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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Summary of the biennial Human Rights Council panel discussion on unilateral coercive measures and human rights

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

Summary

The present report, submitted pursuant to Human Rights Council resolution 52/13, contains a summary of the Council's biennial panel discussion on unilateral coercive measures and human rights, held on 14 September 2023, at its fifty-fourth session.



I. Introduction

1. In its resolution 52/13, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize, in accordance with Human Rights Council resolution 27/21, a biennial panel discussion, to be held at the fifty-fourth session of the Council, on the impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals. Also, in its resolution 52/13, the Council requested the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to act as rapporteur of the panel discussion and to prepare a report thereon, and to submit and present the report to the Council at its fifty-fifth session.

2. The biennial panel discussion, entitled “The impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals”, was held on 14 September 2023.¹ Its objectives were to increase awareness among all stakeholders, including member States, the United Nations, its entities, agencies and programmes, other international and regional organizations, civil society, the private sector and the media of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries. Furthermore, the panel continued to serve as a platform for the exchange of views and experiences among all relevant actors and stakeholders on the multifaceted impact of unilateral coercive measures on human rights, particularly of those in vulnerable situations.

3. Participants in the panel discussion considered the impact of unilateral coercive measures/unilateral sanctions and overcompliance with sanctions on the right to development and the achievement of the Sustainable Development Goals in general, as well as specific Sustainable Development Goals; followed up on and updated the recommendations of the previous panels and workshops mandated by the Human Rights Council, held respectively in 2021, 2019, 2017, 2015, 2014 and 2013, and the research-based report of the Human Rights Council Advisory Committee;² and raised awareness about the negative impact of unilateral coercive measures on the enjoyment of human rights.

4. The panel was chaired by the Vice-President of the Human Rights Council, Muhammadou M.O. Kah. Opening remarks were delivered by the United Nations High Commissioner for Human Rights and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan. The panellists were: a member of the Expert Mechanism on the Right to Development, Mihir Kanade; the Country Director of Oxfam in Cuba, Elena Gentili; the Director of the Center for Sustainable Development at Columbia University, United States of America, Jeffrey D. Sachs; and an Assistant Professor at the University of Tehran, Amir Saed Vakil.

II. Opening of the panel discussion

5. In his opening remarks, the High Commissioner for Human Rights stated that unilateral coercive measures imposed outside the framework of the Security Council, under the Charter of the United Nations, could affect the enjoyment of human rights, including the right to development. In a number of cases in which unilateral coercive measures had been imposed, exemptions were made to sanctions regimes to authorize the passage of essential goods. However, overcompliance by banks, insurance companies, financial institutions and businesses could impede financial transfers to humanitarian actors and the delivery of essential items, jeopardizing legitimate and essential activities. That risk-averse approach could be reinforced by exemption processes that were administratively cumbersome, creating

¹ The recorded webcast of the discussion is available at <https://media.un.org/en/asset/k1e/k1ee56vmxu>. The statements of the speakers are available at <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/54/Pages/Statements.aspx?SessionId=70&MeetingDate=14/09/2023%2000:00:00>.

The concept note is available at <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/54/Pages/Panel%20discussions.aspx>.

² A/HRC/28/74.

delays and straining the capacity of some actors to operate in countries subjected to sanctions. The High Commissioner stressed the need for effective, clear and universally respected systems for humanitarian exemptions from sanctions, to enable the swift passage of medication, health-care equipment, food, humanitarian aid and other assistance for critical infrastructure and services, such as water, sanitation and electricity.

6. In relation to sectoral sanctions, the High Commissioner noted that those sanctions created significant economic disruption and their impact could extend to the distribution of basic goods to populations in need. The effect of sectoral sanctions could undermine the affordability of food, especially for persons on low incomes, as well as its quality; deny access to clean water, sanitation or electricity; and impede the supply of medical equipment and medication and of educational products. As the Committee on Economic, Social and Cultural Rights had stressed in its general comment No. 8 (1997), sanctions might extensively undermine the enjoyment of human rights and disproportionately affect the rights of persons living in poverty and persons in situations of vulnerability, including children.

7. In addition, the High Commissioner stated that sectoral sanctions could also affect progress towards the Sustainable Development Goals. In relation to the right to development, which was in various forms the foundation of the 2030 Agenda for Sustainable Development, the Declaration on the Right to Development stood clearly for the fair distribution of the benefits of development without any form of discrimination; and for the right of all individuals and peoples to freely and fully participate in decision-making, as an essential component of sustainable development. That addressed both Governments with respect to their own populations, as well as States in their relationships with each other.

8. The High Commissioner highlighted that, in response to human rights violations of particular severity, there might be an appropriate place for tailored measures against individuals who were credibly identified as responsible for those violations as part of a wider range of accountability measures.

9. The High Commissioner stressed that any imposition of sanctions must be fully compliant with international law, including in relation to fairness of process and availability of effective review and remedy. He urged that the implementation of any coercive measures be regularly reviewed and reassessed for their practical impacts on human rights. Those measures need to be subjected to appropriate human rights safeguards, including human rights impact assessments and independent monitoring, and limited in time. Furthermore, OHCHR had repeatedly recommended that member States suspend or lift any unilateral coercive measures that had a detrimental effect on human rights and that aggravated humanitarian needs.

