



The Right to Adequate Clothing: A Social Right or an Unsustainable Privilege?

Sweden as a Case Study on the Emergence of 'Sustainable Clothing' and its Relation to Human Rights

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Abstract

This research delves into the matter of the under-researched human right to adequate clothing, and how this right may be affected by the emerging need for the clothing industry to become more sustainable. For this aim, the paper explores what *adequacy* means in the human right to adequate clothing. It illustrates that sustainable clothing is less accessible than clothes from ‘fast fashion’, the dominating category of clothing. The research revolves around the problem that certain groups in society, not least those with a lower income, have less access to sustainable clothes. Methodologically, this research conducts a case study on Sweden. Through expert interviews, with both NGOs and sustainable clothing companies, the findings show that sustainable clothing must become more accessible to everyone to decrease the risk of posing human rights against each other. In the case of this study, the right to adequate clothing is conflicting with other human rights. Additionally, the human right to a healthy environment is negatively impacted if people are forced to make less sustainable choices. The lack of research and knowledge is reflected in the findings. There is a division between the knowledge and perspectives among the respondents for this research. Organisations working with human rights, climate justice and/or social justice have different perceptions of the human right to adequate clothing. Most importantly, sustainable clothing companies are disconnected from human rights organisations, causing a further gap in the research field. Last but not least, a future definition of ‘adequate clothing’ could preferably be inspired by the concept of sustainable clothing.

Key Words: right to adequate clothing, social sustainability, climate justice, social justice, Capabilities Approach, social rights, right to a healthy environment

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List of Abbreviations

| Abbreviation | Definition |
|--------------|---|
| CESCR | Committee on Economic, Social and Cultural Rights |
| ECtHR | European Court of Human Rights |
| ESC Rights | Economic, Social and Cultural human rights |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| SCB | Statistiska Centralbyrån (<i>Statistics Sweden</i>) |
| SDG(s) | Sustainable Development Goals |
| TA | Thematic Analysis |
| UDHR | Universal Declaration of Human Rights |
| UNGA | United Nations General Assembly |
| WCED | United Nation's World Commission on Environment and Development |

1. Introduction

The right to adequate clothing is an under-researched human rights topic, not least its connection to sustainability and how it operates as a social right. While it is a broad and scattered topic, this thesis explores the human rights implications of the emerging need for sustainably produced clothing and its relation to the right to adequate clothing, as well as the human right to a healthy environment.

The clothing industry has grown immensely during the past two decades and has become one of the most polluting industries in the world (Brewer, 2019). It is characterised by complex supply chains, rapid production, and the exploitation of diffuse legislation. The high consumption rate and pollution levels have a detrimental impact on both humans and the planet. It violates human rights on multiple levels, such as poor working conditions throughout the supply chains and, in particular, low wages for garment workers. Additionally, it involves the pollution of water and the disposal of textiles ending up in landfills in low- and middle-income countries (Bick, Halsey & Ekenge, 2018), also defined as ‘waste colonialism’ (Sharma, 2023). The environmental impacts following the clothing industry also have human rights implications. For instance, the right to clean water and sanitation¹, the right to food², the right to health³ and the right to a healthy environment⁴, among others. While some of these aspects have been addressed by academia (see Crinis, 2019), human rights advocates (see Human Rights Watch, n.d.) and other actors, little attention has been brought to how the product of the foul industry itself, clothing, is connected to human rights, in particular social rights.

Due to the abundance of inexpensive clothing from ‘fast fashion’⁵ corporations, some socioeconomic groups are likely dependent on those products and low prices. Clothes produced and labelled as sustainable, aspire to be produced under fair conditions for both humans and the environment, refraining from the use of toxic chemicals. Meanwhile, those garments are generally more costly, as illustrated in Chapter 2. With the alarming need for regulating the clothing industry, the price of clothes in general will likely increase, as enhanced in Chapter 5. There is an important distinction to be made between fashion and clothing. In this research, I focus on clothing, which is “usually constructed with textile materials worn on the physique

¹ United Nations General Assembly, Resolution A/RES/64/292

² International Covenant on Economic, Social and Cultural Rights, Article 11:1

³ Universal Declaration of Human Rights, Article 25

⁴ United Nations General Assembly, Resolution A/76/L.75

⁵ ‘Fast fashion’ is the term used to describe the vast majority of newly produced clothing. The business method is based on the rapid production of large volumes of clothes, often sold for very low prices. The production is possible due to its exploitative nature (Stanton, 2024).

and is worn by human beings, in the majority of societies” (Almond, 2017:1). Fashion, on the other hand, is the societal construct around clothing, which is creating trends and expressions governed by designers and retailers (Almond, 2017).

As enshrined in the coming sections, consuming sustainable clothes presents challenges. ‘Sustainability’ is a contested and slightly arbitrary concept, specifically because actors often use the term to achieve a certain agenda, without explaining in what ways their products or practices are sustainable (Adamkiewicz, et al., 2022). Consequently, ‘greenwashing’ is prevalent within the clothing industry. It is also necessary to note that the price of a garment is not an indicator of its degree of sustainability. Expensive luxury brands frequently share the same factories as any other fast fashion chain and pay the workers equally deficient wages (Caldecott, 2022).

The thesis proceeds as follows. The following sections formulate the research problem (1.1) and the aim of this research resulting in three research questions, presented below (1.2). The case of Sweden is framed, and I proceed to explain how the data was collected through semi-structured interviews. I also explain how the data has been analysed through thematic analysis and discuss ethical considerations as well as the limitations of this research (Chapter 2). Next, previous research on the right to adequate clothing is introduced. While the previous research is scarce, it provides an understanding of why more research is required and how the right to adequate clothing is currently understood (Chapter 3). I then develop a theoretical framework using theories on social rights, sustainability, climate justice and the Capabilities Approach (Chapter 4). Followingly, I present the findings from the interviews by analysing the data divided into four different themes (Chapter 5). I then discuss the findings taking a stand in the theoretical framework (Chapter 6). I end this paper with a conclusion, laying the groundwork for recommendations derived from the findings (Chapter 7).

1.1 Problem Formulation and Justification

The human right to adequate clothing is stated in the United Declaration of Human Rights (UDHR), as well as in the International Covenant of Economic, Social and Cultural Rights (ICESCR) and receives alarmingly little attention. Additionally, the right to adequate clothing lacks a clear definition, which further challenges the understanding of the issue. While it is an under-researched and neglected right, it remains vital for human life. Stephen James (2008:15) elaborates on the importance of sufficient clothing as a fundamental right, and why it requires further attention. Adequate, well-fitting, clean, and whole clothing is necessary for a person's

well-being and health. Appropriate clothes are needed to protect the body from hypothermia or frostbite. Likewise, they are needed to protect us from heat strokes or dehydration. Skin unprotected from the sun's ultraviolet rays may cause skin cancer and other skin conditions. If the clothes are worn constantly over a longer period, they may cause allergies or disease. These issues are particularly affecting vulnerable groups (James, 2008).

An often-overlooked aspect concerning clothes is the high quantity of toxic chemicals in clothes, harmful to both humans and the environment (Greenpeace, 2011; Pointing, 2023). The chemicals can cause respiratory diseases, cancer, and skin conditions and interfere with reproductive hormones, among other things (Pointing, 2023: n.p.). This further connects to several other human rights articles of the UDHR. For instance, the right to life, liberty and security in Article 3 or the right to health in Article 25. Additionally, this raises the question of what 'adequate' implies in the human right to adequate clothing, as this remains ill-defined. Clothing as a concept, industry and commodity has been connected to the global market, consumerism, climate change, consumer rights, labour rights violations, and other dimensions. However, it is rarely connected to the human right to adequate clothing.

The clothing industry urgently requires the implementation of sustainable practices accessible to every person, as enhanced above. However, while doing so, it is vital to direct attention to all the human rights involved, in particular the right to adequate clothing, considering the lack of engagement. It will be clear in this thesis that there is a major gap in knowledge and engagement from different actors operating within human rights issues, as well as actors working with sustainable clothing.

1.2 Aim and Research Questions

As previously highlighted, the topic of the right to adequate clothing is in itself a very under-researched area. Even less so, based on the research carried out, its connection to sustainability. The coming chapters outline that newly manufactured sustainable clothing is generally less accessible than fast fashion garments. If consuming sustainable clothing is dependent on a person's socioeconomic status, it may cause tension between fulfilling one's social right to adequate clothing on the one hand, and the collective right to a healthy environment on the other, considering the lower impacts on the environment inherent to sustainably produced clothes. Stemming from this, this research seeks to identify possible tensions within the field. The overarching research question is as follows:

RQ1: To what extent is there tension between the human right to adequate clothing and the emergence of sustainable clothing?

This question assumes that sustainable clothes are currently less accessible than clothes from fast fashion. This will be further explored in the following chapters, not least in Chapter 2. There is currently no official definition of which requirements must be met for a garment to be considered ‘adequate’. Considering the broad definition of sustainability this research explores whether understandings of sustainability can be used to clarify, or at least explore, potential definitions of ‘adequate clothing’. The second research question, used as a guiding sub-question, is asked:

RQ2: What connection is there between the terms ‘sustainability’ and ‘adequacy’ in the human right to adequate clothing?

The second research question allows the research to unravel potential connections between the human right to clothing and sustainable clothing, rather than solely focusing on tensions. Currently, there are enough clothes to meet the needs of numerous coming generations, as portrayed in Chapter 5. Therefore, the right to adequate clothing could perhaps in theory be fulfilled globally. In practice, unwanted clothes end up in landfills, as mentioned above, and the question of whether particularly sustainable clothes would have to become more accessible to every individual in society becomes interesting, not least from the perspective of the Capabilities Approach, used in the theoretical framework. The third research question, also guiding the overarching question, is as follows:

RQ3: Does sustainable clothing have to be more accessible from a human rights perspective? If yes, why?

With the third question, the research seeks to identify the key tensions between sustainability and social rights, rather than solely focusing on climate impacts. This research aims to better understand the alarmingly under-researched human right to adequate clothing as a social right and its potential strains on the need for the clothing industry to become more sustainable. Furthermore, the aim is to explore what potential challenges the emergence of sustainable clothes may face from a human rights perspective and vice versa. Most importantly, this research will initiate a conversation and shed light on the potential injustices inherent to the need for societies to become more sustainable.

2. Methodology

When conducting qualitative research, it is necessary to adjust the scope within the frames of feasibility and time. This can preferably be achieved through a case study, as it automatically assists in narrowing down the scope of the research, in particular, the geographical location and thus context of the study (Richards and Morse, 2013:78). Case studies as a method is very broad and rather diffuse, and there are no given rules or techniques on how a case study ought to be conducted. To this end, a case study presents several possibilities and allows for the method to be shaped to fit the research aim. Case studies are not only a method or a data collection process, but also a research strategy. The method allows the researcher to conduct an in-depth analysis of a given case, and it is therefore fruitful to use an additional method for collecting data, such as interviews (Priya, 2021:96). For these reasons, the paper is based specifically on the case of Sweden.

2.1 The Case Study: Sweden

The unit of analysis is the accessibility of sustainable clothes in Sweden. Sweden is an interesting case, as it tends to be identified with a solid welfare system, an established liberal democracy, and a strong human rights ideology. In addition, Sweden is at the forefront of sustainable development and is currently ranked second in the Sustainable Development Report from 2023 (Sachs, et. al, 2023). Nevertheless, since the right-wing government took office in 2022, the climate focus has stagnated. Researchers and environmental organisations call the government's lack of climate action "disastrous" (Fagerström, 2023: n.p.).

