

## HUMAN RIGHTS COUNCIL – 51st SESSION

### Interactive dialogue with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

14-15 September 2022

In her opening remarks, **Ms. Alena F. Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights** highlighted that the world is facing a proliferation of secondary sanctions to enforce unilateral sanctions against States or key economic sectors. Overcompliance has become a widespread practice and must be recognized as a significant danger to international law and human rights. It affects all people in the countries under sanctions regardless of their nationality as well as transactions, academic projects, research and publications, participation in international cooperation and the areas of health, food, science, culture and sports. The Special Rapporteur invited all interlocutors to the drafting of a set of guiding principles on secondary sanctions, overcompliance and human rights. She expressed that the use or threat of secondary sanctions or civil and criminal penalties constitutes de facto a new form of reprisal. She urged all States to eliminate or minimize overcompliance with unilateral sanctions by any appropriate means, including legislation, regulations or financial or other incentives, and to ask companies to address human rights issues comprehensively when conducting due diligence and elaborating human rights policies.

Regarding her **country visit to Zimbabwe** in October 2021, the Special Rapporteur highlighted the negative impact of overcompliance with unilateral sanctions towards all people of Zimbabwe. This has prevented the Government from getting revenue to exercise public functions and provide essential services. It has also led to rising unemployment especially among the most qualified professionals, to poverty, and violation of the right to food, health, life, and economic and cultural rights. Additionally, the Government has been unable to use resources to develop and maintain essential infrastructure. The Special Rapporteur also noted with concern that due to the unavailability of new machinery and spare parts, medicine, food, seeds and fertilizers, the emigration of competent staff and the unavailability of financial resources, the people of Zimbabwe have limited access to public transportation, electricity, water and health care.

Regarding her **country visit to Iran** in May 2022, the Special Rapporteur said the adverse effects of unilateral sanctions imposed by a number of States have affected Iran's key economic sectors, leading to reduced Government revenues and thus affecting the Government's planning and implementation of economic, development and social policies. Patients depending on foreign-produced medicines, medical equipment, spare parts, and high-quality raw materials for pharmaceuticals, including those with EB, HIV and cancer patients, people with haemophilia, autism, MSA, diabetes, thalassemia and many others, have been affected. UCMs have also prevented the Government from investing resources to develop and maintain essential infrastructure, caused the reduction of social support programs and impeded the delivery of humanitarian assistance by both local and international humanitarian actors.

**Mr. Stuart Harold Comberbach, Zimbabwe (Country Concerned)**, expressed that UCMs have harmed livelihoods in the country and have impeded socio-economic development while negatively affecting the enjoyment of human rights, across multiple sectors. Mr. Comberbach highlighted that secondary sanctions, extensive overcompliance by banks and foreign companies, and a pervasive fear of penalties for even inadvertent contravention of Western sanctions have also impacted their neighbours, on regional trade and the pace of the regional integration process. He said that the Member States of the Southern African Development Community (SADC) called for all sanctions against Zimbabwe to be lifted and welcomed the Special Rapporteur's call for structured dialogue as a means of settling any disputes.

**Mr. Kazem Gharib Abadi, Deputy Head of the Judiciary for International Affairs and Secretary of the High Council for Human Rights of the Islamic Republic of Iran (Country Concerned)**, highlighted the urgency for the international community to adopt a responsible, accountable, and committed approach towards the executors of UCMs, especially the United States and its allies. Mr. Abadi stated that led by the United States, certain States have for decades resorted to the unlawful imposition of UCMs as a tool in their foreign policy. He highlighted that measures of such nature violate not only basic principles of international law and the UN Charter, but also fundamental human rights. In addition, the provision of medical services has been disrupted during the

pandemic and irreparable damage has been inflicted upon the health and well-being of the whole society. He emphasized that the country has taken various measures to mitigate the negative impacts of sanctions and that the imposition of UCMs undermines multilateralism. Finally, he expressed the need for a conceptual framework for a compensation and grievance mechanism to make reparations to and indemnify the victims of human rights violations caused by UCMs.

### Interactive dialogue

The majority of countries that took the floor during the session commended the work of the Special Rapporteur, including **Cuba, Venezuela, South Africa, the Russian Federation, Namibia, Armenia, the Syrian Arab Republic, Cameroon, Malaysia, Côte d'Ivoire (on behalf of a Group of African States), Belarus, Pakistan, Algeria, Botswana, Malawi, and Sudan**. They expressed that UCMs are illegal, illegitimate and in all respects contrary to international law and the Charter of the United Nations. The speakers highlighted the negative effect that illegal secondary sanctions have on human rights such as banks freezing funds and suspending correspondent services, and preventing payments for the purchase of food, medicines, medical equipment, seriously affecting the human rights of the population. In addition, they highlighted the negative impact on providing humanitarian assistance to the most vulnerable groups. Many speakers urged relevant countries to immediately lift the UCMs.

