

HUMAN RIGHTS COUNCIL – 54th SESSION

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

15 September 2023

This interactive dialogue pertained to the Special Rapporteur's latest report on the Impact of unilateral coercive measures on the right to health ([A/HRC/54/23](#)). **Professor Alena Douhan, the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights** reported on the expansion of unilateral coercive measures on government and non-governmental actors, as well as threats with secondary sanctions civil and criminal penalties for violation and circumvention of sanctions regimes. She pointed to the **use of zero-risk policies over compliance** with sanction regimes and the inefficiency of **humanitarian carve outs** as having a negative impact on the right to health and the right to life. Overcompliance of businesses prevents access to medicine even in the actual absence of comprehensive and sectoral sanctions and even with established humanitarian exceptions for medicine and food. Consequences of such sanctions and threats of secondary sanctions for **transportation and insurance companies** are affecting the right to life, freedom from torture and inhuman treatment and the principle of non-discrimination. The Special Rapporteur reported receiving several individual complaints detailing the unavailability of medication in certain countries. She underscored that the imposition and implementation of unilateral sanctions and zero-risk policies violate numerous international treaty, including human rights treaties and ILO conventions, and customary obligations of states. She further asserted that the burden of proof of the legality of any unilateral means of pressure lies within states and organizations which impose them. In regards to **humanitarian carve outs**, they are inefficient mainly because of the complicated confusing and overlap and sanctions legislation, the complex and unclear license application procedures, uncertainty about potential criminal and civil liability for possible circumvention of sanctions regimes, financial and other operational restrictions as a result of designation of financial institutions of countries under sanctions and the freezing of their assets, and international payments disruptions challenges. After her **country visit to the Syrian Arab Republic** in October 2022, the Special Rapporteur to the impact of the **Cesar Act of 2019** and the **Syria anti-normalization Act of 2023** as impeding the rebuilding of critical infrastructure critical to the realization of the right to health and the right to life. Exceptions for humanitarian relief provided for in US general license 23 and relevant European Union and UK sanctions relief regulations has not changed the situation in practice and the burden of proof still falls on humanitarian actors.

The Special Rapporteur urged all States and regional organizations to review measures taken without a beyond authorization of the UN Security Council and to leave those which do not fit **criteria of retortions or countermeasures**.

Interactive dialogue

24 country delegations took the floor during the interactive dialogue.

The Syrian Arab Republic, China, Mozambique, Sudan called for the lifting of all UCMs, highlighting that sanctions from the European Union and the United States of America were mainly affecting the most vulnerable groups such as children, persons with disabilities. **China** also called for compensation to the countries and people affected.

Venezuela on behalf of the group of friends in defense of the UN Charter¹, emphasized that such measures violate the UN Charter and claimed, along with the **Russian Federation, Cameroon, and Honduras** that they are used by certain States to subjugate the sovereign will of others.

Egypt declared the importance of distinguishing between measure meant to exert political and

¹ Algeria, Angola, Belarus, Bolivia, Cambodia, China, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Mali, Iran, the Lao People's Democratic Republic, Nicaragua, the State of Palestine, Russia, Saint Vincent and the Grenadines, Syria, and Venezuela

economic pressure and those in line with international Conventions and aimed at countering terrorism and preserving regional security. **South Africa** exhorted States to make use of multilateralism to resolve issues without resorting to unilateral sanctions. **Pakistan, Zambia, Honduras, Botswana**, endorsed the SR's recommendation on prior authorization of the Security Council to implement unilateral coercive measures and her other recommendations. **Venezuela on behalf of the group of friends in defense of the UN Charter, Cameroon, Togo, Belarus**, specifically mentioned the impact of measures on LDCs or countries of the South in regards to the fulfillment the right to health and hinder the realization of the SDGs.

China and Venezuela welcomed the newly launched Sanctions Research Platform established by the Special Rapporteur to collect information on UCMs and their effect on human rights.

Malaysia and Zimbabwe, brought attention to the adverse impact of secondary sanctions on the enjoyment of human rights, and development.

Many countries that took the floor shared detailed on the impacts of UCMs on their healthcare systems and challenges faced in acquiring medical supplies from foreign private companies.

The States most often mentioned in regards to the adoption of UCMs, namely the United States of America and European Union countries did not speak during this interactive dialogue.

Many NGOs also shared details about the challenges posed by UCMs on medical patients and populations.

Caritas International called on States to support NGOs build trustful relationship with the banking system through an open and inclusive multistakeholder consultation and to refrain from designating and criminalizing humanitarian organizations for fulfilling the humanitarian mandate.

Al-Haq addressed Israel's closure of the Gaza strip and its violation of Palestinian's right to health while **Forum For Development And Human Rights Dialogue** brought attention to the situation in Yemen. **Rahbord Peimayesh Research And Educational Service Cooperative** called on the SR to recommend the international justice institutions introduce **mechanisms to assist UCM in victims to access adequate and timely remedy and redress**.

Delegations that took the floor during the Interactive dialogue (24 country delegations):

Venezuela (on behalf of a group of countries), Egypt, Iraq, China, Malaysia, Armenia, Zimbabwe, Russian Federation, South Africa, Cameroon, Pakistan, Lao People's Democratic Republic, Cuba, Togo, Mozambique, Belarus, Zambia, Syrian Arab Republic, Honduras, Botswana, Iran, Eritrea, Sudan, State of Palestine

NHRIs and NGOs that took the floor during the Interactive dialogue (11):

Medical Support Association for Underprivileged Iranian Patients, Caritas Internationalis (Joint Statement), Al-Haq, Law in the Service of Man (Joint Statement), Action Canada for Population and Development (Joint Statement), Organization for Defending Victims of Violence, Rahbord Peimayesh Research & Educational Services Cooperative, Asociacion Cubana de las Naciones Unidas, International Association of Justice Watch, Community Human Rights and Advocacy Centre (CHRAC), Forum for Development and Human Rights Dialogue