Approximately 700 million people live in extreme poverty, and 47 per cent of the world's population live on less than \$ 6.80 per day (World Bank, 2023). This is not necessarily an issue confined to low-income countries but is also embedded in middle- and high-income countries. For instance, approximately 93.5 million people are at risk of extreme poverty in the EU (Eurostat, 2022) with 160,000 of them residing in Sweden (SCB, 2019). Additionally, the increasing cost of living in Sweden heavily affects low-income households and vulnerable groups. The number of people in Sweden living in poverty⁶ is currently one of the lowest in Europe—approximately 7% live under precarious circumstances, and 3% in social and material deprivation in Sweden. Households with immigrant backgrounds are disproportionately represented in these categories. Additionally, single parents with children are also

⁶ According to the City Missions of Sweden (Sveriges Stadsmissioner), there are different forms of poverty, such as food poverty, social and material deprivation, and absolute poverty (Sveriges Stadsmissioner, 2023:6-7).

overrepresented in these groups, as well as people living with health issues, impairments, or disabilities. In all categories, women are disproportionately represented (Sveriges Stadsmissioner, 2023). Meanwhile, the disparity between low-income and high-income groups is increasing (SCB, 2020). In March 2024, the Committee on Economic, Social and Cultural Rights (CESCR) released its concluding observations regarding ESC rights in Sweden. The committee expressed its concern for the weak implementation and protection of ESC rights in Sweden. The right to an adequate standard of living is poorly protected in Sweden, and the number of people living in precarious situations is growing, meanwhile, there is a lack of engagement by the State. The report emphasizes the unsatisfactory protection and assurance of the rights of asylum seekers and other undocumented persons⁷, particularly the right to an adequate standard of living (CESCR, 2024).

Prior to conducting the interviews, I created a table to illustrate the inaccessibility of sustainable clothing in Sweden compared to clothes from Swedish fast fashion brands (see Table 1). The table was shown to the respondents during the interviews to illustrate the issue and the respondent was asked about their thoughts when seeing the table.

Table 1. A comparison of the accessibility of sustainable clothes versus fast fashion in Sweden.

| Name of company | Rating from Good On You | Approximate price in \$ | No. of physical stores (Sweden Feb. 2024) |
|------------------------|--------------------------------|--------------------------------|--|
| H&M | Not good enough | 7,50 | 118 |
| Gina Tricot | Not good enough | 15,30 | 76 |
| Lindex | Not good enough | 16,30 | 198 |
| Asket | Good | 44 | 1 |
| Nudie Jeans | Great | 47,80 | 4 |
| Dedicated | Great | 32 | 3 |

⁷ Asylum seekers, undocumented migrants and houseless people are not registered in the civil registry, causing a gap in the statistics. The likely most socioeconomically vulnerable groups are thus not represented in the statistics on poverty in Sweden (SCB, 2020:81). Therefore, there is a major dark number on the number of people living in poverty.

The three fast fashion companies H&M, Gina Tricot, and Lindex, have been chosen as they are the three largest retail brands in Sweden. The three brands are well-known in Sweden and the stores can be found in most cities. Asket, Nudie Jeans, and Dedicated are three Swedish-owned retail companies which all focus on sustainable production of clothes. The stores are located in Sweden's largest cities: Stockholm, Gothenburg, and Malmö. The ratings are based on the five-scale rating system from the organisation Good On You⁸, to illustrate the differences in the sustainability work and success between the brands. The prices shown in dollars are for a white cotton T-shirt from the brands' respective websites as well as the numbers of physical stores. Certainly, price variations are not rigidly confined to these two specific categories (fast fashion and sustainable clothes), yet there is a clear pattern.

There are certainly many more features of clothing accessibility, such as the range of sizes, designs, and gender which are important when discussing access to clothing. However, due to the scope and focus of this research, I will limit myself to the three above-mentioned categories, which focus on general access, rather than on inclusivity. Moreover, the chosen categories are more appropriate for analysing socio-economic issues, which this research aims to do, as I am interested in the right to adequate clothing as a *social* right.

2.2 Semi-structured Interviews

The data was collected through semi-structured interviews, where I presented the findings of the above-mentioned comparisons (table 1) to the respondents and continued with follow-up questions. Semi-structured interviews allow the researcher to pinpoint the issue that the study explores; the in-accessibility of sustainable clothing and its relation to the human right to adequate clothing. Using interviews to collect data allows the researcher to cover a large scope of information about a certain topic. By using semi-structured interviews, the researcher will be able to guide the interview in a certain direction, focusing on the given topic, yet remaining flexible and being able to adapt to the respondent's answers (Robson, 2002). As the respondents in this study represent different actors, semi-structured interviews were preferred as this allowed me to have a set of questions asked to all respondents, meanwhile remaining open to adjustments depending on the respondents' knowledge and experiences.

⁸ Good On You is an organisation which works to shed light on fashion brands and their sustainability work. Their five-scale rating system covers the corporation's impacts on people, the environment, and animals.

2.2.1 Sampling

Due to the scarce research on the subject, I chose to contact different actors working within sustainable clothing, climate justice, social justice, or sustainability. Some of the respondents were contacted personally through email, LinkedIn, or phone⁹, while others were recommended by the organisation they represent. The criteria for contact were expertise within one or more of the above-mentioned topics. A total of 29 organisations were contacted, out of which nine did not respond, and 13 declined. A total of five sustainable clothing companies were contacted, where two declined and two participated in the interviews. One did not reply. Ideally, an equal number of companies and organisations would be interviewed, to analyse potential differences between the two. However, as mentioned, only two companies participated. There is seemingly a higher number of organisations working on the issue than sustainable clothing companies in Sweden. The interviews were conducted over a video call in Swedish or English and took between 40 and 60 minutes.

While the respondents are not experts in all areas related to the topic of this study, they are experts within one or more of the areas relating to sustainable clothes, climate justice, and social justice. The reason for this is that the variations in actors may give different replies and perspectives, depending on their expertise and positionality. This will allow me to discuss the findings dynamically. Having an array of different types of actors may be problematic, as it may cause the research to become sprawling. Nonetheless, this way, different perspectives and approaches will be accounted for in the findings, thus shedding light on the complexity of the issue. It will also open up for finding overarching patterns and themes between actors. The sampling may not give concrete and generalisable findings, nonetheless, due to the scarcity of research and knowledge in the area, the findings of this research can initiate discussion and the beginning of a new research field. Moreover, the data from qualitative interviews is generally not seen as evidence of reality, but rather as a context-bound subjective insight from the respondents. In the case of this research, the participants are seen as experts, due to their occupation or involvement with a particular company or organisation.

⁹ Any contact information was retrieved from the organisations' websites.

2.2.2 Participants

For the purpose of anonymisation, the respondents are labelled as *Experts* followed by a number. The organisation or company which the respondent represents is described to give a contextual understanding.

Expert 1 represents *Individuell Människohjälp* (Individual Human Assistance) which is a Swedish development cooperation organisation working with issues related to poverty and exclusion. IM works within three dimensions: social inclusion, economic inclusion, and civil society. The respondent has experience with working with sustainable consumption and climate justice issues.

Expert 2 represents *Dedicated*, a Swedish-owned sustainable clothing company. Dedicated has a great climate and environmental focus and labels itself as a sustainable clothing/ fashion brand. The respondent's occupational role cannot be disclosed due to confidentiality reasons.

Expert 3 represents *Räddningsmissionen* (The Rescue Mission), an organisation working with social justice issues in Sweden. Through different projects, they assist vulnerable and/ or marginalised groups in Sweden with both short-term and long-term solutions. The respondent works with access to food for low-income groups, among other things.

Expert 4 represents *Björkåfrihet* (Björkå Freedom), a Swedish organisation working with international solidarity and advocacy projects, particularly in the Middle East. In Sweden, the organisation works to assist undocumented persons, refugees, and asylum seekers. Björkåfrihet also runs several second-hand shops in Sweden.

Expert 5 represents *Naturskyddsföreningen* (Swedish Society for Nature Conservation, SSNC), a Swedish environmental organisation working to protect and advocate for the environment both in Sweden and globally. The respondent works as a senior policy advisor on sustainable consumption.

Expert 6 represents *Fair Action*, a Swedish non-governmental organisation working with advocacy towards corporations and exposing their unethical practices. Fair Action examines corporations in their production chains and advocates for fair wages and working conditions, among other things.

Expert 7 represents *Nudie Jeans*, a Swedish sustainable retail company. Their main focus is producing sustainable denim, nonetheless, also sell other types of garments. The respondent works as a human rights and social impact specialist.

2.2.3 Thematic Analysis

To analyse the collected data, I use thematic analysis (TA), also known as thematic content analysis. TA is a widely used and flexible method for analysing collected data, not least data collected through interviews. TA can be used to study reality as well as explore nuances of reality. While there is no clear agreement on what the method entails, there are six steps¹⁰ which the researcher should go through when analysing the data (Braun and Clarke, 2006) which have been followed. There are two main approaches within a thematic analysis, where I will use a deductive approach, as I take a stand in existing research and theoretical frameworks (Braun and Clarke, 2006:12) when analysing the data.

Thematic analysis is used to identify, analyse, and report patterns and themes within the data, in this case, the transcripts from the interviews. Analysis of the data can preferably be made throughout the research process; before, during and after data collection (Braun and Clarke, 2006:15-16). Themes are defined as aspects which capture something important or interesting to the topic. The theme does not necessarily have to reoccur throughout the data set. Therefore, thematic analysis provides a dynamic tool for analysis. The interviews were transcribed, translated, and then read thoroughly to create codes. I used the software program Delve Tools to analyse and code the transcripts. The coded segments of the data were constructed into four different themes, which are further elaborated in Chapter 5.

2.2.4 Limitations and Ethical Considerations

A limitation of using interviews as a method is the matter of reliability, as the researcher cannot standardise or generalise the findings. The findings can only give us insight into the given topic and its context (Robson, 2002). As mentioned above, the data is not perceived as evidence of a reality or truth, but as a subjective input from experts, which can give us an idea of the situation of a lived reality. The process of contacting respondents was a challenge, which I would like to highlight. The organisations and companies which were contacted either declined due to lack of spare time or replied that they did not have any expertise within any of the topics (social justice, sustainable clothing, human rights etc.). Nevertheless, the organisations were contacted due to their said engagement in at least one of the issues. My theory as a researcher is that the organisations are not working with the issue as a whole, but rather with one dimension, and therefore felt uncertainty towards the topic as a whole. Another

¹⁰ The six steps are (1) familiarising with the data; (2) generating initial codes; (3) searching for themes; (4) reviewing themes; (5) defining and naming themes; and (6) producing the report (Braun and Clarke, 2006:16-24).

reason would be that there is a significant gap between sustainability and human rights work, or that organisations and actors are claiming to advocate for human rights and/ or sustainable practices, while not doing so, leading to greenwashing. This shows the lack of engagement with the issue in Sweden – there is a major gap which needs to be addressed.

When conducting interviews, anonymisation is a key strategy to protect and respect the individuals who have participated. All personal data has been removed from the study, and some occupations are not disclosed as this easily could compromise the respondent's personal information. All respondents were asked to take part in an Informed Consent Form prior to the interview, with information about their rights and how their personal data was collected and stored. The form was either signed digitally, by hand, or orally at the beginning of the interview. All participants had the opportunity to ask questions and consented to be recorded. All audio recordings were stored on encrypted software, and only I, the researcher, had access to the material. This research has been approved by the Norwegian Agency for Shared Services in Education and Research (SIKT).

I, the researcher, was born and raised in Sweden. I, therefore, want to emphasize the cultural and contextual insights which I possess which could affect the findings. I am aware of these potential biases, and I will make sure to minimise the risk of them affecting the research. I have always been very interested in fashion and clothing, not least in relation to sustainable consumption and climate-related issues. Furthermore, I am a white woman and I have never experienced living in poverty, nor do I belong to a marginalised group in Sweden, besides being a woman. I am aware of my positionality and do not intend to speak on behalf of marginalised and/ or vulnerable groups in Swedish society. All interviews, except one, were conducted in Swedish, which is my mother tongue.

