

Human Rights Council
Complaint Procedure Form

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Group of individuals NGO

Please see supporting documents.

- 1) A list of signatures from Swedish citizens supporting this claim and demanding a cease to harmful investments through their pension money.
- 2) A list of organizations and NGOs behind this complaint (<https://www.vianmalerapfonderna.se/>)

II. Information on the State concerned

This complaint is launched against the state-owned pension funds (AP funds) in Sweden.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Background:

Pension funds occupy a growing position in the global investment arena. As they become increasingly active in so called emerging markets, their potential and actual impacts on vulnerable communities give ample cause for critical examination of how human rights and environmental standards are complied with. For years Swedish NGOs and citizens of Sweden have struggled and strived for the Swedish Pension Funds to understand the adverse environmental impact and violations of human rights through some of their investments around the world. Pension funds invest billions in mining, agricultural, and oil companies that are guilty of land grabbing. They hardly, if at all, stand up for the rights of the victims of these landgrabs, or other victims. Up to 2.5 billion people depend on indigenous and community lands, land to fulfil their livelihoods, which make up over 50% of the land on the planet; however, they legally own just one-fifth. The remaining five billion hectares remain unprotected, and companies take advantage of this, taking over land for large scale palm oil plantations, mining, oil extraction and other business interests. You will clearly see the interlinkages between human and environmental harm in the cases presented below. The Swedish AP-funds must cease with investments that harm already marginalized communities and harm land and forest. With respect to the matter, the undersigned civil society organizations and activist groups, with several thousand of Swedish citizens standing behind this complaint, we ask for divestments and that the state-owned pension funds take responsibility for the human and environmental harm caused by putting real pressure on harmful companies. Presented below are a number of cases describing human rights atrocities and a severe environmental impact through and because of the investments of Swedish Pension Funds (AP-funds).

Swedish AP-fund's (Pension Funds) destruction of the Amazon

CHEVRON CORP –

While drilling in the Ecuadorian Amazon from 1964 to 1990, Chevron deliberately dumped more than 16 billion gallons of toxic wastewater, spilled roughly 17 million gallons of crude oil, and left hazardous waste in hundreds of open pits dug out of the forest floor.* The result was, and continues to be, one of the worst environmental disasters on the planet. Contamination of soil, groundwater, and surface streams has caused local indigenous and campesino people to suffer a wave of mouth, stomach, and uterine cancer as well as birth defects and spontaneous miscarriages. Chevron has never cleaned up the mess it inherited, and its oil wastes continue to poison the rainforest eco system. In February of 2011, Chevron was found guilty and ordered to pay \$9 billion to remediate the environmental damage and pay for clean water and healthcare facilities for the affected population. Rather than accept the final decision and at long last clean up its toxic mess, the company instead vowed never to pay for a clean-up and promised the communities a "lifetime of litigation" and to fight the judgment "until Hell freezes over, and then fight it out on the ice." Since then, Chevron has engaged in multiple SLAPP-suits, the most prominent against the human rights lawyer who helped win the case against the company in Ecuador, Steven Donziger. Donziger has spent over two years in house arrest due to the Chevron appointed lawyers, prosecutors and judges that carried this case through the US justice system. In September 2021, the United Nations Working Group on Arbitrary Detention directed the U.S. government to release Donziger immediately, pay him compensation for the house arrest he has suffered for over two years, and conduct an investigation. †

Investments (as of June 2021):

AP3: Foreign Equity Holdings: 178 967 000 SEK

AP7: Equity: 2 091 953 000 SEK

BLACKROCK INC –

BlackRock is the world's largest investor in companies tied to deforestation. Clearing our forests accelerates climate change and threatens the rights of Indigenous peoples, traditional landowners, and local communities. Industrial activities often undermine the rights of Indigenous peoples, who are not given the opportunity to consent or reject projects on their territories, or who are threatened, coerced, or forced from their traditional lands. BlackRock has no policy for how to handle investments that may negatively impact the rights of Indigenous peoples.‡ Nor has it committed to pressuring the companies it invests in to conduct their business in a way that will help end deforestation of tropical rainforests like the Amazon.

