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

Written statement* submitted by Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 January 2025]

* Issued as received, in the language of submission only.

Unilateral Coercive Measures: a weapon against human rights

After the widespread destruction of World War II, which profoundly undermined humanity's core values, the international community took decisive steps to establish a new global order centered around the United Nations Charter. The Charter, along with subsequent declarations and conventions, embodies fundamental human rights principles and enshrines the collective commitments of States to protect and promote them. States are obligated to adhere to these principles in both their domestic and foreign policies to fulfill their international obligations. Failure to do so renders their actions incompatible with international law, thereby imposing on them the responsibility to cease such actions and provide appropriate compensation.

Unilateral sanctions, those imposed without the support of international bodies like the UN Security Council, effectively target not just governments, but the lives of ordinary people. The detrimental effects of these sanctions, particularly in areas like healthcare, food, development and daily life, are so severe that they can only be described as "cruel" and a "violation of fundamental human rights".

It's often claimed that unilateral sanctions are implemented to punish governments and influence their behavior. However, in practice, instead of having impacts on politicians or officials, they inflict the most of their damage on ordinary citizens. Basic rights such as the right to life and the right to health are directly violated by these sanctions. Thus, the imposition of UCMs have increasingly become one of the modern tools of international policy recruited by powerful States for their political interests, which have now gone far beyond to just exerting influence on political behavior of target States and impeded the enjoyment of fundamental human rights by the population of the targeted countries, undermining the fundamental values of the treaty and custom-based international human rights system.

Sanctions on economic system of a State, not only reduce the income of targeted governments but also make it difficult for them to trade internationally, disrupt supply chains and limit their access to financial resources, which lead to economic downturns and job losses. This directly affects people's routine lives, causing a sharp increase in poverty and inequality. Inflation caused by a drop in the value of the national currency, severe limitations on oil exports for States with economies heavily dependent on it, and a significant reduction in people's buying power, make it very hard for them to afford basic necessities. By weakening industries and discouraging investment, these sanctions severely damage the economies of the sanctioned countries, undermining their chances for future growth. This constitutes a violation of the right to development in these communities. As a result, many ordinary people, including workers, employees, small business owners, and low-income families, face the risk of severe poverty and the social-insecurities that come with it.

Over-compliance with Sanctions: A Catalyst for Exacerbating Human Rights Violations

Over-compliance with sanctions in critical sectors such as pharmaceuticals and medical equipment—areas that must be exempt—results in severe and devastating consequences for the populations of sanctioned countries. This over-compliance not only includes pharmaceutical companies refusing to supply medications, medical equipment, and after-sales services to sanctioned States but also involves the termination of long-term contractual agreements. Coupled with significant financial and logistical barriers, it has created profound challenges. Banks face difficulties in issuing letters of credit and processing payments for medical imports. Meanwhile, shipping and insurance companies frequently deny services to sanctioned entities, compelling them to adopt riskier and costlier procurement strategies. This increases the risk of compromising the quality of imported medical supplies, for example, by failing to store sensitive pharmaceuticals and vaccines properly.⁽¹⁾

A notable example of these is the 2022 action by a Dutch bank, which blocked funds intended for Cuba's COVID-19 vaccine acquisition, highlighting how such restrictions can hinder humanitarian financial assistance. These obstacles disrupt emergency response efforts, such as pandemic containment strategies, leaving affected nations more vulnerable to crises.(2)

The situation in Cuba, where vaccine production has been hampered by the lack of essential raw materials and medical equipment, illustrates this issue. Similarly, more than half of pharmaceutical companies withdrew from Venezuela after the imposition of U.S. sanctions. In Iran, patients with Epidermolysis Bullosa (EB) faced devastating shortages of specialized dressings and essential medicines, leading to severe suffering and loss of life. These aforementioned instances constitute a manifest violation of the right to health and, indeed, the right to life, which are enshrined as fundamental human rights.

Sign of an emerging customary international law against unilateral sanctions

Since 1992, the United Nations General Assembly has adopted 32 resolutions condemning the economic, commercial, and financial sanctions imposed by the United States against Cuba. These resolutions, passed by an overwhelming majority, highlight the illegality of such sanctions under international law and the principles of the UN Charter, calling for their immediate termination.

These sanctions, which have persisted for over six decades, have had devastating impacts on Cuba's economy and the daily lives of its people, restricting their access to food, medicine, medical equipment, and other essential goods. Similarly, the United States' unilateral measures against Iran strongly discourage any government, its nationals, or foreign financial institutions from maintaining economic relations with Iran. In fact, these measures resemble actions codified in U.S. domestic laws such as the Helms-Burton Act (against Cuba) and the D'Amato-Kennedy Act (against Iran and Libya) in 1996. This similarity demonstrates that the U.S. employs comparable tools to exert maximum pressure on both countries.(4) Both countries face similar challenges in the fields of international trade, access to financial markets, and the provision of basic necessities for their populations.

It is noteworthy to mention that the repeated and consistent adoption of these resolutions by an overwhelming majority in the General Assembly, as a forum of the international community as a whole, may signal the emergence of the elements of a customary international law. "The approval of these resolutions against the "bloqueo" since 1992, with overwhelming support, provides evidence of the emergence of an *opinio juris* or, at the very least, the constitution of a customary norm against sanctioning practices like those established by this type of national law."(5) The similarity of those sanctions imposed on Cuba to those imposed on Iran, as highlighted by judge Momtaz, is of high importance. The repetition of this practice over time and its acceptance by the vast majority of states could gradually contribute to the formation of a binding customary international law rule, deeming unilateral sanctions as illegitimate and contrary to international law.

Recommendations:

- "We urge the States Parties, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, in line with other human rights mechanisms, recommend to the United Nations General Assembly that it request an advisory opinion from the International Court of Justice on the following question:

"Is the imposition of unilateral sanctions, particularly those with extraterritorial effect and coercive nature, that have resulted in the violations of different human rights, including the right to life, the right to health and food, compatible with principles of international law, including the principles of non-intervention in the internal affairs of states and states' human rights obligations?"

- We acknowledge and take note of the efforts of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in documenting both direct and indirect human rights violations caused by sanctions. We call upon other relevant Rapporteurs, particularly the Special Rapporteurs on the right to food, the right to health, the right to education, the Special Rapporteur on extreme poverty and human rights, and the Special Rapporteur on the right to development, to also examine the effects of unilaterally imposed primary and secondary sanctions.

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- 1) Secondary sanctions, civil and criminal penalties for circumvention of sanctions regimes and overcompliance with sanctions, Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena F. Douhan, paragraph, 30-35
 - 2) Ed Augustin, “‘Living through a war’: in Cuba, a race to vaccinate as COVID surges”, NBC News, 10 August 2021. Taken from: Dohan, Elena. Secondary Sanctions, Overcompliance and Human Rights: Note by the Secretary-General. United Nations, 2022. Para. 53
 - 3) Ibid, para. 19
 - 4) This was indicated by Judge ad hoc Momtaz in the case *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)* (para. 19-20)
 - 5) A Customary Rule Against Unilateral Economic Sanctions of the Nature of the Helms-Burton Act, available at: <https://www.ejiltalk.org/a-customary-rule-against-unilateral-economic-sanctions-of-the-nature-of-the-helms-burton-act-regarding-another-potential-vote-in-the-united-nations-general-assembly-against-the-bloqueo/>