10. The High Commissioner highlighted that clear and accurate information and disaggregated data were essential to give clear insight into those affected. He encouraged States affected by unilateral coercive measures to provide detailed information regarding essential humanitarian goods that were delayed or blocked, and to continue to assess and share evidence of their impacts, including on particular groups that were severely affected. States imposing sanctions should assess such material fully and fairly, and take immediate and appropriate action to modify their practices as necessary to address the negative human rights impacts of those measures. The High Commissioner concluded by urging the widening of the scope of humanitarian exemptions and work to streamline the exemption process, including by extending renewable and standing exemptions for humanitarian programmes and goods. Sanctioning States had a responsibility to address overcompliance directly, in order for exemptions to be available and effective in practice.

11. In her opening statement, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights observed that the country visits she had conducted, the thematic work of the mandate and the information received from various sources indicated the detrimental impact of unilateral sanctions and overcompliance on the achievement of all the Sustainable Development Goals and their impact on the right to development and well-being of those living in targeted countries. Despite the introduction of humanitarian carve-outs in different forms in sanctions regulations, Sustainable Development Goals 2 (zero hunger) and 3 (good health and well-being) were severely affected. In that regard, she referred to the challenges in acquiring authorizations and licences

for procurement and delivery of essential goods, and the impossibility of processing payments for such goods and securing insurance for the cargo, among others. Furthermore, similar patterns were observed in relation to access to adequate health care, including medicines and vaccines, the availability of medical and rescue equipment, disease control and prevention and the training of medical professionals.

12. In relation to the adverse impacts of unilateral sanctions and overcompliance on the Sustainable Development Goals and their targets, those might emanate from narrow interpretations of humanitarian carve-outs that excluded development interventions in countries under sanctions. Those interventions might be of a developmental nature, such as critical infrastructure development and maintenance, including energy and electricity, water and sanitation, transportation and education. The exclusion of those interventions directly affected the achievement of Sustainable Development Goals 4, 6, 7, 9 and 11–15.

13. The Special Rapporteur observed that the expansion of unilateral sanctions combined with severe penalties for non-compliance with or circumvention of sanctions regimes in the form of secondary sanctions, and civil and criminal penalties exacerbated overcompliance. That situation excluded whole populations from development and intensified inequalities at the global level, affecting persons in countries under sanctions non-selectively and resulting in their discrimination on grounds of nationality, place of residence or birth, and consequently affecting the achievement of Sustainable Development Goal 10. Furthermore, all those in vulnerable situations were disproportionately affected, including women, children, older persons, persons with disabilities and migrants (Sustainable Development Goals 3, 5 and 8).

14. The Special Rapporteur referred to the challenges that persons affected by sanctions faced in accessing justice and seeking redress due to the absence of accountability mechanisms, unaffordability of legal assistance and the complexity and vagueness of legal frameworks, which might counter the international commitments made under Sustainable Development Goal 16.

15. Economic, financial and sectoral sanctions, sanctions against entities and businesses and additional overcompliance isolated countries under sanctions and their populations, closing the channels of international cooperation, affecting poverty rates and putting a strain on national social protection systems, decent work and economic growth (Sustainable Development Goals 1, 8, 12 and 17). The Special Rapporteur concluded by highlighting that the impact of unilateral sanctions should be considered in the discussions on the achievement of the Sustainable Development Goals alongside other challenges and that an assessment of the impact of unilateral sanctions should be carried out by all relevant United Nations entities and other international organizations within the scope of their mandates. Persons from countries under sanctions should not be discriminated against and deprived of their right to participate in, to contribute to, and benefit from economic, social, cultural and political development.

III. Summary of the proceedings

A. Contributions of panellists

16. Mr. Kanade noted that unilateral coercive measures on their own violated international law, particularly the Charter of the United Nations. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations of 1970 stipulated that “no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights”. Unilateral coercive measures generally violated the right of peoples to self-determination, including self-determined development, as proclaimed in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Declaration on the Right to Development, and had an impact on the human rights of individuals and peoples in the sanctioned country.

17. Mr. Kanade mentioned that the adverse impact of unilateral coercive measures specifically on the right to development was clear and tangible. As acknowledged in General Assembly resolution 77/214, unilateral coercive measures constituted a major obstacle to the realization of the right to development and to the implementation of the 2030 Agenda. In that resolution, the General Assembly called upon all States to avoid the unilateral imposition of coercive measures and the extraterritorial application of national laws that ran counter to the principles of free trade and hampered the development of developing countries.

18. In the Declaration on the Right to Development, the General Assembly described development as a comprehensive economic, social, cultural and political process, which aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Unilateral coercive measures fundamentally violated those entitlements and obliterated the possibility of human beings and peoples in the targeted countries to self-determine their development priorities, actively, freely and meaningfully participate in their own development, contribute to the process and benefit from it. Unilateral coercive measures could exacerbate inequalities and further marginalize the most vulnerable sections of societies.