* Amazon Defense Coalition, 2012, "Summary of Overwhelming Evidence Against Chevron in Ecuador Trial" <https://chevrouinecuador.org/assets/docs/2012-01-evidence-summary.pdf>

† Human Rights Council Working Group on Arbitrary Detention, 2021, "Opinions adopted by the Working Group on Arbitrary Detention at its ninety-first session, 6–10 September" https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Session91/A_HRC_WGAD_2021_24_AdvanceEditedVersion.pdf

‡ BlackRock. BlackRock ESG Integration Statement. 8/12/2020 <https://www.blackrock.com/br/literature/publication/blk-esg-investment-statement-web.pdf>

A 2019 report by Amazon Watch and Friends of the Earth[§] showed that BlackRock is the world's largest investor in companies behind deforestation in the Amazon and around the world. Deforestation is the second-largest driver of climate change, after fossil fuels. We can't protect the climate without protecting the rainforest. Amazon oil drilling also represents a double climate threat due to both fossil fuel extraction and deforestation. Amazon Watch's recent report, Investing in Amazon Crude, showed that in late 2019, BlackRock held as much as US\$2.5 billion of stocks in oil companies operating in the Western Amazon^{**}, despite staunch opposition from local Indigenous peoples. Across the region, most agribusiness, oil, and mining activities take place on the territories of Indigenous peoples who have not been consulted or have explicitly rejected industrial development.

AP-funds investment (as of June 2021):

AP1: Equity: 267 886 914 SEK
Fund Certificate (ISIN: IE00BYVZ7Q60): 2 716 000 526 SEK

AP2: Bonds (ISIN: US09247XAP69): 250 462 000 SEK
Equity: 57 618 000 SEK

AP3: External Discretionary Mandate: 61 382 000 000 SEK
Private Equity (BlackRock Secondaries & Liquidity Solutions): 50 000 000 USD

AP4: Equity: 328 131 538 SEK

AP7: Equity: 1 378 084 000 SEK

JBS SA

JBS is the world's largest meat producer, the largest private company in Brazil outside the financial sector and the second-largest food producer on the planet. The company has been at the center of a number of socioenvironmental and human rights violations in the Amazon in recent years. Furthermore, increasing evidence is emerging indicating that this Brazilian giant has systematically proven to be incapable of exercising adequate control over its supply chain.^{††}

Agência Pública recently revealed that a rancher from Mato Grosso, who has accumulated more than US\$3.56 million (20 million BRL) in fines for environmental infractions since 2000 for deforestation in the Amazon, raises cattle illegally on the Kayabi Indigenous Land and then sells the livestock to JBS.^{‡‡} The true origin of thousands of cattle have been concealed by this rancher in a process known as "cattle laundering". Situations like this continue to occur, even though more than a

[§] Friends of the Earth (FOE). As the Amazon burns, BlackRock named as the world's largest investor in deforestation. 8/30/2019

<https://foe.org/news/amazon-burns-blackrock-named-worlds-largest-investor-deforestation/>

^{**} Amazon Watch. Investing in Amazon Crude - The Network of Global Financiers and Oil Companies Driving the Amazon Toward Collapse. 3/2020. <https://amazonwatch.org/news/2020/0312-investing-in-amazon-crude>

^{††} APIB and Amazon Watch, 2020, "Complicity in Destruction III". <https://amazonwatch.org/assets/files/2020-complicity-in-destruction-3.pdf>

^{‡‡} Domenici, Thiago and Oliveira, Rafael. "Lavagem de gado dentro de terra indígena no Mato Grosso foi parar na JBS." Agência Pública, August 5th 2020. <https://apublica.org/2020/08/lavagem-de-gado-dentro-de-terra-indigena-no-mato-grosso-foi-parar-na-jbs/>

decade ago JBS committed to eliminate farms guilty of illegal deforestation from its entire supply chain and signed the “Meat TAC” (a Deferred Prosecution Agreement) with the Brazilian Federal Public Ministry. This agreement prohibits the company from slaughtering cattle raised on Indigenous lands, environmental reserves, and ranches that began operations without proper environmental operating licensing or that have been discovered to use slave labor. In July 2020, a report from Amnesty International^{§§} revealed that cattle raised illegally on protected areas of the Brazilian Amazon rainforest entered JBS’s supply chain, including cattle from ranches encroaching on the Uru-Eu-Wau-Wau Indigenous Land.

AP-funds investment (as of June 2021):

AP1: Equity: 4 136 344 SEK

AP2: Equity: 125 191 000 SEK

AP2’s investments in agricultural land in Brasil through TCGA

TCGA I and TCGA II

In the last decade, the demand for agricultural land in Brazil has increased sharply. In the Matopiba region in northern Brazil - an area as large as Sweden and Finland together - there is a rapid spread of large-scale soybean and sugar cane plantations. The consequences are disastrous and long-lasting for many local communities that lose access to land on which they depend for their livelihood as well as for fragile ecosystems^{***}.

It is usually local actors who carry out land grabbing through corruption and direct violence^{†††}. Pension funds, including Sweden’s second AP-Fund (AP2), profit on this development thanks to large amounts of capital that flow into land transactions worldwide. In the case of Matopiba, AP2’s investments in agricultural land are made through the funds TIAA-CREF Global Agriculture I and II (TCGA I and TCGA II). As of today, AP2 has invested USD 450 million in TCGA I and committed to invest USD 750 million in TCGA II^{†††}.

