (EB).
4. In its replies to previous joint communications, the Government has outlined the policies and general measures taken by Sweden concerning business and human rights. The Government wishes to refer the Special Rapporteur to the communications AL SWE 2/2020, AL SWE 2/2021, AL SWE 3/2021 and AL SWE 4/2022 for more details in this regard. The Government recognises the importance of business and human rights and has taken a number of measures

relating to the matter during the last years, as described further in its observations in relation to mentioned communications.

5. The Government considers the human rights instruments mentioned in the annex attached to the communication of the Special Rapporteur to be of great importance. Sweden has substantial human rights obligations under these instruments and must unequivocally respect its commitments under them. Nevertheless, the Government finds it difficult to understand how the provisions mentioned in the annex are relevant to the circumstances surrounding a private company's alleged decision not to sell certain products to Belarus. Needless to say, Swedish private companies are not under government control and are free to form their own decisions.

6. Furthermore, the Government finds the Special Rapporteur's interpretation of the UN Guiding Principles on Business and Human Rights (the UNGP) to be overly extensive, as it indicates a responsibility on companies to provide medical products to specific markets. It is primarily the responsibility of states to provide adequate health care. 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 private companies such as Mölnlycke may choose to initiate, continue or end their business with third countries. The Government also finds it pertinent to reiterate that it is business enterprises which should conduct human rights due diligence within the framework of human rights and business, rather than governments (see UNGP17).

7. Two of the above-mentioned communications (AL SWE 3/2021 and AL SWE 4/2022) concerned the fact that Mölnlycke stopped selling medical dressings, to another country under sanctions. Ultimately, the products could be delivered to that country after interaction and cooperation with UNICEF.

8. As regards the specific situation addressed in the present communication, the Government would like to submit the following.

9. The European Union (EU) has imposed restrictive measures against Belarus since 2004. Initially, the restrictive measures targeted four people listed in connection with the unresolved disappearances of two opposition politicians, one businessman in 1999 and one journalist in 2000. Further restrictive measures were later adopted against those involved in violations of international electoral standards and international human rights law, as well as in the crackdown on civil

society and democratic opposition. An arms embargo was introduced in 2011. In 2016, the restrictive measures against 170 individuals and three companies were lifted, while maintaining the arms embargo and the listings against the four persons initially listed. This decision was taken while acknowledging steps taken by Belarus that contributed to improving EU-Belarus relations.

10. Further restrictive measures were imposed, starting in 2020, as a response to, *inter alia*, unacceptable violence by the Belarusian authorities against peaceful protesters, exploitation of migrants for political purposes and hybrid attacks at EU borders. In response to Belarus' support for Russia's war of aggression against Ukraine, the EU decided to impose further sanctions against Belarus. The restrictive measures now include, *inter alia*, a ban on transactions with the Central Bank of Belarus, a ban on Belarusian banks using the Swift payment system, restrictions on the financial flow from Belarus to the EU, and a ban on providing euro banknotes to Belarus. However, dressings such as referred to in the letter, are not included in the EU sanctions. Further information on the EU's restrictive measures is available in the relevant legal acts as published in the Official Journal of the European Union.

11. The matter regarding the issue of Mölnlycke's deliveries to Belarus was first brought to the attention of the Swedish Embassy in Minsk by the Republican Association for the Support of Epidermolysis Bullosa Patients (RPA SEBP) and DebraBelarus in May 2023. The Embassy contacted Mölnlycke and also asked RPA SEBP/DebraBelarus to contact Mölnlycke directly. The Government would like to emphasise that the reason why Mölnlycke decided to halt the export of the medical dressings to Belarus, is a matter for Mölnlycke and not for the Government to clarify.

12. The Ministry for Foreign Affairs understands from Mölnlycke that the company, as of September 2023, has not decided to leave the Belarusian market. It is the Government's understanding that Mölnlycke would support a way to deliver the products to Belarus through an intermediary, such as UNICEF.

13. In contacts with UNICEF in Belarus, the Swedish Embassy in Minsk was informed that UNICEF intended to make a purchase through Mölnlycke for one set of dressings to cover the most urgent needs. The Embassy was also informed that if the Belarusian Government wants to procure further dressings through UNICEF's supply division, a Memorandum of Understanding would need to be signed between UNICEF and Belarus. The Swedish Embassy in Minsk has

informed the Belarusian Ministry for Foreign Affairs about the need for a memorandum.

14. Business and human rights is a prioritised issue for the Government of Sweden. Sweden intends to remain active on these issues.

15. The Government remains at the disposal of the Special Rapporteur, should any further information be requested.

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Please accept, Madam, the assurances of my highest consideration



Elinor Hammarskjöld  
Ambassador, Director-General for Legal Affairs