19. Mr. Kanade recalled that, in the Declaration on the Right to Development, the General Assembly also recognized that States had an obligation not to adopt national measures that violated the right to development extraterritorially. Furthermore, States were under a duty to cooperate with each other to eliminate obstacles to the realization of the right to development and to take positive steps to ensure its realization. In that regard, unilateral coercive measures could constitute a direct violation of those obligations.

20. According to Mr. Kanade, the only circumstance in which unilateral coercive measures might be permitted under international law was as countermeasures. However, they must be proportional and must not affect obligations in relation to the protection of human rights. Unilateral coercive measures could be self-defeating if their comprehensive or even targeted imposition resulted in violations of human rights, including the right to development.

21. Mr. Kanade mentioned that the practice of unilateral coercive measures had been increasingly accompanied by secondary sanctions and overcompliance. In that context, various stakeholders, such as banks and corporations adopted stricter measures than those required by the primary sanctions, due to the fear of secondary sanctions, including civil and criminal procedures. That overcompliance worsened their adverse impact on human rights, including on the right to development, especially affecting access to essential goods and services, including humanitarian assistance.

22. The imposition of unilateral coercive measures and overcompliance decelerated progress in the achievement of the Sustainable Development Goals by limiting, or eliminating, access of individuals and peoples to health care, education, finance and other basic needs. Furthermore, such measures infringed the policy space needed by targeted countries, which constituted a fundamental requirement for the achievement of the Sustainable Development Goals. Overcompliance was largely avoidable, however, that required the establishment by sanctioning States of systems for guidance and clarification for corporations and banks, including on impact assessments and due diligence, to ensure their compliance with human rights standards.

23. Ms. Gentili mentioned that the experience of Oxfam in Cuba had provided the organization with a first-hand understanding of the devastating effects and human impact of the system of unilateral coercive measures imposed on the country, which was a serious obstacle to the enjoyment of fundamental human rights, especially for women and girls, including those with diverse sexual orientations and gender identities, and to the achievement of the Sustainable Development Goals, particularly Goals 1–3, 5 and 10.

24. Ms. Gentili referred to the impact of unilateral coercive measures on the differentiated needs of women and girls, and the ways in which those measures negatively affected their family lives and livelihoods, and deepened and perpetuated gender inequalities in the private and public spheres. She noted that the sanctions imposed by the United States of America reinforced gender inequalities and disregarded the specific needs of women, as well as their actual and potential opportunities and autonomy.

25. According to Ms. Gentili, Cuba was experiencing an unprecedented and multidimensional crisis. She noted that the sanctions imposed by the United States deepened the crisis and restricted private entrepreneurs and people's access to digital platforms and resources, which had become important tools for international cooperation, trade, knowledge exchange and family relations. Ms. Gentili stressed the difficulty of quantifying the impact of those sanctions, particularly in relation to the unmet needs of the population, and the obstacles to academic, scientific and cultural opportunities, which impeded life goals and resulted in a lower quality of life.

26. Ms. Gentili said that sanctions limited the capacity of Cuba to recover from setbacks in a timely manner and curtailed access to the necessary medicines, basic food and hygiene products and technologies. Although humanitarian assistance was exempted from the sanctions of the United States, the complexity, expansiveness and aggressive enforcement of those sanctions nonetheless impeded aid from reaching those who needed it the most and violated their right to live in dignity. Foreign entities must perform extensive due diligence under the threat of steep penalties in order to engage in authorized business with Cubans.

27. Lastly, Ms. Gentili called upon member States, international aid agencies, civil society organizations and networks to be more proactive in opposing the sanctions imposed by the United States on Cuba and in highlighting the harm caused by those sanctions. While advocating for humanitarian safety and security, policymakers needed to carefully consider the impact on human beings of unilateral coercive measures and their coherence, effectiveness, ethics and objectives.

28. Mr. Sachs noted that unilateral coercive measures were at odds with the achievement of the Sustainable Development Goals and against international law; they also damaged the health and survival of vulnerable persons in sanctioned countries. Sanctions destabilized national economies and, in many cases, forced a change of political regime, and were aimed at disrupting social and economic life, having negative consequences, including for the poorest and most vulnerable persons. The more comprehensive the sanctions regime was vis-à-vis the targeted country, the greater the harm caused by sanctions.

29. Mr. Sachs stated that the imposition of sanctions was within the capacity of a few countries worldwide that could affect international trade. Sanctions were a policy instrument deployed by the United States against a number of countries; that abusive policy could end by directly reflecting on its illegality and on the damage that it caused. Furthermore, he referred to a recent study on the human consequences of economic sanctions³ published by the Center for Economic and Policy Research, in which it presented three case studies, Afghanistan, the Islamic Republic of Iran and the Bolivarian Republic of Venezuela, reflecting the impact of the sanctions imposed by the United States on those countries.

30. According to Mr. Sachs, the sanction regimes imposed by the United States had essentially no domestic, political or legal oversight within the country due to the lack of congressional review, public awareness and scrutiny by courts. The use of those measures was increasing due to the lack of oversight. Furthermore, there was no global legal review or court of appeal and that exacerbated the impact of sanctions, considering that they were often highly asymmetrical. Sanctions imposed losses on the countries targeted and caused third party losses all over the world.

