

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

#COVID-19 Human Rights Guidance Note

COVID-19 pandemic: negative impact of unilateral sanctions during the state of emergency

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COVID-19 pandemic constitutes today a global challenge to the World community and to the whole system of human rights, including both individual and collective human rights, especially the rights to life, to health, to decent living, to food, as well as the ability of states and international organizations to work together in the spirit of cooperation and solidarity to guarantee that no one will be left behind and deprived of medical help.

Numerous UN documents, including the UN General Assembly resolution 74/270 of 2 April 2020 on “Global solidarity to fight the coronavirus disease 2019 (COVID-19)” call for multilateral cooperation, unity and solidarity; acknowledge the need of all relevant stakeholders to work together at the national, regional and global levels and to provide assistance especially to the most vulnerable ones to ensure that no one is left behind. In the UN policy brief entitled “COVID-19 and Human Rights. We are all in this together” of 23 April 2020, the UN Secretary General identified the need to save human lives as the UN priority.

Yet, the level of international solidarity today is not sufficient. It has been repeatedly announced by sanctioned states that during the outbreak of the COVID-19 pandemic, the impact of unilateral sanctions imposed additional economic, commercial and financial burden and constrained effectiveness of the response. It delays the development of e-health and telemedicine due to difficulties in accessing affordable technology; causes difficulties to access developmental loans from the World Bank, and limits access to humanitarian aid from international organizations and other countries.

As a result, people in the targeted countries become even more vulnerable to the virus, which has been demonstrated clearly in the deadly effect of sanctions. While the Governments are obliged to protect their population from COVID-19 and to save lives, some of them have been effectively prevented from doing so due to economic and other types of sanctions imposed by certain developed states or regional organizations without or beyond the authorization of the UN Security Council.

The existing health emergency is a matter of life and death. It demands specific urgent action to be taken to save lives and to foster and support the ability of countries targeted by unilateral sanctions to maintain the necessary level of health care and nutrition procurement to be able to face the challenge of the epidemic. In this context, as the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights I call on States, other influential actors and stake holders to act in spirit of cooperation and solidarity and to consider urgent steps to be taken internationally to prioritize saving lives in the course of COVID-19 over political, economic and other conflicts.

1. The COVID-19 pandemic as the common threat can only be fought by joint efforts of all States and international organizations in a spirit of multilateralism, cooperation and solidarity;

2. International cooperation at the bilateral and multilateral levels shall be based on the principles of legality and observance of the rule of law in full compliance with obligations arising from the UN Charter, international humanitarian and human rights law, and other international obligations, especially in the situation of global challenge created by the pandemic.

3. Under no circumstances should trade in essential humanitarian goods and commodities, such as medicine, antiviral, medical equipment, its component parts and relevant software, food, be subject to any form of direct or indirect unilateral economic measure or sanction. Accordingly, any impediment to such trade, including establishing trade barriers, ban tariffs, quotas and other non-tariff measures, as well as impediments to appropriate contracts, financial transactions, transfer of currencies or credit documents and transportation that hamper the ability of states to effectively fight the COVID-19 pandemic and deprive of vital medical care, access to clean water and food, should be lifted or at least suspended until the threat is eliminated..

4. Any requests for licensing to purchase medical equipment, its component parts and software, medicine and food shall be considered without any delay.

5. Humanitarian aid in human resources, materials, equipment, cash and of any other kind to combat the pandemic shall not be subject to any direct or indirect restriction. Direction and delivery of humanitarian aid aimed to combat COVID-19 pandemic shall not be considered as unfriendly or profit-oriented act;

6. States shall not take measures preventing other states from getting external aid of any character, including international loans to combat the pandemic both from other states and international organizations.

7. Any sanctions including administrative and criminal charges against individuals and companies involved in the delivery of medical goods and food to sanctioned states in accordance with international humanitarian and human rights norms should be lifted or at least suspended.

8. States, international organizations as well as other actors in a position to exercise positive influence are urged to review and minimize the whole scope of unilateral sanctions in full compliance with obligations arising from the UN Charter, international humanitarian and human rights law, other international obligations to guarantee that the rule of law is observed at the international arena and to enable sanctioned states to ensure the effective protection of their population in the face of COVID-19, to repair their economy and to guarantee the well-being of their people in the aftermath of the pandemic.