**Philippines** asked the SR how the OHCHR could facilitate constructive dialogue between concerned stakeholders. **Egypt** stressed the need to differentiate between UCMs and national decisions that may be resorted to for national security considerations and that are consistent with international law and conventions, especially if these decisions aim to combat terrorism and attempts to destabilize national and regional security and stability. **Armenia** mentioned that the land blockade and military aggression by Azerbaijan against Nagorno-Karabakh and bordering regions of Armenia were detrimental to the enjoyment of rights such as the right to life, health and freedom of movement. **The Syrian Arab Republic** said that the "Caesar Act" and other unilateral U.S. and European coercive measures imposed on Syria are a model of economic terrorism that threaten commercial and financial institutions in third countries. **China** condemned the U.S. and some Western countries of expanding UCMs and suppressing the legitimate government of the country concerned and use it as a political tool to subvert the regime of other countries.

The **Russian Federation** regretted that the use of "secondary sanctions" has spread to almost all areas, including sports and culture, and that overcompliance has even affected Russian experts in UN bodies, including in human rights committees. **South Africa** further called upon the Special Rapporteur to increase emphasis on the impact of sanctions on the enjoyment of economic, social and cultural rights. **Venezuela** denounced the kidnapping of the Venezuelan diplomat Alex Saab and the illegal retention of the cargo plane of their state company Emtrasur, used for international humanitarian missions. **Cuba** reiterated its rejection of the U.S. government's economic, commercial and financial blockade against the country. It mentioned that the blockade is the most severe and prolonged system of UCMs ever applied against any country and its aim is to impose a foreign political system. **Iraq** said that excessive compliance with secondary penalties has a significant negative impact on vulnerable groups, especially women, children, persons with disabilities, people with chronic or severe diseases, the elderly and others who depend on social and humanitarian assistance. The **EU** stressed that the Council is not the appropriate forum to address the issue of autonomous sanctions and clarified that it has imposed sanctions on specific individuals and entities responsible for serious human rights violations. The EU further highlighted, that these sanctions are not punitive in nature as they are intended to bring about a change in policy or activity by targeting countries, entities and individuals, responsible for the malign behaviour at stake. Finally, the EU highlighted that its sanctions establish a system of exceptions, such as for humanitarian assistance, which is consistent with the system of exceptions operated under UN sanctions.

**Most NGOs** welcomed the work of the Office and condemned the imposition of UCMs by the United States, which were referred to as discriminatory and hegemonic. Some condemned the negative effects of UCMs on businesses and individuals in Xinjiang as well as the negative impacts of pharmaceutical sanctions by the U.S. in Iran. Given the imposition of cruel sanctions against Iran, many pharmaceutical companies refuse to sell medicines and medical supplies needed for Iranian children. UCMs also impact negatively the education sector, seriously violating the right to education. Speakers urged countries to ensure transparent and effective

monitoring on the human rights and humanitarian impact of sanctions, and remove all those sanctions with a disproportionate human rights and humanitarian impact. One NGO expressed that the report was biased and remarked that the violations of human rights in Iran, including those against the national rights of non-Persians and of religious minorities are systemic and inherent and unrelated to any sanctions.

Delegations that took the floor during the Interactive Dialogue (27 country delegations):

*European Union, Côte d'Ivoire (on behalf of a Group of African States), Egypt, Cuba, Iraq, Venezuela, South Africa, Russian Federation, Namibia, China, Syrian Arab Republic, Armenia, Malaysia, Cameroon, Pakistan, Bolivia, Belarus, Algeria, Botswana, Mozambique, Malawi, Philippines, Sudan, Cambodia, Zimbabwe, Iran, Russian Federation.*

NGOs and other observers that took the floor during the Interactive Dialogue (10):

*Chinese Association for International Understanding, Organization for Defending Victims of Violence, Rahbord Peimayesh Research & Educational Services Cooperative, Medical Support Association for Underprivileged Iranian Patients, Jameh Ehyagaran Teb Sonnaty Va Salamat Iranian, Caritas Internationalis (International Confederation of Catholic Charities) (Joint Statement), Association pour la défense des droits de l'homme et des revendications démocratiques/culturelles du peuple Azerbaïdjanais-Iran - «ARC », China Foundation for Human Rights Development, China Society for Human Rights Studies (CSHRS), Pars Non Trading Development Activists Co.*

To watch full meeting refer to UN Web TV, [Part 1](#) and [Part 2](#).