31. In conclusion, Mr. Sachs underscored that, in most cases, the intention at the core of the imposition of sanctions was to cause severe damage and not merely a matter of compliance or overcompliance with those measures. For example, if the United States seized the foreign exchange reserves of another country, it was guaranteed to cause profound damage even if overcompliance was avoided. He added that sanctions were damaging, inappropriate and taken in violation of the Charter of the United Nations and outside of the rule of law.

32. Mr. Vakil stated that sanctions contrary to international law and the Charter of the United Nations were the gravest contemporary demonstration of unilateral coercive measures

³ See Francisco Rodríguez, *The Human Consequences of Economic Sanctions* (Washington, D.C., Center for Economic and Policy Research, 2023).

and might have an economic, political or humanitarian impact. Those impacts were more overwhelming when sanctions were sustained over a prolonged period.

33. Mr. Vakil highlighted two aspects of the right to development, the right to development as a process and the international dimension of that right. The right to development constituted a process that demanded the realization of all rights and the international dimension of the right called upon States to create conditions favourable for the realization of human rights. Furthermore, the real value of the right to development lay in its external dimension, particularly the international responsibilities imposed upon States. Consequently, the international community had an obligation to create international conditions that allowed developing countries to achieve their national goals, including the fulfilment of economic, social and cultural rights. Unilateral coercive measures constituted an obstacle in that context.

34. The measures required to ensure the proper implementation of the right to development entailed international cooperation. Official development assistance or foreign aid had been one of the major ways of ensuring international economic cooperation; other forms of bilateral and multilateral economic cooperation included market access through preferential trade liberalization, incentives to increase investment flows and technology transfer and debt relief. Those forms of cooperation were disrupted when a country was subjected to unilateral economic sanctions. The negative effects of unilateral coercive measures were not limited to the targeted country, they had a ripple effect on neighbouring countries and the international community, and exacerbated existing conflicts.

B. Interactive discussion

35. During the subsequent interactive discussion, representatives of the following States and other entities made statements: Algeria, Armenia, Azerbaijan on behalf of the Movement of Non-Aligned Countries, Belarus, Bolivia (Plurinational State of), China, Cuba, Egypt, the European Union, the Gambia, Iran (Islamic Republic of), Malaysia, Namibia, the Russian Federation, South Africa, the Syrian Arab Republic on behalf of a group of countries, Venezuela (Bolivarian Republic of) (one statement on behalf of a group of countries and another in its national capacity) and Zimbabwe.

36. Representatives of the following non-governmental organizations also made statements: the Association of Iranian Short Statured Adults, Associazione Comunità Papa Giovanni XXIII, the Bachehaye Asemame Kamran Rehabilitation Institute, Centre Europe-tiers monde, the Legal Analysis and Research Public Union and the Medical Support Association for Underprivileged Iranian Patients.

37. Azerbaijan, speaking on behalf of the Movement of Non-Aligned Countries, stated that the Movement had consistently expressed its firm position in relation to unilateral coercive measures that impeded the enjoyment of human rights. At the eighteenth summit of the Heads of State and Government of the Movement of Non-Aligned Countries, which had been held in Baku in 2019, the Heads of State and Government had reiterated their objection to all unilateral coercive measures, including those measures used as tools for political or economic pressure against any country, particularly against developing countries, which violated the Charter of the United Nations and the principles of international law. Unilateral coercive measures were one of the major obstacles to the implementation of the Declaration on the Right to Development. The Movement of Non-Aligned Countries called upon States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that were against the principles of free trade and hindered development. Furthermore, the Movement of Non-Aligned Countries stressed the importance of strengthening international cooperation to address the negative impact of unilateral coercive measures on the enjoyment of human rights.

38. The Syrian Arab Republic, speaking on behalf of a group of countries, stated that the impact of illegal unilateral coercive measures on the targeted countries was evident and undeniable. Those measures, and the related overcompliance and secondary sanctions, deprived people in targeted countries of indispensable conditions for sustainable development, food security, health care, and the availability and sustainability of the

management of water and sanitation. The situation of persons who were negatively affected by unilateral coercive measures, in particular women, children, persons with disabilities, persons with chronic diseases, refugees and internally displaced persons, was of particular concern. Furthermore, the extensive and multifaceted restrictions resulting from unilateral coercive measures hindered the possibilities for those in targeted countries to actively, freely and meaningfully contribute to their development and enjoy its benefits. The Syrian Arab Republic stressed that refraining from adopting, maintaining, implementing, recognizing and complying with unilateral coercive measures was at the core of efforts to uphold human rights and achieve the Sustainable Development Goals.

39. The Bolivarian Republic of Venezuela, speaking on behalf of a group of friends in defence of the Charter of the United Nations, reaffirmed its condemnation of the sustained and increasing application of unilateral coercive measures, which dramatically affected the enjoyment of human rights, preventing and hindering access to food, medicines and medical treatment and equipment, financial services, education, technological advances and energy sources, among other basic goods and services. Furthermore, unilateral coercive measures, given their wide scope and extraterritoriality, had a negative impact on the enjoyment and realization of all human rights, including the right to development, life and peace. In conclusion, States were urged to refrain from promulgating and applying – and to lift – any unilateral economic, financial or trade coercive measures that impeded the achievement of economic and social development, particularly in developing countries, considering the negative impact that those measures had on the enjoyment and realization of human rights and the Sustainable Development Goals.

