

# CYBER SANCTIONS: WHAT'S THE BIG DEAL?

## Unilateral sanctions in the cyberworld: Tendencies and challenges

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

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### 📄 WHAT'S HAPPENING?

- **Increase in Cyber-Related Sanctions:** Trends showing the rise in sanctions for cyber-related reasons.
- **Ambiguity of 'Cybersanctions':** Understanding the vague nature of the term and its implications.
- **Tech as a Tool for Pressure:** How technology is increasingly used to exert international pressure.

### 💡 WHY SHOULD WE CARE?

- **Pervasiveness of Cyber Technologies:** The ubiquity of digital tech in international relations.
- **Defining 'Malicious' Cyber Activities:** Challenges in determining what constitutes 'malicious' actions in the cyberworld.
- **Reinterpretation of International Law Norms:** Cybersanctions are leading to new interpretations, often questionable, of existing international law norms.

### 🌍 WHAT'S THE GLOBAL IMPACT?

- **Impact on Human Rights:** Effects on freedom of speech and access to information are increasingly evident, as countries adopt broad definitions of disinformation and misinformation, leading to censorship and restrictions on media.
- **Educational Barriers:** Sanctions hinder access to online educational resources in various countries, impacting the quality and availability of education, especially in the digital domain.
- **Economic Implications:** The broader economic consequences of cyber sanctions include disruptions in e-commerce and the digital economy, affecting businesses and consumers globally even for booking tickets and basic payments.
- **Digital Divide Exacerbation:** The widening gap in technology access and economic disparity is particularly felt in developing nations, where sanctions can significantly limit technological advancement and economic growth.

## SOME EXAMPLES

- **US Policies on Malicious Cyber Activity:** The U.S. has imposed sanctions in response to alleged malicious cyber activities, often violating the principles of presumption of innocence and due process. These actions have raised concerns about the misuse of sanctions and the absence of sufficient legal justification or humanitarian assessment.
- **US and EU Information Access Limitation Trends:** The U.S. and EU are increasingly limiting access to information, often citing countering propaganda and disinformation. This practice, potentially violating Articles 19 and 20 of the ICCPR on freedom of expression. These actions underscore the subjective interpretation of 'public harm' and 'disinformation.'
- **Restrictions on Software Trade:** The U.S. expanded software trade restrictions to include various technologies, affecting countries like Syria, which struggled to access vital healthcare software, or access to educational platforms.
- **Overcompliance by E-commerce Platforms:** Platforms like Etsy have removed items due to perceived connections to sanctioned countries, demonstrating an overzealous approach to compliance.

## WHAT SHOULD WE DO?

- **Align external policy with International Law:** Reassess and lift sanctions that don't align with Security Council sanctions or international legal standards.
- **Legal Approach to Cybercrimes:** Ensure that sanctions are not misused to replace legal processes for cybercrimes, respecting due process and jurisdictional norms.
- **Base Actions on Evidence and Legal Assessment:** Respond to cyber threats based on solid evidence and thorough legal assessments, in line with international norms.
- **Respect Human Rights and State Sovereignty:** Any means of pressure should respect human rights and the sovereign equality of states, avoiding discrimination and harm to populations, ensuring that measures related to information control and freedom of speech are in line with Articles 19 and 20 of the ICCPR.
- **Media and Tech Companies' Compliance:** Ensure that media and tech companies' actions comply with international legal standards and human rights, especially regarding freedom of expression.

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