In 2015, a report showed that TCGA - through a complicated ownership structure – was circumventing Brazilian legislation that aims to limit large-scale foreign land investments^{§§§}. It also showed that they bought land through a local businessman who was investigated for land grabbing. In 2016, a regional judge annulled property titles for 124,000 hectares of land registered on the businessman^{****}. Yet another report published in December 2019 confirms that TIAA-CREF still commits human rights abuses and land grabbing, with the help of European pension savers' money^{††††}.

§§ Amnesty International, 2020, “From forest to farmland. Cattle illegally grazed in Brazil’s Amazon found in JBS’s supply chain”. <https://www.amnesty.org/en/wp-content/uploads/2021/05/AMR1926572020ENGLISH.pdf>

*** <https://www.fian.org/en/publication/article/the-human-and-environmental-cost-of-land-business-matopiba-2234>

††† Ibid

††† <https://ap2.se/en/sustainability-and-corporate-governance/integration/timberland-and-farmland/investments-in-farmland/>

§§§ <https://grain.org/article/entries/5336-foreign-pension-funds-and-land-grabbing-in-brazil>

**** <https://fian.se/matopiba-i-brasilien/>

†††† <https://www.fian.de/fian-download/download-publikationen/studien-und-broschueren/>

AP 2: Equity: 3 866 395 500 SEK

Megamonocultures of palmoil

The expansion of megamonocultures of palmoil are driving deforestation, displacement and destruction of biodiversity and endangers animals worldwide. Workers conditions at plantations have also received heavy critique^{††††}.

Wilmar International – the company that has contributed to the largest deforestation of rainforest in Indonesia - almost twice the size of Singapore in less than three years^{§§§§}. Also half of the Bornean orangutan population has been wiped out in just 16 years with habitat destruction by the palm oil industry a leading driver^{****}. In 2019 Friends of the Earth Netherlands filed a OECD complaint of child labour and workers' rights violations in Wilmar's operations in Liberia.^{††††}

AP1: Equity: 14 174 797 SEK

AP2: Equity: 44 480 000 SEK

AP4: Equity: 11 321 085 SEK

AP7: Equity: 63 545 258 SEK

Other companies linked: Unilever, Nestlé, Colgate-Palmolive and, (Noble Group), land grabbing (Bolloré Group/Socfin)

Sime Darby – Has made large scale investments in Liberia, with allegations of landgrabbing and deforestation^{†††††}. 2021 US government banned all imports from Sime Darby due to, highlighting human rights abuses.^{§§§§§} An investigation of America Press found claims of a wide range of abuses in the palm oil industry, from rape and child labor to trafficking and outright slavery on plantations in Malaysia and Indonesia^{*****}.

AP1: 1 144 602 + 797 715

AP2: 82 669 000 + 31 446 000

AP7: 27 802 797 + 24 618 243

Total equity: 168 478 357 SEK

^{††††} <https://www.amnesty.org/en/latest/news/2016/11/palm-oil-global-brands-profitng-from-child-and-forced-labour/>

^{§§§§} <https://www.greenpeace.org/international/publication/18455/the-final-countdown-forests-indonesia-palm-oil/>

^{****} [https://www.cell.com/current-biology/fulltext/S0960-9822\(18\)30086-1](https://www.cell.com/current-biology/fulltext/S0960-9822(18)30086-1)

^{†††††} <https://en.milieudefensie.nl/news/friends-of-the-earth-groups-and-supporters-file-oecd-complaint-against-ing-for-financing-palm-oil-abuses>

^{†††††} <http://www.foei.org/en/media/resources-for-journalists/sime-darby-and-landgrabs-in-liberia>

^{§§§§§} <https://www.aseantoday.com/2021/01/us-ban-on-palm-oil-from-malaysias-sime-darby-shows-abuses-are-now-common-knowledge/>

^{*****} <https://apnews.com/article/palm-oil-abuse-investigation-cosmetics-2a209d60c42bf0e8fcc6f8ea6daa11c7>

Gas project in Cabo Delgado, Mozambique

The Swedish national pension funds (AP1, AP2, AP3, AP4 and AP7) are investing about 12,000,000,000^{†††††} SEK in companies operating or investing in gas projects in Cabo Delgado, Mozambique. The three liquid natural gas projects are Coral South FLNG, Rovuma LNG and LNG and are the largest liquid natural gas projects in Africa. They are expected to have a severe impact on human rights and the environment by exacerbating an ongoing armed conflict, through forced displacements of local communities, loss of livelihoods and expected negative impacts on a nearby coral reef and other ecosystems as well as by contributing to climate change.