40. The European Union reiterated that the Human Rights Council was not the appropriate forum to address the issue of autonomous sanctions. Furthermore, European Union sanctions were imposed on individuals and entities responsible for serious breaches of international law and human rights violations, and the restrictive measures complied with obligations under international law, in particular international human rights law and international humanitarian law. The sanctions imposed by the European Union were carefully crafted to avoid any unintended consequences for food security, and never targeted agricultural and food products, including grain and fertilizer, medicines and other emergency supplies.

41. The European Union expressed its commitment to avoid – and, in situations in which that was unavoidable, mitigate to the maximum extent – any potential unintended negative impacts of its restrictive measures on humanitarian action. The sanctions imposed by the European Union fully adhered to humanitarian principles and international humanitarian law by consistently including humanitarian exemptions in its restrictive measures regimes. Its restrictive measures, including sectoral economic measures, were always targeted and decided on a case-by-case basis. Furthermore, sanctions imposed by the European Union had no extraterritorial application and only applied within its jurisdiction. They did not create obligations for operators outside the European Union, unless their business was conducted at least partly within the European Union. In order to avoid the risk of overcompliance, the European Union was undertaking various measures to support relevant stakeholders with implementation.

42. The Islamic Republic of Iran associated itself with the statements made on behalf of the groups it belonged to, as well as the statement made by the Syrian Arab Republic on behalf of a group of countries. Unilateral coercive measures and their extraterritorial nature constituted a major obstacle in realizing the right to development and the Sustainable Development Goals. Those measures hindered trade and investment relations among States, jeopardized the well-being of peoples, violated their right to health, exhausted the capacity of host countries to deliver humanitarian services, exacerbated poverty and deepened the economic and social inequalities within and among countries. In addition, those measures affected the current and future generation in targeted countries and disproportionately victimized those in vulnerable situations. The impact of those measures on the realization of the Sustainable Development Goals must be monitored, recorded and reported by human rights mechanisms.

43. Armenia stated that unilateral coercive measures were implemented continuously to create unbearable conditions for people with the purpose of bending them into submission, driving them from their ancestral homes and depriving them of the right to master their own

present and future. Furthermore, that was the case of the application of unilateral coercive measures by Azerbaijan against the population of Nagorno-Karabakh. For the last nine months, the Armenians of Nagorno-Karabakh had been left without food, essentials and medication due to the blockade of the Lachin corridor. Supplies of gas and electricity had also been cut off, and the local cultivation of agricultural products had been seriously hampered by military attacks. That constituted a gross violation of human rights, including the rights to life, food, health, education, movement, development and an adequate standard of living.

44. The Russian Federation stressed its rejection of the practice of the United States, the European Union and others of applying unilateral coercive measures as a means to pressure sovereign States. Those politically motivated actions were in violation of human rights and international law standards, undermined the efforts of States to resolve crises and had been frequently condemned by the Human Rights Council and the General Assembly. Sanctions were to be used solely with the approval of the Security Council to eliminate threats to international peace and security. Under no circumstances could such measures be allowed to turn into a mechanism of collective punishment, having a negative effect on the population of any given country. The harmfulness of the practice of using unilateral coercive measures, which was becoming an element of intimidation, had been evident over the previous few years. Moreover, the tension created in the context of the recovery after the coronavirus disease (COVID-19) pandemic not only caused additional harm to States subjected to sanctions and to the rights of their citizens but also threatened the achievement of the Sustainable Development Goals. The use of unilateral coercive measures to achieve political aims had little effect. Conversely, political and diplomatic efforts within a depoliticized and respectful dialogue in accordance with the standards of international law was a more effective approach.

45. Zimbabwe stated that, while coercive measures were aimed at targeting a few individuals and companies, the far-reaching collateral damage that they caused to the general population, including the poor and those in vulnerable situations, was evident. The widespread resort to zero risk and overcompliance policies by banks and private actors had created serious obstacles to the full enjoyment of human rights, including the right to food, health, education, decent work, housing and development. In addition, the extraterritorial application of unilateral coercive measures to third countries was undermining international solidarity, regional integration, trade and investment cooperation. Zimbabwe called for the lifting of all unilateral coercive measures.

46. Namibia stated that the illegal use of economic, trade or other measures by some States and international organizations to compel a change of policy in another State was an issue of deep concern. It noted that the impact of unilateral coercive measures on the ability of targeted States to respect and protect all human rights, civil and political rights, as well as economic, social and cultural rights, including the right to development, had been identified by numerous United Nations human rights mechanisms. However, some States disregarded international law and, even in the face of COVID-19 pandemic, continued to maintain their sanctioning practices. Those States went as far as influencing the decision-making processes at international financial institutions to prevent targeted States from accessing financial resources. Namibia continued to call for the removal of unilateral coercive measures against all States, including Cuba, the Islamic Republic of Iran, the Bolivarian Republic of Venezuela and Zimbabwe. Some unilateral coercive measures had secondary effects on third States that were not the direct targets of sanctions.