3. Previous Research on The Right to Adequate Clothing

In discussions of human rights and clothing, the dominant topic is how clothing is politicised to control not least female bodies or to discriminate against certain religions. The right to clothing is also framed as a civil right, being connected to the freedom of speech or religion. An illustrative instance of this occurs in situations where religious clothing, such as

the hijab, is either prohibited (see Salihović-Gušić, 2023 on the Western ban of the Muslim veil) or compulsory (for instance, in Iran, where women must cover their hair). Consequently, previous analyses have focused mainly on the categorisation of the right to adequate clothing as a civil human right. Further research areas on the topic are few, and the right to clothing is often thought of as a sub-right or a prerequisite for other human rights. The following sections delve into the limited existing research on the right to adequate clothing and examine it as a social right.

3.1 The International Legal Framework

The right to adequate clothing is an alarmingly under-researched area, lacking engagement from not only UN instruments and States, but also from the academic world (Graham, 2023). Research suggests several reasons for this. The right to adequate clothing is often framed as a sub-right or a prerequisite for the right to an adequate standard of living. For instance, under Article 11(1) of the ICESCR:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. (ICESCR, 11(1)).

Similarly, though not legally binding, the UDHR covers the same rights under Article 25(1), where the right to adequate clothing is also stated as a prerequisite for “the health and well-being” of a person (UDHR, 25(1)). This pattern of the right to adequate clothing being a requirement for the fulfilment of an adequate living standard is reflected in several conventions. Two examples are Article 27(3) of the Convention on the Rights of the Child (1989), and Article 28(1) of the Convention on the Rights of Persons with Disabilities (2007). On the contrary, the right to clothing is not explicitly mentioned in regional human rights treaties. The European Convention on Human Rights (1950), the African Charter on Human and Peoples’ Rights (1981), and the American Convention on Human Rights (1969) all mention the right to live a life in dignity, the right to safety, or the right to development. While these rights do not mention clothing as such, having adequate clothes is a prerequisite for the enjoyment of those rights (Antonescu, 2016). Likewise, the European Social Charter covers social rights, but not explicitly the right to clothing.

As mentioned above, little attention has been brought to the right to adequate clothing, not least by the CESCR, which oversees the implementation of ESC rights, including the right

to adequate clothing. Despite its little engagement, CESCR has acknowledged the right to adequate clothing as a distinct human right through, in particular, information seeking¹¹. Nonetheless, the Committee has not engaged with the right precisely since 1994 and has only cited Article 11(1) as a whole since then (Graham, 2023:3-5). Additionally, Makau Mutua (1996) notes that ESC rights are generally under-prioritised due to the ideological divide between the ICESCR and the International Covenant on Civil and Political Rights (ICCPR), in particular by Western liberal States.

3.2 The Social Importance of Clothes

The right to clothing is commonly understood as a functional and materialistic right. While humans need clothes to protect the body from weather, disease or harm, clothes are also necessary for expressing culture and identity, as well as pursuing development. Nevertheless, the right to adequate clothing is not only a right of sustenance but is also connected to rights which create conditions for living a prosperous life (Antonescu, 2016). Living a life in dignity, or with an adequate standard, without clean, whole, fitting, culturally and socially appropriate clothes is near impossible. What dignity means to a person is certainly subjective and can only be defined by the person themselves. However, the need for adequate clothes is dual; it is functional, to protect the body from harm, and it is symbolic, as it has value to a person's culture and identity (Antonescu, 2016:14-15). On a similar note, Stephen James (2008) explains how the right to clothing is clearly connected to other rights such as housing, security, and health. Those who are houseless, displaced, living in poverty, imprisoned, children, or persons living with disabilities, for instance, are more exposed to clothing deprivation. Additionally, James (2008) enshrines which meaning of clothes for vulnerable groups in society has. A person wearing dirty or ripped clothes may be exposed to harmful assumptions or degrading treatment. The author writes that they "can be an invitation to other people to treat the wearer with contempt and ridicule" (James, 2008:16). Therefore, it is surprising that the right to clothing receives so little attention.

Luke Graham (2022:31) addresses the lack of engagement in the right to adequate clothing and portrays how it is circular. The meaning of the right is unclear and thus rights claims are rarely made. When right-to-clothing claims are not raised, there is no need to clarify what the

¹¹ For instance, during the 2nd session of the CESCR in 1988 (E/C.12/1988/4), questions were asked about how Mongolia would improve the clothing supply, and how Bulgaria would ensure the right to clothing considering the then ongoing drought. See Graham (2023) for further examples.

right to adequate clothing means. Therefore, the right to adequate clothing remains under-researched and ignored. This issue of circularity is evident in the scarcity of case law. The little case law which exists from the ECtHR is related to the right to freedom of religion in contexts such as security checks (*Phull v. France*¹²; *El Morsli v. France*¹³), teachers at universities or schools (*Dahlab v. Switzerland*¹⁴) or wearing covering clothing in public (*Belcacemi and Oussar v. Belgium*¹⁵). Based on the research carried out, there is minimal or no existing case law regarding *access* to adequate clothing. On this note, the dominant legal discourse on the right to clothing is related to civil rights. In *Phull v. France*, a practising Sikh was forced to remove his turban at the airport security checks. In the case of *Dahlab v. Switzerland*, a Muslim teacher working in a primary school was prohibited from wearing her hijab while teaching. *Belcacemi and Oussar v. Belgium* concern two Muslim women whose choice of wearing a niqab in public was prohibited by Belgian authorities. This pattern concerning discrimination towards certain religious clothing is evident in an array of cases. Agostina Latino (2023) portrays the duality of the right to adequate clothing. The first domain concerns the link to freedom of religion and expression. Restrictions on religious clothing will disproportionately target certain, often already marginalised, groups. As shown in the mentioned cases, Latino (2023) explains how not least people practising Islam are targeted. Nevertheless, this issue not only unfolds but also necessitates exploration in an entirely new research domain.

4. Theoretical Framework

This chapter covers the theoretical framework, which is based on theories and concepts relevant to the research topic. First, I explore the right to adequate clothing as a social right, and the issues following the categorisation of human rights, also known as the generational theory. This will bring an important perspective to the analysis and discussion, as it explains how the right can be understood, and why it receives so little attention. Moreover, this topic explores dimensions of social justice issues, where social rights are a key component. Second, I present the social justice theory ‘Capabilities Approach’, which will assist the analysis in understanding how access to sustainable clothing operates within the realm of human rights

¹² *Phull v. France* (2005) European Court of Human Rights, case 302.

¹³ *El Morsli v. France* (2008) European Court of Human Rights, case 104.

¹⁴ *Dahlab v. Switzerland* (2001) European Court of Human Rights, case 203.

¹⁵ *Belcacemi and Oussar v. Belgium* (2017) European Court of Human Rights, case 241.

and sustainability. Additionally, it is used to analyse the nature of *access* to sustainable clothing and how this correlates with social and climate justice issues. Third, I present theories on sustainability, taking a critical standpoint due to its ambiguous nature, as will be explained. This section also delves into the matter of social sustainability, due to its close connection to social rights, as well as the definition of ‘sustainable clothing’. Last, I incorporate theories of climate justice, primarily covering accessibility and participation. While it is a broad framework, it is a dynamic one. As the research topic is previously unexplored, a broad framework will provide a vigorous analysis, accounting for several perspectives. Table 2 illustrates the interconnections between the three main theories outlining the theoretical framework.

Table 2. An illustration of the theoretical framework.

| Capabilities | Climate Justice | Social Sustainability |
|---|---|---|
| 1. Being able to live until the end of a normal length of human life. | Distributional justice | (2) Equality and justice (5) Quality of life and choice |
| 2. Being able to live a life in good health, including adequate nourishment and shelter. | Distributional justice | (1) Safety and Security (2) Equality and justice (5) Quality of life and choice |
| 8. Being able to live with concern for humans, nature, and animals. | Procedural justice | (2) Equality and justice (4) Social inclusion and representation (5) Quality of life and choice |
| 10. Being able to control one’s environment through political participation and to hold property. | Procedural justice Recognitional justice | (4) Social inclusion and representation (5) Quality of life and choice |

4.1 Categorising Human Rights: The Right to Adequate Clothing as a Social Right

The legal nature of the right to clothing is framed as an economic, social, and cultural right, and as such is not stated in the ICCPR. However, as happens with the regional human rights treaties, adequate clothing may be considered a prerequisite to the enjoyment of the most basic civil rights and freedoms. Makau Mutua (1996) explains how the ICESCR is an

international attempt to address the inequalities inherent to liberalism¹⁶. The Western liberal idea of rights is the government refraining from interference, while economic and social rights rather call for a redistribution of wealth (Mutua, 1996:121, fn 59). The right to clothing is a positive right, as it is a social right under the ICESCR, where the State must *provide* clothing rather than abstain from interference with it. Bearing this in mind, the right to clothing is not prioritised by most liberal democracies as a human right but as a market matter.

This distinction is also known as the first and second generations of human rights, where economic, social, and cultural rights are considered as the latter. There is a strained relationship between second-generation rights and an “untrammelled capitalist society such as the classical 19th-century western night-watchman State.” (Zieck, 1992:167), as it opposes the importance of non-interference by the State. The difference between first and second-generation rights is also explained as “second-generation human rights are related to equality in terms of having equal access to (the) resources and opportunity.” (Parsad and Jayshwal, 2013:3). The theory of generations of human rights is problematic, as it suggests that civil and political rights are to be prioritised over economic, social, and cultural rights, as they are the *first* generation. Moreover, the use of the term ‘generation’ has never been justified (Parsad and Jayshwal, 2013). When human rights are placed in categories, it is perpetuating the risk of a hierarchisation of human rights. Meanwhile, both categories are inherent to the UDHR. The theory also obscures the vital relationships between rights, as neither category of rights can be fulfilled without the other (Parsad and Jayshwal, 2013:2). For instance, the right to adequate clothing is connected to other human rights and the categorisation may darken this important aspect. While this discussion is acknowledged and accounted for in this research, the categorisation of rights is yet useful for understanding the imbalance in attention from States, and why there is such little attention and importance brought to the right to clothing.

The term ‘social rights’ is not clearly defined by international law. It is nonetheless argued that social rights as a term cover several types of rights which States should provide, which additionally tend to be neglected (Nowak, 2020). Nowak (2020) explains that social rights have historically been seen by most Western liberal states as not immediately legally binding, thus not prioritised to the same extent as negative rights. Western liberal States also tend to outsource the provision of social rights, for instance through private healthcare institutions or

¹⁶ Western Liberalist States tend to perceive themselves as States with *the* human rights ideology. The rights listed in the UDHR and the ICCPR, which are regarded as the two most important human rights instruments, reflect large parts of the US Constitution and “are attempts to universalise civil and political rights accepted or aspired to in Western liberal democracies” (Mutua, 1996:120).

food corporations (Nowak, 2020:15). This requires a whole other ideological debate, which I will not address in this thesis due to limitation purposes.

On a similar note, the way States engage with the right to adequate clothing is noteworthy. States do provide clothing in some situations, for instance, for incarcerated people, hospitalised people, and asylum seekers in some cases. Another example is people working in certain professions, such as police officers or medical staff, who are provided with clothes appropriate for their occupation. Attention was brought to the latter during the COVID-19 pandemic, where personal protective equipment was not recognised under the right to clothing but mentioned under other rights such as the right to life or health (Graham, 2022). States prohibit or limit clothing in other instances, as elaborated in Chapter 3. One could argue that the lack of engagement in the right to clothing from States can be framed as a negative-rights element, as it can be viewed as non-interference. On the contrary, when the State does interfere through the prohibition or enforcement of certain garments, it can be argued otherwise. This illustrates the confusion and ambiguous nature of the right to clothing.

4.2 The Capabilities Approach

The matter of the right to adequate clothing is a social justice topic. Therefore, frameworks on social justice theory are relevant to incorporate. As explained above, social justice and climate justice are interconnected and can favourably be treated accordingly. Owing to this, I will include the Capabilities Approach¹⁷ in the theoretical framework to analyse the results from a social justice perspective.