In order for the industry to build onshore support infrastructure, 2,000 people will be forced to move. Already now, hundreds of families from rural communities have been forced out of their homes and away from their farmland and fishing grounds without receiving appropriate compensation. The people of Cabo Delgado are besides that devastated by a violent conflict between insurgents, military and mercenaries. Thousands of people have been killed and many consider that broken expectations on poverty reduction due to the gas investments are crucial to the violent development and the emergence of terrorist groups. Journalists reporting on violence in the region and its links to the natural gas projects have been harassed, tortured and disappeared.

Besides a huge release of greenhouse gas emissions, the gas projects in Mozambique will have an enormous impact on biodiversity. The sheer area of the project encompasses important ecosystems like mangrove forests and coral reefs.

The operations in Cabo Delgado are paused at the moment and have been so since an attack from a jihadist group took place in April 2021.

Read more:

Justiça Ambiental. The impacts of the LNG industry in Cabo Delgado. 2020.

https://www.banktrack.org/download/the_impacts_of_the_lng_industry_in_cabo_delgado_mozambique/impacts_of_lng_in_mozambique_by_ja.pdf

Total equity: 12,000,000,000 SEK

^{†††††} The number is based on the Swedish national pension funds' investments 2021/06/30 and include the companies purchasing gas from Cabo Delgado as well as their investors. The list of involved companies is compiled by Justiça Ambiental and does not include companies acting as contractors. See the attached Excel document for more information.

Other cases which have been prominent in major human rights campaigns and reported in media

Amnesty International has been researching Shell's activities in the Niger Delta for more than 20 years, compiling compelling evidence of the company's role in human rights abuses.

Kiobel v Shell: In 2020 a court in The Hague heard witness statements in a case brought by four women who accuse Shell of complicity in the unlawful arrest, detention and execution of their husbands by the Nigerian military in 1995. The women are claiming compensation and a public apology from Shell. The executions were the culmination of a brutal campaign by Nigeria's military to silence protests against Shell's pollution.

Four Farmers Cases: In May 2020 there was a final hearing in a case brought against Shell by four Nigerian farmers and Friends of the Earth in 2008. They are seeking compensation from both Netherlands and UK-based Royal Dutch Shell (RDS) and its Nigerian subsidiary Shell Petroleum Development Company (SPDC), for alleged damage to fish ponds and land caused by oil spills. A Dutch court ruled in June 2021 that a subsidiary of Shell was liable for oil spills in the Niger Delta in Nigeria in 2006 and 2007, ordering the company to compensate a small group of residents in the region and to start purifying contaminated waters within weeks. This case is the first time that any Dutch company had been sued in a Dutch court for the operations of its subsidiaries overseas.

Bodo: In 2008 there were two massive oil spills, caused by poorly maintained Shell pipelines, in a creek close to the Bodo community. Crude oil continuously leaked into the water for five weeks on each occasion. Shell settled with the community in 2014 but has yet to clean up Bodo's devastated waterways. In May 2021 the UK Supreme Court gave Nigerian Farmers the Go-Ahead to Sue Royal Dutch Shell.

AP3: Equity: 540 409 SEK

AP4: Equity: 972 949 993 SEK

IV. Exhaustion of domestic remedies

The civil society organizations undersigning this complaint initially wanted to sue the Swedish Pension Funds based on Swedish law in Swedish courts. For months we analyzed the legal landscape and realized that it was fairly unclear, but doable, however, whether we win or lose a legal battle the legal costs would be so enormous that even if shared between us it would bankrupt the majority of our organizations. Similar cases are there in Sweden, where civil society has been affected badly. This is of course a major democratic concern as the court of law should be available for everyone. In such cases there aren't any legal aid to obtain either. As a last resort we have decided to make a UN complaint, so that these issues are underlined before the Swedish government as a great concern for human rights and environmental standards.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

-No, not from this group. But a copy of this complaint is sent to:
urgent-action@ohchr.org

VI. Request for confidentiality

Request for confidentiality (*Please tick as appropriate*): No

Please see attachment with list of individuals and organizations signing this complaint.

VII. Checklist of supporting documents

- Any other evidence or supporting documents deemed necessary:

- 3) A list of signatures from Swedish citizens supporting this claim and demanding a cease to harmful investments through their pension money.
- 4) A list of organizations and NGOs behind this complaint.

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit

OHCHR- Palais Wilson

United Nations Office at Geneva

CH-1211 Geneva 10, Switzerland

Fax: (+41 22) 917 90 11

E-mail: CP@ohchr.org

Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>