47. The Bolivarian Republic of Venezuela stated that the imposition of unilateral coercive measures was a violation of international law and a serious obstacle to the enjoyment of human rights, including the right to development. Approximately 30 countries in which more than 28 per cent of the population lived were subjected to illegal sanctions imposed by the United States and the European Union under the pretext of protecting human rights. Unilateral coercive measures and overcompliance had a negative impact on the achievement of the Sustainable Development Goals due to the serious limitations that they caused in targeted countries. Those measures undermined public policies for the eradication of poverty, food security and nutrition of the population. The Bolivarian Republic of Venezuela

categorically rejected the adoption of laws that imposed unilateral coercive measures with extraterritorial effects.

48. Cuba asserted that unilateral coercive measures were unlawful under international law and constituted a violation of the principles of the Charter of the United Nations. The various resolutions adopted by the Human Rights Council on the topic had addressed the impact of unilateral coercive measures on human rights. Those measures were used as a mechanism of political pressure against democratically elected Governments. Furthermore, for more than 60 years, Cuba had suffered from the impact caused by the economic, commercial and financial blockade by the United States; the damages caused by that policy amounted to more than 154.2 billion dollars. However, that figure did not reflect the real impact of the blockade on the lives of Cubans, nor the strain caused by the complex food situation, electricity outages, the lack of basic medicines and fuel shortages, among other examples. Cuba thanked the Special Rapporteur for the development of an online platform that contributed to the visibility of the impact of unilateral coercive measures on human rights.

49. Belarus stated that the imposition of sanctions under the pretext of human rights violations was inadmissible, especially since the accusations concerning those violations were often politicized. Sanctions imposed by the United States and the European Union were harming millions of Belarusians and affecting various sectors of the economy, access to medicines and air transportation. Furthermore, Belarus referred to a conference organized by the Food and Agriculture Organization of the United Nations in which the importance of access to and the use of fertilizers to ensure food security, particularly in developing countries, was stressed. The Committee on Economic, Social and Cultural Rights had recommended that Lithuania revise measures that prevented the transport of potassium from Belarus to countries in Africa and Latin America, which had an impact on the prices of fertilizers and food security in third countries. Belarus called upon OHCHR to condemn the use of unilateral coercive measures.

50. China emphasized that the imposition of unilateral coercive measures was a violation of the principles of the Charter of the United Nations and the principle of non-interference in international affairs. Unilateral coercive measures disrupted international economic trade, and scientific and technology cooperation. Those measures constituted an obstacle to economic and social development in the targeted countries and might give rise to humanitarian crises and impede the reconstruction and economic recovery of post-conflict countries. Furthermore, unilateral coercive measures had been used to suppress the Governments of the targeted countries and interfere in their internal affairs. Developing countries were affected by the unilateral coercive measures imposed by some Western countries and civilians were the direct victims of those measures. The Human Rights Council should address the issue of unilateral coercive measures as a matter of priority. China urged the countries concerned to respect human rights and immediately lift all unilateral coercive measures.

51. Algeria stated that developing countries and their citizens were victims of unilateral coercive measures that violated the Charter of the United Nations, the principles of international cooperation and the 2030 Agenda. Those measures exacerbated humanitarian crises and impeded access to goods and services, drinking water and other basic needs, which had an impact on the enjoyment of human rights, particularly on the right to health and education. In addition, sanctions prevented cooperation in the fields of art and sport. Unilateral coercive measures impeded the exercise of human rights, especially the right to economic and social development and the right to equality, and had a negative impact on inter-State cooperation.

52. Egypt stressed the impact of unilateral coercive measures on human rights, particularly on the right to health. Those measures posed a number of challenges in relation to access to health care, medicines and preventive health care. Furthermore, they also negatively affected the provision of humanitarian assistance during crisis situations. Egypt highlighted the importance of the compliance of all measures with international humanitarian law and the Charter of the United Nations. Those measures should not be used as a means to impose economic or political pressure. There was a need to differentiate between unilateral coercive measures and national decisions adopted on the basis of national security considerations, particularly those aimed at combating terrorism.

53. Malaysia associated itself with the statement of the Movement of Non-Aligned Countries. It concurred with the panellists that the impact of unilateral coercive measures and overcompliance with sanctions on the right to development and the achievement of the Sustainable Development Goals could not be understated. Those measures hindered economic growth, disrupted vital trade relations and impeded access to essential resources, thereby jeopardizing progress towards the right to development and the Sustainable Development Goals, including those related to poverty eradication, health and education. Malaysia stated that the progress made towards the achievement of the Sustainable Development Goals had been hampered by the COVID-19 pandemic, and the imposition of sanctions in such a fragile global environment would exacerbate that dire situation. It urged States to refrain from imposing unilateral coercive measures and avoid overcompliance, as well as to immediately end such measures that were already in force against targeted States.