The Capabilities Approach is a normative framework which has become prominent in social science research as it provides tools to explore social justice issues. Within the field of human rights, the concept of ‘capabilities’ can give insight into what it means to secure certain human rights. Additionally, the approach is suitable as a framework for enshrining economic and social rights (Vizard, et al., 2011). Originally coined by Amartya Sen in the late 1980s, the framework is used to evaluate the well-being of every individual in a society, group, or context. Focus is laid on the prerequisites that every individual has to fulfil their needs and lead the life they desire. The approach was originally based on understanding development as something beyond economic growth, and instead including human dignity and capabilities as vital aspects of development (Sen, 2000). The ideas inherent to the approach have since then been elaborated

¹⁷ The approach is also known as the Human Development Approach, historically associated with the Human Development Report Office of the United Nations Development Program (Robeyns, 2006:351).

on and used to analyse social justice issues, not least by Martha Nussbaum (2011). Nussbaum (2011) has moved beyond the development approach and expanded the approach into a dynamic framework, where she defines it as an approach “to comparative quality-of-life assessment and to theorising about basic social justice” (Nussbaum, 2011:18). This notion correlates with Ly and Cope’s (2023) definition of social sustainability, not least the fifth aspect emphasizing every individual’s ability to live a life of their choice, as will be further elaborated in the coming section. Nussbaum (2011:18) defines capabilities as a set of elements which are vital to a person's well-being “which cannot be reduced to a single metric”. The Capabilities Approach comes with several critiques and is slightly contested. First, the word ‘capability’ is arbitrary, and there are many suggestions as to what a capability is. This causes the term to be misused and misunderstood (Robeyns, 2017). To provide a tangible and comprehensive framework, Nussbaum provides a list of central capabilities, which are intrinsic to every human being and should be provided to every individual by the State. The concept of a list of capabilities is controversial in the debate, not least due to the need for capabilities to be contextually and theoretically adapted (Sen, 2006 in Robeyns, 2017). Here, it is suggested that the term ‘capability theories’ should be used instead, to highlight the nuances within the concept of capabilities (Robeyns, 2017).

Nussbaum criticises the idea of a social contract and highlights the importance of not only viewing human rights as freedom from interference by the state. She asserts that the capabilities approach provides tools to understand how human rights can be fulfilled, furthermore elucidating social and economic rights (Nussbaum, 2004). Human rights and capabilities share a common ground: the freedom and dignity of every human being. Therefore, it is suggested that a potential list of capabilities should take a stance on the freedoms listed in the UDHR, as a starting point (Vizard et al., 2011). While Nussbaum has received criticism for not being in a legitimate position to represent those the list is relevant to (Robeyns, 2006), she argues that the list can be interpreted and adjusted to different contexts. Nussbaum (2011) also emphasises that the list of capabilities should be provided to and ensured for everyone by the State. The capabilities are the following, specifically remarking those which are useful for this study.

- 1. Being able to live until the end of a normal length of human life.**
- 2. Being able to live a life in good health, including adequate nourishment and shelter.**
3. Being able to move freely without violence or harassment.
4. Being able to use one’s senses, imagination and thought.

5. Being able to express and have emotions, and attachments to certain things, without fear or anxiety.
6. Being able to have opinions and engage in critical reasoning.
7. Being able to live in harmony with others and maintaining self-respect for oneself and others.
- 8. Being able to live with concern for humans, nature, and animals.**
9. Being able to live joyfully and engage in interests and recreational activities.
- 10. Being able to control one's environment through political participation and to hold property.**

Nussbaum asserts that assuring all ten capabilities to all citizens is highly necessary to achieve social justice on a *minimum* level. Nonetheless, she acknowledges that there are other dimensions of social justice besides the list, and it is therefore not exhaustive. The right to adequate clothing and the right to a healthy environment correspond to several of the abovementioned capabilities. This research focuses on a very particular issue, and while social rights in general can be connected to all ten capabilities, the remaining six will be too farfetched. For the limitations and scope of this research, I will focus on four of them (1, 2, 8 and 10).

The first and second capability not only correlates to the right to a healthy environment but also to the right to clothing. The environment affects a person's mental and physical health, which determines the length of a person's life. Without adequate clothing, one cannot shelter the body from harm or unhealth. Capability number eight can be fulfilled if everyone in a society can choose to live and consume products which have not negatively impacted other humans or nature. Last, capability number ten resonates with the key aspect of climate justice, not least regarding political participation. The Capabilities Approach does not require everyone in a society to pursue these capabilities, nevertheless, everyone must have the *opportunity* to pursue them to ensure social justice, and thus in a way social sustainability.

While bearing in mind the controversy behind utilising a list of capabilities, the connection between human rights and capabilities is important. Moreover, the definition of necessary, basic capabilities will likely vary across cultures and contexts. To contextually adapt the capabilities, addressing one of the concerns by Robeyns (2017), this theoretical framework also combines theories of social sustainability and climate justice.

4.3 Sustainability and the Definition of Sustainable Clothing

The terms ‘sustainability’ and ‘sustainable development’ tend to be used interchangeably and understood as a unified concept (Clayton, et al., 2015). Nonetheless, scholars propose that sustainability is a philosophy centred on long-term objectives, whereas sustainable development is the pathway to reach sustainability (Ly and Cope, 2023:2). Additionally, the terms have no clear, fixed meaning or definition. Rather, it has become a set of values or guidelines on how society and nature can and should interact without causing too much harm (Srivastava, 2012). The United Nation’s World Commission on Environment and Development (WCED)¹⁸, has defined sustainable development as “meet(ing) the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987:41). The definition is concerning global sustainable development and was part of their *Our Common Future* report in 1987¹⁹. The report focuses on how all human beings can meet their interests and needs, and how there is a global necessity for redistribution of resources to reach global equality. The report concludes that there are three fundamental pillars of sustainability: the environment, the economy, and society. This approach to sustainability is also known as the Tripple Bottom Line framework, which is used by many actors to reach and evaluate sustainability. Since the Brundtland report was launched, the meaning of sustainability has expanded and has almost become a buzzword (Fischler, 2014; Srivastava, 2012), or a word which can legitimise or strengthen a product, action, or agenda due to its semantic power. The term sustainability is used to describe various domains that are framed as sustainability in diverse ways. The term ‘sustainability’ can be shaped and manipulated by actors to reach a certain agenda. As mentioned in Chapter 1, greenwashing is a common result of attempts to incorporate sustainable practices. Nemes with colleagues (2022) explain that greenwashing is when an actor is “falsely promoting an organisation’s environmental efforts” (Nemes, et. al, 2022:5) to reach a certain agenda.

Continuing the topic of sustainability as an international development concept, the “blueprint for peace and prosperity” (SDGS, n.d:n.p.) was adopted in 2015, commonly known as the Sustainable Development Goals (SDGs). The seventeen goals do cover the three pillars mentioned above, for instance, good health and well-being (SDG. 3), decent work and economic growth (SDG. 8), and climate action (SDG. 13). Arguably, there is a strong

¹⁸ Also known as the Brundtland Commission.

¹⁹ Also known as the Brundtland report.

connection between sustainability, not least social sustainability, and social rights. Moreover, the official website for the SDGs explains the following:

“(The goals) recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.” (SDGS, n.d:n.p.).

While society is recognised as one of the fundamental pillars of sustainability, it is the pillar which remains under-defined. The Brundtland report, which has set the dominant understanding of sustainability, has its focus on the environmental aspects as well as sustainable economies, without providing a clear definition of social sustainability (Ly and Cope, 2023:2). It is also important to note what Ly and Cope (2023:15) highlight: the concept of sustainability was “coined and actively discussed in the capitalist society where class and power occupy every sector of social life”. This warrants a critical comprehension of sustainability.

4.3.1 Social Sustainability

Research suggests that social sustainability holds an array of different ideas and definitions (Ly and Cope, 2023; Littig and Grissler, 2005; Boyer, Peterson, Arora, and Caldwell, 2016). Governments and policymakers tend to base social sustainability on the ideas deriving from the Brundtland report, where focus is laid on social issues such as lack of food or water and ending poverty. Academia, which includes several different disciplines, varies in engagement between fields. A sufficient definition, provided by sociological academia, is that social sustainability is a “quality of societies” (Littig and Grissler, 2005:11). Here, social sustainability goes beyond merely fulfilling basic needs and considers the environment, human dignity, and social justice to ensure the long-term well-being of society. Ly and Cope (2023:8-14) have identified five key dimensions within social sustainability. A sustainable society (1) provides every individual with safety and security. Every person must be protected from mental, emotional, and physical harm. Inequality is the root cause of unsustainable behaviour thus (2) equality and justice are crucial. Not only can wealthier people escape the consequences of unsustainable behaviour, such as climate change (see Kashwan, 2021), but those with less power must face heavier consequences. I discuss this aspect further in the next section on climate justice. Additionally, the authors emphasize the need for accessibility of resources. The

third aspect (3) is a society's ability to adapt and remain sustainable, especially during a crisis. The fourth dimension (4) is social inclusion, where representation of all groups is key to a sustainable society. Last, (5) a high quality of life is necessary, where all individuals have the opportunity and means to choose their way of living.

4.3.2 Sustainable Clothing

Academic research on sustainable clothing is a somewhat contested area, and it is often unclear what 'sustainable clothing' signifies. Claudia Henninger and colleagues (2016) discuss 'sustainable fashion', suggesting that the nature of the concept is subjective, as clothing retailers understand and portray the concept through their realities, sometimes resulting in greenwashing their products. They also suggest that the concept is part of the 'slow fashion' movement (Henninger, Alevizou & Oates, 2016). Likewise, Celinda Palm (2023), illustrates how there is no homogenous definition of sustainable clothing. The absence of a clear definition poses a dual challenge. It is problematic as the term sustainability might be exploited for profit without a precise explanation of its essence. However, the absence of a fixed definition allows the word to have a fluid meaning, adapting to shifts in the understanding of sustainability as the need for it evolves (Palm, 2023). What is clear in the research field, is that the clothing industry as it is now, is incompatible with human rights and climate justice (see Bick, Halsey & Ekenga 2018; Brewer, 2019).

Research suggests the slow fashion model can protect human rights and enhance sustainability (Brewer, 2019; Fletcher, 2010). Coined by design activist Kate Fletcher in the mid-2000s, Slow Fashion focuses on the clothing industry's sustainability and the entire lifecycle of clothes. On the contrary, it is suggested that sustainable fashion is a myth, not least because it is being used to greenwash to make a profit (Pucker, 2022). After all, the clothing industry exists to make a profit and is operating in a capitalist system. As mentioned in Chapter 1, there is a necessary distinction between clothing and fashion, not least when it comes to sustainability. While sustainable *fashion* is a myth, sustainable *clothing* is not. This is because the term 'fashion' produces an unsustainable consumer. After all, fashion follows a certain trend which fluctuates and causes people to consume more clothes than they need. Sustainable clothes, on the other hand, do not necessarily need to be a myth, as a piece of clothing itself can be produced sustainably. It is therefore not only a matter of production, but also a mindset

among consumers and corporations (Nizzoli²⁰, 2024). Nevertheless, clothing is often understood as inherent to fashion, although it is contextual.

Moving beyond the academic world, the European Commission presented a strategy plan for regulating the textile industry to become more sustainable as part of the ‘EU Green Deal’, in March 2022. The strategy emphasizes sustainable textiles as being durable and repairable, as well as opposed to fast fashion. Circularity is also highlighted as an important aspect. Furthermore, as part of the strategy’s vision, sustainable textiles will be made of recycled fibres and free of hazardous substances, as well as produced with respect to the environment and social rights. The strategy also highlights that consumers benefit economically from enduring textiles (European Commission, 2022). While it is clear how sustainable clothing is defined by the EU, the academic field provides nuances.