54. The Gambia stated that it remained deeply concerned about the human rights implications and socioeconomic impact of unilateral coercive measures. Such measures often undermined the full realization of human rights, including social, economic and cultural rights, as well as the right to development. They disproportionately affected vulnerable populations, exacerbated poverty and hindered the functioning of basic social services. While the Gambia recognized the sovereign rights of States to conduct their foreign policy, it firmly believed that any measures affecting human rights and the economic conditions of another State must be in line with international law, including the principles of the Charter of the United Nations. In line with Human Rights Council resolutions 27/21 and 52/13, the Gambia urged all member States to consider the human rights implications of unilateral coercive measures. Furthermore, it recommended the establishment of an independent mechanism to assess the human rights impact of such measures and to propose alternative and rights-compliant strategies.

55. The Plurinational State of Bolivia stressed that the imposition of unilateral coercive measures affected the ability of targeted countries to meet the basic needs of their populations and ensure access to medicines, food and basic services. In addition, economic sanctions restricted the ability to develop trade relations with other States and cooperation with international organizations and international institutions on a normal basis. Those measures isolated States, affected their economies and were often part of campaigns to change regimes. The Plurinational State of Bolivia called upon member States and the international community to renew its commitment to the universality and inclusivity of the 2030 Agenda and thus to leave no one behind. The Plurinational State of Bolivia expressed its support and solidarity with the countries affected by the imposition of unilateral coercive measures.

56. South Africa stated that there was a need to acknowledge that unilateral coercive measures and overcompliance were among the challenges to the collective aspirations and goals of the international community. The harm that unilateral coercive measures caused to individuals' human rights could not be ignored, which was further exacerbated by overcompliance by private sector entities out of fear of repercussions. Overcompliance with unilateral coercive measures widened the scope of affected targets to include non-sanctioned individuals, denying entire populations access to food, energy and humanitarian aid. The burden of those measures was substantially higher among the most vulnerable in societies. In the context of the commemoration of the seventy-fifth anniversary of the Universal Declaration for Human Rights, it called for a recommitment to a victim-centred approach that recognized the human person as the central subject of human rights and fundamental freedoms.

57. The Associazione Comunità Papa Giovanni XXIII noted that unilateral coercive measures constituted an obstacle to the implementation of the Declaration on the Right to Development and the 2030 Agenda and affected the populations of the countries in which they were imposed, disproportionately affecting the most vulnerable people. Furthermore, unilateral coercive measures impeded access to health care, education, drinking water and basic services; had an impact on the flow of funds, the procurement of goods and the health-care facilities of humanitarian agencies; hampered reconstruction and economic development; and exacerbated poverty, especially in conflict-affected countries. The Associazione Comunità Papa Giovanni XXIII praised the Special Rapporteur for the initiative to develop the Sanctions Research Platform.

58. Centre Europe-tiers monde stated that, following the military takeover in the Niger, regional and international organizations had introduced unprecedented measures against the country. Those economic sanctions had an impact on the human rights of the population, particularly for those living in rural areas, and included the suspension of trade and financial transactions between States members of the Economic Community of West African States and the Niger, and the freezing of the country's bank assets. The consequences of those measures included an increase in food prices, difficult access to fertilizers, the interruption of development aid activities and a reduction in the supply of electricity, which affected agricultural production. Centre Europe-tiers monde urged the Human Rights Council and its mechanisms to call for the immediate lifting of all coercive measures imposed on the Niger, compensation for the victims of those measures, as well as the resumption of financing for development, particularly in rural areas.

59. The Medical Support Association for Underprivileged Iranian Patients stressed that the sanctions imposed on the Islamic Republic of Iran had negatively affected the lives of its citizens. The negative effect of those measures was reflected in the lack of raw materials in factories for the production of goods, the high exchange rate and, in many cases, the difficulties encountered in importing equipment to the country. It emphasized that unilateral coercive measures adversely affected the right to development, both socially and economically. The Medical Support Association for Underprivileged Iranian Patients called upon the Special Rapporteur to recommend that member States immediately halt unilateral coercive measures for political purposes.

60. The Bachehaye Asemane Kamran Rehabilitation Institute emphasized that the health sector was one of the sectors affected by sanctions. The main effect of sanctions on the health sector was caused by a reduction in the financial resources of the sanctioned country, which could lead to changes in the budget allocated to the health sector. Furthermore, sanctions decreased the importation of health-care and pharmaceutical products and access to those basic goods, particularly affecting those in vulnerable situations among the population. Persons with disabilities were among the vulnerable groups affected by sanctions and faced the increasing cost of rehabilitation services and equipment, lack of access to imported modern mobility aids and limited access to imported medicines. It called upon United Nations experts to address the violation of the rights of persons with disabilities due to sanctions and to discuss the impact of those measures on persons with disabilities during biennial panel discussions on unilateral coercive measures.

61. The Association of Iranian Short Statured Adults stated that sanctions and overcompliance hampered the efforts of targeted countries to achieve the Sustainable Development Goals and to comply with their obligations to ensure economic, social and cultural rights and the right to development. Unilateral coercive measures prevented the comprehensive realization of the process of development and destroyed the possibility of persons in targeted countries to actively, freely and meaningfully participate in their own development, contribute to the process and enjoy the fruits thereof. Unilateral coercive measures could exacerbate inequalities and further marginalize the most vulnerable in societies. Sanctioning Governments must immediately lift sanctions that do not comply with international law and conduct preliminary assessments of any planned sanctions in order to evaluate their compliance with international law and identify any possible negative humanitarian impacts.

62. The Legal Analysis and Research Public Union noted that unilateral coercive measures could have negative impacts on the enjoyment of the right to development and hinder progress towards the Sustainable Development Goals. Sanctions impeded access to quality education and the realization of multiple Sustainable Development Goals, including those related to poverty reduction, health, gender equality and others. The negative impact of sanctions on the civilian population and how to minimize it was not the only issue; there was also the issue of the selective approach in relation to the imposition of sanctions. Several countries, such as the Democratic People's Republic of Korea, the Islamic Republic of Iran and the Russian Federation, had been under various sanctions for many years.

C. Concluding remarks of panellists

63. Mr. Kanade noted that, empirically, unilateral coercive measures had hardly ever been successful in realizing the objectives that they sought to achieve and, historically, their adverse impacts were tremendous. In relation to the impact of unilateral coercive measures on third countries, it was clear that secondary sanctions or the threat of secondary sanctions could entirely disrupt global supply chains. Furthermore, the imposition of unilateral coercive measures directly undermined the principles of multilateralism. In relation to targeted sanctions, the legality of those measures was debatable since by design they were adopted without any due process and had a direct impact on individuals who were not the subject of the targeted sanctions. It was not enough that targeted sanctions were claimed to comply with international law, including humanitarian and human rights law; there was a need to establish systems that demonstrated that compliance. It was clear that unilateral coercive measures had a direct adverse impact and that targeted sanctions needed to be addressed from a different lens in terms of the impact that those measures had on human rights.

64. Ms. Gentili referred to the secondary impacts of unilateral coercive measures from the perspective of Oxfam as a humanitarian organization. In order to respond to emergency situations, Oxfam supported the efforts made at the country level to protect the livelihoods of the most vulnerable. In that context, the limited availability of companies or actors willing to work with organizations in Cuba affected Oxfam's ability to respond in a prompt manner to emergencies, and that affected those that were most in need, including women, children, the elderly and persons with disabilities. Persons that experienced greater exposure to vulnerability were the most affected by the negative impact of unilateral coercive measures. She urged States, international humanitarian organizations, civil society organizations and other relevant stakeholders to present evidence on the human impact of unilateral coercive measures and to identify mechanisms to hold accountable those responsible for their implementation, and to challenge the use of such measures considering their impact on human rights, particularly those of the most vulnerable.

65. Mr. Sachs said that the Human Rights Council was an appropriate venue to consider the issue of unilateral coercive measures given that those measures were a direct violation of human rights and the right to development. Furthermore, the issue of unilateral coercive measures was urgent and constituted a violation of global peace. Moreover, it was not possible for almost any of those broad sanctions to ring-fence the issue of compliance since they aimed to undermine the political, economic and social stability of countries. Unilateral coercive measures were aimed at coercing countries into a geopolitical response and causing severe damage.

66. Mr. Vakil stated that unilateral coercive measures were misused by sanctioning States and the purpose of those measures was to impose economic pressure on civilians that would translate into governmental changes. He stressed that the right to development required legal, political and social methods of enforcement and noted the importance of involving non-State actors in responses to guarantee the right to development. That was key to ensure the accountability of financial, monetary and commercial institutions in relation to the contents and objectives of global justice, which underpinned the right to development. Given the expanding use of unilateral coercive measures, there was a need to create a mechanism to monitor and regulate their use.

D. Recommendations

67. During the panel discussion, the following recommendations were made to States, the Human Rights Council, OHCHR, United Nations agencies, international organizations and the Secretary-General to address the negative impact of unilateral coercive measures on human rights, including on the right to development, and the achievement of the Sustainable Development Goals:

(a) States should introduce and implement specific measures to ensure the elaboration of a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development;

(b) The Human Rights Council should take additional measures to monitor and report on the wide-ranging negative impact of unilateral coercive measures and overcompliance on the full enjoyment of human rights, including on the right to development, and the achievement of the Sustainable Development Goals;

(c) States imposing sanctions must fully comply with international law, including in fairness of process and the availability of effective review and remedy;

(d) States imposing sanctions should establish effective, clear and universally accepted systems for humanitarian exemptions from sanctions to enable the swift passage of medication, health-care equipment, food, humanitarian aid and other assistance to critical infrastructure and services, such as water, sanitation and electricity, which were needed to respect human rights;

(e) United Nations agencies should consider assessing the impact of unilateral coercive measures and overcompliance in discussions on the achievement of the Sustainable Development Goals;

(f) All relevant United Nations agencies and other international organizations should assess the impact of unilateral coercive measures and overcompliance on the enjoyment of human rights within the scope of their mandates;

(g) The Human Rights Council Advisory Committee should study and develop a mechanism focusing on the compensation of victims of unilateral coercive measures;

(h) OHCHR should continue to work towards addressing the negative impacts of unilateral coercive measures through a human rights-based approach;

(i) The Secretary-General should consider presenting an annual global report that contains information on the impact of unilateral coercive measures and overcompliance on human rights, the right to development and the achievement of the Sustainable Development Goals.