As clothing is a commodity inherent to a global capitalist system, it inevitably causes systemic justice issues in its production. It is vital to emphasize and understand how socioeconomic status, race, and gender, among others, intersect with one another as well as with privilege and opportunities. This, in turn, determines access to a certain commodity, in this case, sustainable clothing (Mireles, 2020)²¹. Mireles (2020) elaborates on how the dominant understanding of sustainable clothing has been almost exclusively shaped and determined by white people with academic backgrounds. This has caused several issues. First, it is perpetuating classist and racist injustices, as sustainable fashion has become an inaccessible concept for elites. Second, it has created an idea that one can purchase themselves into sustainability, by solely buying sustainable clothes. Mireles (2020: n.p.) states that:

“(W)e fail to practice true sustainability when we flaunt organic clothing to a small exclusive group of “woke” followers and fail to see the bigger picture of interconnected systemic issues.”

Consequently, as pointed out by this author, sustainable clothing must become more inclusive, and accessible, and account for more social groups to become properly sustainable. Third, larger sustainable clothing brands have a very specific aesthetic shaped after Western beauty standards (Mireles, 2020: n.p.). This exacerbates the inaccessibility of sustainable clothes. As portrayed in the section on social sustainability, the deficiency of the social facet is evident concerning sustainable clothing.

²⁰ The reference is a blog post and not from academic research.

²¹ This source is a blog post retrieved from Sustainableamor.com, and thus not an academic source. However, the issues which the author is addressing are not enshrined in any academic literature.

Due to the lack of a clear definition of sustainable clothing, the matter of ‘adequacy’ warrants discussion. There is no clear definition of what adequate clothing signifies. Moreover, clothing is the least acknowledged dimension of the right to an adequate standard of living. Adequate food and housing are both defined in fact sheets published by the Office of the High Commissioner of Human Rights (OHCHR). Adequate food must be accessible (both physically and economically), as well as available (in markets and shops). The dimension of adequacy involves several requirements such as nutrients, dietary needs and being free of residue from hormones, pesticides, and toxic chemicals. The food must also be culturally acceptable (OHCHR, 2010:3). Adequate housing must meet several requirements too, such as being affordable without impeding other human rights, accessible while accounting for the needs of marginalised groups, and culturally adequate to the person living there. It must also protect the health and security of the person (OHCHR, 2009:4). The OHCHR also states that “housing is a right, not a commodity” (OHCHR, n.d:n.p). Several requirements must be met to fulfil the standard of adequacy: accessibility, availability, appropriate for protecting health, and culturally appropriate. There is no equivalent fact sheet on the right to adequate clothing.

4.4 Climate Justice and the Right to a Healthy Environment

In 2022, the United Nations General Assembly (UNGA) adopted a resolution which recognises the human right to a healthy environment. The resolution highlights two dimensions of the right; substantial and procedural. Substantial rights include aspects such as a safe climate, clean air, and a non-toxic environment²². The latter covers access to information, public participation, and access to justice (OHCHR, et al., 2022:9). The adoption of this right is shaped as a rights-based approach to encompass further steps towards climate justice (Schapper, 2018; OHCHR, et al., 2022).

As mentioned in the section on social sustainability, the impacts of climate change are disproportionately affecting marginalised or vulnerable groups. These include, but are not limited to, people of colour, houseless people, women, people living in poverty and people living with disabilities (Kashwan, 2021:4). There is a large body of research which supports this claim, and there are many examples of situations where these groups bear the most significant repercussions of climate change (see Kashwan, 2021; Porter, 2020; Newell et al.,

²² Also, healthy ecosystems and biodiversity, safe and sufficient water, and healthy and sustainable food (OHCHR, et al., 2022:9).

2021). Scholars suggest that there are three dimensions of climate justice. As already elaborated, there is the issue of *distributional* (in)justice, which addresses the uneven distribution of effects and burdens of climate change. Second, it is the issue of *procedural* (in)justice, which refers to how groups who are affected the most by climate change are not included in or do not have access to, the ideation and implementation of climate action. Meanwhile, marginalised, or vulnerable groups tend to be more concerned with climate-related issues than those who are not as impacted (Kashwan, 2021:5). The third aspect is the issue of *recognitional* (in)justice. This is interlinked with the former, nonetheless, it accentuates the need for recognising all groups as legitimate actors in the climate movement. Marginalised groups are generally not seen as legitimate voices in climate action procedures which comes from the belief that some cultures are more important or educated than others (Kashwan, 2021:6). Newell and colleagues (2021) suggest that there is a fourth dimension of climate justice, namely intergenerational justice. It derives from the claim from the Brundtland report, which states that we must account for the needs of future generations.

Climate justice may be understood as a dimension within social justice, as the three pillars of climate justice outlined above are pertinent to social justice as well (distributional, procedural and recognitional). Naomi Klein (2014) argues that we cannot isolate climate justice from other justice issues, as they are all interconnected. Climate change is not only an environmental crisis but a societal and economic one. Klein (2014) advocates for a transformative approach to climate justice that not only mitigates the consequences of climate change but additionally creates an equitable and sustainable society. Therefore, the two should be analysed simultaneously, to avoid any further injustices. Similarly, this reflects the complex relation between social rights and collective rights, and how these categories influence one another. What scholars on climate justice have in common, is the emphasis on intersectionality, and how different categories of identity impact the burden of climate change, as well as one's ability to take part in climate action.

5. Analysis

The following chapter presents the findings from the analysed data, divided into four themes with respective subthemes. The first theme suggests that consuming sustainable clothes in Sweden is a class issue to a certain extent, not least if the clothing industry is regulated and becomes more expensive to address sustainability issues. Theme two illustrates that there is a

collision between human rights, not least from a global perspective, where the right to adequate clothing in Sweden is posed against the rights of individuals in other parts of the world, not least in the global south. The third theme explores what ‘adequate clothing’ signifies, and asserts that there is a connection to sustainability, yet only to a certain extent. Last, the fourth theme portrays a connection between climate justice and sustainability, where the latter is vital to reach climate justice. Additionally, the theme illustrates in what ways the right to clothing relates to the two.

5.1 Theme 1: The Class Issue

There is a consensus that consuming sustainable clothes is a class issue, however, there are several nuances in the findings, which will be highlighted as follows: (1) second-hand as the most sustainable option; (2) sustainable clothing as an investment; and (3) expensive clothes as a solution.

5.1.1 Second-hand as the Most Sustainable Option

There is a certain scepticism towards the concept of sustainable clothing. The clothing industry is not sustainable at all due to its current state and consequences, not least concerning over-production, and consumption. The main concern is that globally, there are enough clothes to last for generations, and therefore, the production of new clothes is problematic and in a sense unnecessary. Expert 4 states that the production of clothes must decrease, and Expert 2 explains that there are enough clothes to provide for the coming six generations. Moreover, the concept of sustainable clothes is questioned by some experts, due to it being a part of the clothing industry, which is currently not sustainable.

It's difficult to say something is sustainable in all stages when fundamentally, it's a business that isn't actually sustainable. – Expert 5

The findings support that the term sustainability is used by several different actors with often very different agendas. This has caused the term ‘sustainability’ to become diluted. Moreover, as several of the experts explain, when sustainability is used as a marketing strategy, for exposure and profit, it can easily lead to greenwashing. This can be harmful to the whole concept of sustainability, including the people working in the production chains, as well as for those who are most impacted by the consequences of climate change, Expert 7 explains. It is suggested by Expert 2 that the term 'sustainability' likely will fade from usage in the future, given the near impossibility of maintaining an entirely sustainable clothing business.

Meanwhile, Expert 4 asserts that sustainable clothes must continue to be produced, as they tend to have better quality and can thus be used for a longer period. They are therefore more valuable on the second-hand market and will contribute to circularity. It is suggested that second-hand clothing is the most sustainable option, as this does not possess environmental impacts to the same extent as the new production of clothes. On a similar note, Experts 2 and 4 explain that everyone has access to sustainable clothes to some extent, as second-hand clothing is always cheap and accessible with some exceptions, concerning urban versus rural areas. Expert 6 also includes the matter of what the demand looks like in the area you live in, as the availability of clothes depends on the market demand.

The notion that everyone has access to sustainable clothing is challenged, not least by Experts 1 and 3. Expert 3 highlights that purchasing second-hand garments requires resources, time, and money. Second-hand does not have the same range of sizes, assortment of styles, and abundance of stores compared to newly produced clothes. Additionally, making sustainable choices may occasionally necessitate resources, such as a car. People from vulnerable groups, such as low-income earners, are less likely to have the resources or time to make a more sustainable choice. Expert 3 shares a personal narrative from once being a single parent:

It takes a lot of time and effort to find out. My son wanted new shoes and his dad found two new shoes on Marketplace for us to buy him. I thought this feels so good. Instead of us going and buying new shoes. One must contribute to a type of circularity (...). Then I sat in the car, I live in one part of the city and went to two other parts to pick up these shoes. But I have a car. I had time to put my mind into it. I had never done that a few years ago when I was alone with them and didn't have a car, then I would have gone to the shoe outlet and bought three for the price of two. I had done that and this is what reality looks like. The time and resources we can spend on buying sustainably... and which I think the upper class also does as part of their status bearing. - Expert 3

It cannot be expected that everyone makes sustainable choices in consuming clothing if the *opportunities* for doing so are not equal to all in a society.

5.1.2 Sustainable Clothing as an Investment

It is proposed that quality is a crucial factor in newly produced sustainable clothing, which is not an attribute connected to fast fashion. This ensures not only prolonged use without having to purchase a new garment but also prevents garments from deteriorating, becoming unwanted or unusable, and ultimately ending up in landfills. Experts 6 and 7 explain that a sustainable

garment lasts long and can be used many times by many people. In the long term, purchasing, or investing in, a sustainable high-quality garment is more efficient than having to purchase several low-quality pieces.

(I)n the same way, if my garment has a long lifespan, then the need to buy or consume new garments decreases. - Expert 5

The aspect of quality is clearly in line with the definition provided by the European Commission (2022), covered in Chapter 4. This, however, raises the question of who can afford to invest in an expensive garment, and how class plays into the equation.

It is suggested that purchasing a sustainable garment is an investment, as it is generally composed of enduring materials and high-quality resources. Consequently, the garment will last longer and the person wearing it will not have to purchase new clothes to the same extent, not least from fast fashion. Expert 7 explains that one can choose to purchase a sustainable garment, instead of several from fast fashion stores, thus investing in a sustainable piece of clothing. This mindset would also lead to decreasing the unsustainable consumption pattern. On the matter of quality in clothes, it is explained that an expensive, sustainable garment comes with almost a type of insurance. Nudie Jeans, for instance, who are also represented among the experts, provide free repairs for their jeans, resulting in longer-lasting pieces and the wearer will get more usage out of the garment.

We want to make it easy for the customer to have their garment for as long as possible, and that's why we have repairs. – Expert 7

Expert 6 explains that this provides different conditions to those who can afford the investment, for consuming sustainable clothes. Not only will the garment be wearable for longer, but oftentimes the garment is cared for by the retailer, just like Expert 7 explains above regarding free repairs. Moreover, a person who invests in a high-quality garment will not have to spend more money on clothes.

There is an old saying. I'm not exactly sure where it comes from, so I won't quote any source. But it goes something like this: "Those who can afford to buy really good shoes wear the same shoes for ten years. While those who can't afford it have to buy several pairs during the same period." And probably spend more money during this long period on buying these shoes that don't last as long because they're not as good in quality. So, it has always been a kind of class barrier. Or a barrier between different groups in society.
- Expert 6

However, the question of *who* can afford to invest in a high-quality garment is accentuated. Purchasing sustainable, costly, clothes requires a budget that allows significant expenditures at one time. Notwithstanding, everyone does not have that budget. Expert 3 explains that it is not feasible to invest in a pair of sustainable jeans when you need that money to buy food or pay your rent. If one needs a pair of jeans, one will go for the cheaper option to afford living costs. Expert 3 also highlights the seasonal weather changes in Sweden, which require several types of clothes, not least for children. Owing to this, ‘investing’ in one garment would not make sense if one’s children outgrew their winter coats, and need new boots and gloves, for instance. Expert 1 explains on a similar note, that sustainability cannot be your priority if you are already struggling to provide food for your family, and that it is “presumptuous” to think that everyone has the ability to do so. Expert 3 explains that it is not only a class issue, but also an educational issue. As corporations often employ the term sustainability without providing clear explanations, purchasing sustainable clothes is difficult. It takes time and effort to know what the best options are. When presented with Table 1, Expert 3 explains:

I can get provoked by this. When I see this I think about class differences. I am thinking of social differences. I am thinking about who has the time and resources to put their mind to it at all. - Expert 3

The organisation which Expert 3 represents runs “social supermarkets”, where people in need can buy groceries for lower prices. The fact that people with a lower income do not purchase sustainable options is not a matter of interest in sustainability, it is a matter of resources. Expert 3 continues to note that there is a shaming attitude within the emerging trend of sustainable products, not least clothes. The ability to consume sustainable products is perceived as a form of social status, where thinking sustainably is something people do to fit into a social context. With that, there is an attitude of shaming those who are *not* consuming sustainable products for different reasons. Blame is put on those who have not managed to adapt to the trend of sustainability. Meanwhile, the question of whose lifestyle is more sustainable is raised.

5.1.3 Expensive Clothes as ‘a Solution’?

To address the consequences and human rights issues inherent to the clothing industry, as well as the overconsumption of clothes, the findings suggest that clothes must become more expensive. If producers are pressured to respect human rights, and take responsibility for their supply chains and production, then clothes will automatically become costlier, because a

certain level of sustainable production has high charges. This is generally perceived as something positive among the experts. Expert 7 explains that sustainable clothes are more expensive because they ensure that the initiatives taken cost money, which also ensures fair wages, safe working conditions, and ensuring that all segments of the supply chains are sustainable. The clothing industry is delivering large volumes of clothes because the people working in the supply chains are barely paid minimum wages, are not provided with proper protection equipment, and working under dangerous conditions. Moreover, toxic chemicals are used without safety precautions and then dumped in nature. All because it is cheaper and easier this way, as stated by Expert 2. Thus, when the workers are paid for their labour and safety regulations are in place in all segments of the production, the clothes must cost more. But what happens if the clothing becomes regulated and clothes become more expensive, to address these issues? Experts 3 and 5 raise concerns on this issue.

What would happen if you banned the worst? (...) if you banned the crap, the worst of the crap, what would be the market consequences then? How does it affect the accessibility for even poorer individuals (...)? – Expert 5

In March 2024, France passed a bill for implementing an ultra-fast fashion tax, to tackle the environmental impacts of the ‘worst of the worst’. Moreover, advertisements for those products will be banned (Reuters, 2024). If the bill is passed as a law, then it becomes vital to oversee which social groups are affected by this. This predicament raises the question of what will happen to those who can barely afford newly produced clothes if clothes in general become more expensive, and how that would affect people’s right to adequate clothing.

But I am thinking about whether it could become the case that people cannot afford to buy clothes if there are higher demands on durability and prices go up. Unfortunately, we are in, live in, a society where people already cannot afford to buy clothes. – Expert 3

Experts 3 and 5 highlight that society as a whole must be part of the regulations, where it is ensured that everyone can afford and be part of the transition to a more regulated clothing industry. If some groups are excluded from the transition to sustainable clothes, then the quality of society is at risk of declining. Almost on the contrary, Expert 4 argues that “we can't fight the class society by making everything accessible to everyone.”. The focus must be laid on the root cause of poverty, in all segments, to address the issue. The class society will not disappear because we ensure sustainable clothes for everyone, as this would be a ‘quick fix’ to a complex

issue. This raises the question of which class perspective one must account for, which brings this analysis to the second theme.

5.2 Theme 2: The Clash of Human Rights

Theme 2 relates to how the right to adequate clothing, operating in a capitalist system and where clothing is a commodity, conflicts with other human rights. This topic covers the following issues as presented below: (1) the global south versus the global north; (2) the imbalance between the three pillars of sustainability and (3) the colonial construct.

5.2.1 Global South v. Global North

The findings show that there are multiple class perspectives one must consider. The issue of class is not confined to a single country; rather, it manifests across societies, countries, regions, and globally, all requiring consideration. It is suggested that focusing solely on the class perspective of one country will overlook individuals from low-income groups in other parts of the world. As the clothing industry is abusing societies and workers, especially in the global south, in order to fulfil a demand concentrated in the global north, it is suggested that the issue must be addressed from a *global* class perspective:

Because, if you're going to have a global class perspective, I also think it's not reasonable for a seamstress in Bangladesh to earn a wage lower than the cost of living to produce low-quality clothes so that the working class in another country can afford to buy the clothes. – Expert 4

When approached from this angle, a dilemma occurs; a hierarchisation of human rights, or a clash between rights. As will be illustrated in the coming section, in practice the right to clothing appears to be in conflict with other human rights. The exploitative nature of the clothing industry, where profit is the key goal and where the product (clothing) is interconnected with a human right, is causing human rights to be posed against each other. As the profit interest, in a very capitalist system, requires cheap labour and little to no regulations, meanwhile fulfilling a demand for cheap clothes, human rights, in particular labour rights, are being overlooked.

5.2.2 The Imbalance Between Pillars

A problem raised is that economic profitability is the main focus for many clothing corporations, causing an imbalance between the three pillars of sustainability. When economic

profit is prioritised over social and environmental sustainability, it results in unsustainable practices.

To reach economic profit, that is the ground issue in everything, that is why you always end up in a bad situation if we continue like this. – Expert 1

The findings suggest that social and environmental sustainability may be prioritised amongst organisations yet have a more balanced definition than clothing corporations generally have. The definition of social sustainability varies among the experts yet revolves around labour rights and the circumstances within the *production* of clothes. Very little focus is on the *consumption* of sustainable clothing and accessibility. Accessibility is mentioned as an important part of social sustainability by Expert 5, and how the accessibility of something operates in relation to all aspects of sustainability, regarding the *consumption* of sustainable clothes, and that it needs to be done so without overstepping the planetary boundaries. The importance of the right to a healthy environment is accentuated in this setting, as the excessive consumption of fast fashion clothing adversely affects the environment, thereby infringing upon the right to a healthy environment

It is suggested that corporations tend to see economic sustainability as profit although attempting to work with sustainability in other areas, while organisations focus on social and environmental sustainability. Meanwhile, as Expert 1 explains, economic sustainability is inherent to economic *justice*, rather than *profit*:

I think that we, organisations, that we have a broader term, that we have social, environmental, and economic justice. Where economic justice is perhaps the smallest part with us. It belongs, but I think that some corporations rather focus more on one of the aspects for instance. – Expert 1

From the perspective of a corporation, economic sustainability concerns economic profitability, Expert 5 explains. Organisations working with environmental issues and human rights focus on social and environmental sustainability and pay less attention to economic sustainability. Meanwhile, corporations, sustainable or not, focus on economic and at times environmental sustainability. This is likely due to the need for profitability among corporations, as they operate in a capitalist system. When profit is prioritised over justice, and where clothes are a commodity, the right to adequate clothing becomes a complex matter. Moreover, when social sustainability practices are solely focusing on the production of clothes and not consumption, it may cause the right to adequate clothing to conflict with other rights.

5.2.3 A Colonial Construct

Expert 1 perceives the current affordability and physical accessibility of clothes from fast fashion corporations in the West as a colonial construct, due to the exploitative nature of the industry.

I would say that this constellation is the colonialism of our time. We can afford what we can because someone else has it worse than us. - Expert 1

In this regard, it can be stated that a person's right to adequate clothing in Sweden, and thus right to a standard of living, is posed against a person's right to a dignified life, among others. Moreover, if the need for cheap clothes is high due to poverty, the right to a healthy environment is interfered with, considering the impacts on the environment from the clothing industry. Expert 5 explains that one's right to adequate clothing must be exercised in a way that does not restrict someone else's human rights, not least the right to a healthy environment. Consequently, it becomes a challenge when that nexus is placed in a poverty context where people do not have the opportunity to choose sustainable clothes to fulfil their right to adequate clothing. On a similar note, Expert 1 explains that the right to adequate clothing has a limit, namely that no one has the right to something if that something is on behalf of someone else's rights or well-being. As of now, the right to adequate clothing for a person in Sweden is posed against a garment worker's human rights in a country such as Bangladesh, where a lot of fast fashion is produced. Expert 1 continues to explain that people do not have the right to a certain fashion, only to a certain type of clothing which meets the standard of adequacy.

The right to adequate clothing, in particular in a poverty context, can easily violate other human rights, such as the right to a healthy environment, human rights related to labour and living wages, as well as the right to a standard of living. Expert 3 reasons about this:

It almost feels like I'm a person who thinks that people's value and social sustainability must come before we think about the climate footprint this thing makes. At the same time, I tell myself that every time you buy or request a cheap product because you cannot afford to buy something else, it is (on behalf of) another person's life and social sustainability and living environment. – Expert 3

This dilemma is causing tension between human rights. If the system fails to provide sustainably produced clothing, then how can other rights which may require a certain type of clothing be ensured, without interfering with other human rights? Currently, the clothing industry is built on that someone else has it worse. Therefore, no one has the right to something if that something has violated the rights of others. This premise originates from the very

fundamental basis of human rights, yet the conflict between rights is a seemingly never-ending issue.

5.3 Theme 3: The Meaning of Adequate Clothes

The third theme covers (1) the matter of adequate clothes and what this connotes and (2) adequate clothing as sustainable clothing. It is suggested that ‘adequate’ refers to a minimum standard of clothing that meets the basic needs of the wearer:

But if I think about adequate clothing, then I think of clothes that, based on where you are and what you're doing, meet the basic needs that these clothes need to fulfil. (...) Adequate is actually some form of bare minimum. - Expert 6

While the right to adequate clothing is contextual, according to all experts, the notion of ‘adequacy’ being a bare minimum is somewhat challenged. Clothing needs to be adjusted to culture and the bearer’s life and surroundings to be adequate. One could argue that the minimum standard is to meet the needs of the person wearing the clothes, therefore, it is contextual. Nonetheless, the aspect of contextuality can also be problematic, as it is difficult to connect one individual’s perception of adequacy, or basic needs, to a human right, as overconsuming something is not a human right, as pointed out by Expert 4:

(J)ust from a rights perspective, maybe the reasonable thing is to say that adequate clothing is what becomes some kind of personal interpretation, what I need to feel like, yes, this is good. At the same time, it's difficult to connect it to a right because, (...) I think about the upper class in Sweden, they thrive on having a bunch of attributes that cost a lot of money but it's not a right. - Expert 4

While ‘adequate’ is contextual, the right to adequate clothing must end somewhere. The lifestyle of an individual cannot be included in the scope of the right as this would deprive other individuals of their rights.

5.1 Adequate Clothing as Sustainable Clothing?

The relationship between adequacy and sustainability is slightly disputed and contains several layers. Sustainability is an essential element in ensuring that clothes meet a standard of adequacy in terms of the actual product. As mentioned in Chapter 4, newly produced clothing contains a large amount of chemicals. Therefore, clothes containing toxic chemicals are not

adequate, as they affect the wearers' health. Expert 2 states that it is not adequate for them and that they would never wear fast fashion and continues to explain that it is a matter of health:

(T)hey use 400 different chemicals and only 40 of them have been tested for carcinogens. A lot of them like Bromine is used for making it anti-inflammatory, that is a known carcinogen. They still use it. And anyone who is concerned about their health, especially their reproductive health should pay attention. We all have a like a credit card of plastic inside us because of microplastics. - Expert 2

On a similar note, Expert 1 lifts this matter as an issue not only inherent to those who produce the clothes but also to the person wearing them. Owing to this, adequate clothing should be free from toxic chemicals and thus, there is a connection between sustainability and adequacy. Furthermore, the toxic chemicals in clothes are not just harmful for the person producing and wearing them, but for the environment too. Expert 5 describes how there is a link between the right to a healthy environment and the right to adequate clothing. It benefits every individual to purchase a sustainable garment as (1) it is free from toxic chemicals, (2) it does not deplete natural resources, and (3) can assist in the protection of the right to a healthy environment. On the contrary, Expert 6 explains that the term “adequate clothing” was constructed and is politically used within an international framework by the United Nations. Therefore, it is suggested that adequacy does not mean anything above a minimum standard level, where the individual has clothes protecting the body. This is noted as a problem, as this broad formulation creates room for interpretation. If the right to adequate clothing was meant to include sustainably produced clothes as a human right, the right would have been formulated differently with a restricted definition.

5.4 Theme 4: Access to Sustainable Clothes and Climate Justice

Last, the fourth theme addresses (1) the connection between access to sustainable clothing and climate justice, and (2) participation and accessibility.

5.4.1 Sustainable Clothing and Climate Justice

The findings show that there is a strong connection between climate justice and sustainability. Experts 1 and 4 explain that climate justice is incorporated into their scope of sustainability and define it in line with the definition provided by Kashwan (2021); the most

vulnerable and/ or marginalised groups are the most affected by climate change. Meanwhile, those groups are also those who generally have the smallest climate footprint.

We define it as it is those who have done the least are affected the most. It is in our part of the world, in the rich part of the world, where we pollute and consume the most. Those who have done the least are impacted the most by climate change, flooding for instance. We have a greater responsibility. - Expert 1

Expert 4 further explains that we must have the perspective of climate justice in the global north in sustainability work, as this is where most of the initial damage is done. The global north is not only exploiting workers and resources in the global south but is also responsible for the vast majority of over-consuming clothing. The overconsumption is putting a strain on the global south. Overconsumption and in particular overproduction are reoccurring premises, which are seemingly the main issue.

I don't have exact figures but a very high proportion of high-income countries consume clothes to a greater extent than low and middle-income countries. But also beyond their fair share of the consumption space we have. – Expert 5

The definition of climate justice is generally held on a global level, distinguishing the global north from the global south, and highlighting the imbalance in between. Clothes are currently too accessible and too affordable, Expert 6 explains. When the clothes are no longer wanted, because they have become out of trend or are in poor condition, they are donated either to second-hand businesses or to other countries where people are “in need” of clothes that the West does not want. Notwithstanding, these clothes tend to end up in landfills rather than with a new wearer, causing more harm than good.

In the context of Sweden, it is explained that in marginalised groups, not least those with an immigrant background, there is a stronger culture of cherishing one's belongings, while generally in Sweden, there is an inflexible culture of using and throwing away.

I think that many marginalized groups have with them... Now if I'm talking about groups that maybe weren't born in Sweden (...), I think that many come from cultures that are not consumer cultures. It is rather a behaviour that is imposed or transferred through acclimatization or... to be ‘cultured into the Swedish culture’. I think that many times you may have completely different traditions or habits around patching and fixing. – Expert 3

When people then move to Sweden, or likely other Western countries, they might find themselves coerced to adopt unsustainable consumption habits, or they are forced to consume unsustainable clothes of lesser durability, as those with quality cost more.

5.4.2 Participation and Accessibility

Whether everyone in a society must have access to sustainable clothes is contemplated. On the one hand, it is suggested that everyone doesn't need to have access to sustainable clothes, nonetheless, all clothing corporations must ensure that their products are sustainable. It is emphasised that the responsibility mainly lies on the producers rather than the consumers. On the other hand, everyone in society must have the *opportunity* to consume sustainable products, notably to tackle the climate crisis, according to Expert 2. Amidst this context, sustainable clothing is necessary in a society as it benefits several layers, not only the climate but also the individual. If sustainable clothes are only consumed by certain groups in society due to accessibility, it is explained that only some have the opportunity to contribute to the climate movement. Not only for the environment itself but also on an individual level. Participation is mentioned concerning climate justice and accessibility, nonetheless, as something that is necessary to “save the planet”, and not for something related to climate justice and inclusion. Moreover, Expert 1 explains that if only some groups have access to sustainable clothing, then only those groups have the opportunity to contribute to the climate movement.

The notion that access to sustainable clothes could enhance one's ability to participate in the climate movement and advocate for climate justice is a convoluted path. It is proposed that access to a certain product, such as clothes, is not a matter of climate justice, it is solely a matter of consumption patterns, which is the root cause of climate injustice, to begin with. Expert 5 explains that certain environmental actions, like switching to electric cars or excessively consuming sustainable clothing, do not align with climate justice and exclude low-income earners. The main issue is not participation in the climate movement but having the opportunity to influence political decisions. Rather, climate justice is also about political participation, where everyone's voices are heard regardless of their positionality. Participation in the climate movement is only a fraction of it. It is also noted that this issue is a trend in the Swedish political landscape, where focus is laid on *alternatives* to unsustainable products, rather than on unsustainable behaviour among producers and consumers. The narrow focus on technological solutions to climate change is criticised and a more comprehensive approach that considers social justice and equity is presented:

When those in power today say that the climate issue begins and ends with the energy issue, they assume that the transition can be made without changing our lifestyles. It cannot. But here it becomes clear that politics are closer to the latter environmental commitment - the Tesla transition - than the climate justice movement. And since low-income earners do not have the same opportunities to be part of the 'Tesla transition', they also end up further from shaping politics. - Expert 5

Thus, the concept of sustainable clothes is not a climate justice issue, it is part of what the expert refers to as the 'Tesla transition', meaning that instead of driving less and focusing on improving public transportation, shortcuts are invented to maintain a behaviour that from the beginning is not sustainable, sometimes with equally harmful consequences²³. Nevertheless, when certain groups cannot be part of the change in what products are considered sustainable and not, they are also excluded from the political arena, as this is what drives the political idea of climate justice and action.

6. Discussion

This section discusses the findings, taking a stand in the theoretical framework presented in Chapter 3. The discussion covers the following topics: (1) the meaning of sustainability; (2) the class issue and climate justice; (3) defining adequacy; (4) and (5) identifying gaps.

6.1 The Meaning of 'Sustainability'

To begin with, the meaning of 'sustainability' is uncertain, which is illustrated in the findings, as well as proposed in the theoretical framework. The meaning of the term changes depending on the actor, which can be as problematic as harmful to both humans and the environment. As the findings explain, corporations include profit as part of their sustainability practices. Ly and Cope (2023:15) explain that the term sustainability was coined and is used,

²³ Electric cars, smartphones, and computers, among others, contain an array of minerals which are usually extracted from the global south and areas of conflict. For instance, 70 % of the global cobalt, which is necessary to produce rechargeable car batteries, is retrieved from The Democratic Republic of Congo, a country facing detrimental impacts from conflict, climate change, and resource extraction. People working in mines face daily human rights abuses, only to meet the demands of the 'green transition' in Western countries (See Wormington, 2022). To avoid consuming "conflict minerals", Sweden is pursuing the opening of more mines in Sápmi, the indigenous lands of the Sami people (indigenous to Norway, Sweden, Finland, and Russia). Here, the rights of the Sami people are being violated (See Raitio, et al., 2020; Cambou, 2020).

in a capitalist system. The issue arises when profit, a key aspect of capitalism, becomes equivalent to economic sustainability and is prioritised, leading to adverse effects on environmental, and especially social sustainability. When sustainability is used for profit purposes, it creates a risk of greenwashing. Greenwashing could therefore be thought of as a result of attempting to implement sustainable practices into a capitalist system.

Notwithstanding, considering the point made by Ly and Cope (2023), sustainability might not be the ultimate concept to use as a framework for ensuring a balance between the social, environmental, and economic dimensions. Perhaps, this balance is even impossible in an exceedingly capitalist system. The risk of greenwashing within the clothing industry makes it difficult to navigate the world of 'sustainable clothes', which is perpetuating the inaccessibility of sustainable clothing. There is an important dimension concerning class and socioeconomic status within the topic. While it can be argued that sustainable clothes are within everyone's reach through second-hand options, others contend that making sustainable choices transcends mere affordability, involving time and resources. Hence, accessibility is not only concerning location and price; additional crucial factors must be accounted for.

To address the issue of greenwashing, as well as the impacts which the clothing industry has on human rights and the environment, the findings suggest that rigid regulations must be implemented, ensuring that sustainability claims are accurate. This will cause clothes to become more expensive, as sustainable practices cost more money, as suggested by the findings. Consequently, it will decrease overproduction and in turn, overconsumption, which are some of the key issues inherent to the present clothing industry. Against this backdrop, people who currently are dependent on inexpensive clothes will face further economic difficulties if the prices increase.

In this sense, the emergence and need for sustainably produced clothes may impact the human right to adequate clothes in a negative way, in particular from an accessibility perspective. Higher clothing prices will perhaps cause those who are currently overconsuming clothes to purchase less, notwithstanding, those who are dependent on cheap clothes are likely not the cause behind overconsumption. However, this cannot be used as an argument to not restrict the clothing industry.

6.2. The ‘Class Issue’ in the Light of Climate (in)Justice: A Right or Privilege?

As sustainable clothes tend to be more durable, the purchase of a sustainable garment is seen as an investment, setting up different conditions for those who can afford the investment and those who cannot. This suggests that being able to purchase a sustainable garment in Sweden today is a class issue, as sustainable clothing in its current form is inaccessible from several aspects. If certain groups are excluded from the opportunity to purchase sustainable clothing, then not everyone has the capability to live with concern for other people and the environment, which is one of the central capabilities presented by Martha Nussbaum (2011). Consequently, from a climate justice perspective, certain groups are excluded from the opportunity to claim their right to a healthy environment and participate in collective action against climate change.

Considering the tenth capability listed by Nussbaum (2011), having the ability to impact one’s environment through political participation is a little more complex. To summarise, the ability to purchase sustainable clothes could be seen as an action which aligns with climate action and pursuing a claim for the right to a healthy environment. This notion is somewhat contested in the findings, as one of the experts asserts that it is not about *access* to sustainable clothes that is the issue. The problem is that the *political system* focuses on replacing products with ‘sustainable’ products rather than focusing on consumption behaviours. From this point of view, it is a class issue, but it is not a climate justice issue. However, if the political system is based on replacing necessary products, such as clothes, with more expensive products, then it is in fact a social justice issue.

Moreover, as explained by Naomi Klein (2014), climate justice and social justice are intertwined and must be treated as such. Noteworthy is that the definition of climate justice proposed by the findings is very broad and takes a stand in the injustice between the global north and the global south, in particular concerning the impacts of climate change. Certainly, this is the general, overarching injustice. The inequalities are however inherent to climate-related issues and are also ingrained in countries, regions, and social groups, and not confined to the global north versus south, as explained in Chapter 4. Despite this, the need for sustainable clothing to become more accessible cannot be discarded on the dual findings.

As newly produced sustainable clothing is currently available only as an exclusive product, certain groups are deprived of the ability to consume sustainably. From the perspective of social sustainability, and to ensure a “quality of society” (Littig and Grissler, 2005)

sustainable clothes must become more accessible to fulfil the requirements of a socially sustainable society, as well as to assist in reaching climate justice. Sustainable clothes are needed to fulfil one's claim to the right to a healthy environment, an important mechanism for pursuing climate justice. An aspect of social sustainability as portrayed by Ly and Cope (2023), is equality in access to resources. If not everyone in a society has equal access to resources, then it is simply not a sustainable society. Certainly, this brings us back to where the right to something begins and where it ends, and whether access to sustainable clothing is a necessary resource for every individual to have. Equal access would also have to include a dimension of limited access to something to ensure sustainable consumption, and so that no person's rights are violated.

6.3 Defining 'Adequacy'

Based on the findings, 'adequate clothing' is a garment which is contextually adapted to the bearer's needs and environment. That is to say, if a person lives in a warm and sunny climate, they have the right to cool garments that protect the body from heat and sun. Moreover, it needs to be culturally appropriate. Considering the definitions of adequate housing and food illustrated in Chapter 4, the dimension of contextuality aligns with this aspect. While not all experts agree, there seems to be a connection between sustainability and adequacy, as the findings suggest that clothes containing large amounts of toxic chemicals are not adequate from a health perspective.

Currently, people who cannot afford to make sustainable choices when consuming clothes might face substantial health risks due to this. Food may not contain toxic chemicals or pesticides for it to be adequate, and thus clothing should not either. Moreover, there are dimensions of accessibility of food and housing, concerning physical accessibility and financial resources. A definition of the right to adequate clothing can be based on the requirements of the right to adequate food and housing, as well as adhering to aspects of sustainability. Important to note is that food and housing are two resources that many people lack, which also could explain the negligence of the right to adequate clothing. As already enhanced, there is an abundance of clothes to last for the coming generations. However, if the definition of adequate clothing is defined as suggested in this research, then many people would lack adequate clothing.

Crucial to note is who constitutes the lower class, from an intersectional perspective. In Sweden, as mentioned in Chapter 2, households with immigrant backgrounds, people living

with disabilities, and women are disproportionately represented among socioeconomically vulnerable groups. This would mean that these categories in particular are further exposed to toxic chemicals, less able to claim their human rights, and have fewer capabilities. Certainly, research on consumption patterns among different social groups in Sweden is needed to draw such a conclusion.

The first and second capabilities listed by Nussbaum (2011) concern the ability to live a life with a normal length, and in good health. If a person is forced to consume clothes that are produced unsustainably they are (1) exposed to risks of further health issues if the clothes contain large amounts of chemicals and (2) forced to impact the environment in a negative way, which consequently impacts one's (and other peoples') health and ability to live a life of normal length. It is not a just society, or a sustainable society if not everyone has the *opportunity* to consume sustainable clothing. The definition of adequacy can be connected to the ability to wear clothes that have not had a significant impact on the environment and other humans. The matter of good quality in clothes is emphasised in the findings. A person who has the means to purchase a sustainable garment will also have a garment of good quality. Considering the extended lifecycle of a sustainable garment versus a garment from fast fashion, this will prevent the garment from being disposed of. As farfetched as this may be, there is perhaps a connection between adequacy and quality. To some extent, the definition of adequacy derived from food and housing also holds an aspect of quality. Not only will the garment be used for longer, but it will also have less impact on the environment considering that it is less likely to contribute to waste colonialism.

6.4 No Place for Rights that Trample Rights

The findings suggest that one does not have the right to something if it conflicts with someone else's rights. The hierarchisation or clash between human rights is a constant, complex, and recurring concern within the human rights realm. More so, it is seemingly a key issue concerning the right to adequate clothing. The findings propose that a global perspective is warranted. The need for clothes to become more sustainable is a global issue, and not confined to one geographical context, such as Sweden. The contemporary clothing industry is based on the exploitation of people and nature, as the findings and literature assert. Concurrently, the industry provides affordable and accessible clothing, consequently, in a sense, fulfilling the right to (adequate) clothing to some groups. The industry is simultaneously providing an abundance of clothes to other groups, resulting in overconsumption. Focusing on

the former, the right to adequate clothing is currently posed against other people's social and collective human rights, such as the right to a healthy environment, labour rights, and the right to health, just to name a few.

People's capabilities are also posed against each other, causing further injustices. For instance, the first and second capabilities provided by Nussbaum (2011) are at risk of conflicting with capabilities eight and ten, where one's health conflicts with one's capability of living with respect for other humans. Arguably, the right to adequate clothing for the lower class in a Western, high-income country is less important than the human rights of people in low- and middle-income countries. From this perspective, sustainable clothes must become more accessible, while fast fashion must be restricted, to avoid the hierarchisation of human rights. Furthermore, from the perspective of the collective right to a healthy environment and climate justice, sustainable clothes must replace fast fashion. However, following this argument is highly problematic, as this is also positioning people's worth, dignity, and human rights against each other.

6.5 Is There an Expert in the Room?

There are nuances and sometimes tension between different perspectives on the topic. The occasionally sprawling answers between the different respondents also reflect what is mentioned in Chapter 2; there is a lack of knowledge and interest in this issue. Almost 30 organisations and clothing companies were contacted and only seven of them participated in the interviews. There are certainly several explanations for this, nevertheless, it reflects the knowledge gap on the topic, or perhaps even a disinterest. None of the respondents are experts on the topic as a whole, as explained in Chapter 2, which also suggests that this research topic is not perceived as an issue important enough to address in real life. This is reflected in the findings, where some of the experts expressed difficulty in the reasonings. Moreover, while both clothing companies represented in the interviews claimed to be part of respecting and protecting human rights, there was at times a language barrier between the researcher and the two Experts. For instance, when mentioning the human right to adequate clothing, one of the Experts did not know what it meant, and it had to be explained. As mentioned above, the general perception of climate justice focuses on the notion that there is an injustice between who is impacted by climate change, and who is responsible for climate change. In particular, focusing on the division between the global south and the global north.

7. Conclusion

This paper has explored the tense relationship between the human right to adequate clothing and the emergence of and need for sustainable clothing. Previous research is scarce, and a clear definition of the right to adequate clothing is non-existent, posing a great challenge to this study. Moreover, there is an evident gap between different actors, in particular between human rights organisations and sustainable clothing corporations. There are also nuances between social justice organisations, and those working with global climate justice and environmental issues.

The overarching research question (RQ1) has been to explore *to what extent there is tension between the human right to adequate clothing and the emergence of sustainable clothing*. To answer RQ1, we must turn to the two guiding research questions. The second research question (RQ2) reads: *what connection is there between the terms ‘sustainability’ and ‘adequacy’ in the human right to adequate clothing?* When defining the right to adequate clothing, characteristics inherent to sustainable clothing could preferably be used, in addition to the requirements for adequate food and housing. First, sustainably produced garments generally contain fewer toxic chemicals, resulting in minimal negative impact on a person's health as well as on the environment. Second, while it may be far-fetched, there can be an aspect of quality in the clothes pertaining to the definition of adequate clothing. Sustainable clothing tends to have higher quality, which comes with several benefits. To this end, the findings imply that a definition of adequate clothing could include an aspect of quality in the clothes. Not only will the clothes last longer, but they will have less impact on the environment considering that they can be re-used for longer instead of contributing to waste colonialism. On a similar note, a high-quality garment can have less impact on the human rights of other individuals as those garments tend to be ethically produced. Here, there is of course the seemingly inevitable risk of greenwashing, or false claims stating that clothes are produced ethically by corporations as explained in Chapter 5.

This brings the conclusion to the third research question (RQ3), which has explored *why sustainable clothing has to be more accessible from a human rights perspective*. The answer to this is dual. First, to protect the human rights of the wearer, such as the right to health and to a certain extent the right to adequate clothing, access to sustainable clothes would assist in fulfilling those rights. Moreover, claiming the collective right to a healthy environment would not conflict with the right to adequate clothing if everyone had equal access to sustainable clothing. In contrast, the findings suggest that every individual does not need to have access to

sustainable clothing. However, from the perspective of the theoretical framework, it is, to establish a just and sustainable society. Second, sustainable clothing must become more accessible to address one of the everlasting issues within human rights: the conflict between rights. If sustainably produced clothes are available to everyone, while ensuring that clothes are not overproduced nor overconsumed, then the likelihood of human rights interfering with one another is reduced. These tensions are not only between individuals and their respective rights but also between individuals' rights, as traditionally outlined in human rights theory. In parallel, fast fashion must become less accessible to regulate the clothing industry. Additionally, to a certain extent, people who have access to sustainable clothing also have a stake in climate action, not least through the right to a healthy environment. To summarise a complex answer to a complex research question (RQ1), if we understand clothing as something that only protects the body and is adapted to some extent to contexts such as living conditions and culture, then the right to adequate clothing is threatened by the emerging need for sustainable clothing unless everyone is part of the transition towards a more sustainable clothing industry. However, if fast fashion does not meet the standards of adequacy, then the right to clothing is currently not fulfilled in Sweden.

As explained in Chapters 3 and 4, economic, social, and cultural rights are generally under-prioritised. It is perhaps assumed that there is no need to address the right to adequate clothing, because of the over-production and the abundance of clothes. As explained by Nowak (2020), States tend to outsource the fulfilment of social rights. In the case of clothing, it has become an extreme version of this, where corporations are unintentionally fulfilling the right to clothing while violating other rights. As noted by Nussbaum (2011) capabilities must be provided equally by the State. Thus, not by private corporations. Notwithstanding, the negligence from the State is causing the right to adequate clothing to be posed against other human rights, due to the faulty system created by corporations with an utmost profit interest. As clothes have become a commodity, while being a critical segment of fulfilling several human rights, it is essential to scrutinise the existence of social rights in a capitalist system. While Sweden has been the unit of analysis for this case study, the clothing industry and climate (in)justices are global, and the examined tensions appear to be similar. Hence, this case study can and should be used to analyse the situation in other parts of the world.

As far-fetched as it might be, the key issue may be that capitalist structures in combination with the lack of interest in social rights are causing human rights to be posed against each other. While the need for sustainable clothing emerges, it must not become a trend, or an exclusive product, which rejects certain groups and perpetuates social and climate injustices. As of now,

this is evolving into a significant risk that requires actions based on more robust and comprehensive knowledge.

7.1 Recommendations

This thesis builds on knowledge from previous research, and the experts working in the field, and the hope is that the findings presented can contribute to further knowledge. From the research work carried out, it is possible to formulate the following recommendations.

1. Future national and regional policies must account for social sustainability, in particular acknowledging that rising clothing prices will adversely affect low-income, vulnerable, and marginalized groups. Policies addressing sustainability practices must address social sustainability and socioeconomic aspects, to the same extent as the remaining pillars, to ensure that everyone has the ability to participate in sustainable practices.
2. Non-governmental organisations and sustainable clothing corporations should establish channels of communication to address the issues, in particular, inherent to equal access to clothing. The two categories of actors within the field hold great knowledge and expertise which should preferably be joined together.
3. To address the tensions and gaps, academia can be the potential bridge for connecting non-governmental organisations and clothing corporations. Further research on the topic, in general, is vital. However, it can preferably focus on analysing existing policies intending to address the consequences of the clothing industry, in particular focusing on the social impacts. Additionally, data on how increasing prices of clothes and the inaccessibility of sustainable clothes affect people in their day-to-day lives is warranted. An intersectional perspective is vital to analyse this.
4. The international community must establish a definition of adequate clothing. When doing so, characteristics inherent to sustainable clothing should be used to define adequate clothing. Moreover, this can also facilitate the right-to-adequate-clothing claims.

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Interview Guide

Introduction:

Hello and welcome to this interview. Before we begin, my name is Agnes, and I am doing this research as part of my master's dissertation in human rights. (Briefly explain what the research is about).

I really appreciate you taking your valuable time to talk to me. I want to begin by asking you if it is okay if I record this interview?

- Have you read and signed the informed consent form?
- Do you have any questions before we start?

Warm-up questions:

- Can you tell me a little about the organisation/ company you are working for?
 - What is your role?
 - What is the mission of the organisation/ company?
 - What caused you to work for the organisation/ company?

First topic: Sustainable clothing

- How does your organisation/ company frame sustainability?
- In what ways does your organisation/ company work with sustainability (or sustainable clothing)?
 - Is accessibility a part of sustainability?
- Does your organisation/ company see themselves as part of the fight for climate justice?
- Does your organisation/ company see themselves as part of promoting human rights?

Second topic: right to adequate clothing

- Given the higher costs associated with sustainable clothing, do you believe that sustainable clothing is less attainable for those with a lower income?
 - Yes: What are mechanisms that help sustainable clothing corporations to achieve more affordable and accessible clothes?
 - No: Why?
- Is it possible to have sustainable clothing as accessible as fast fashion in terms of location and price?

- Yes: how?
- No: why?
- *To corporations:* Do you think (company name) would be able to sell the same piece of clothing for a lower price?

Third topic: Challenges

- What do you think are the major challenges for sustainability in the clothing industry?
 - Any human rights challenges for sustainable clothing?
 - Any climate challenges for sustainable clothing?
 - Any accessibility challenges for sustainable clothing?

Concluding questions

- Is there anything you would like to add that we have not talked about?
- Do you have any further questions?

Thank you for participating.