

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

6 May 2020

UCM-Study on impact of unilateral sanctions on human rights during the state of emergency amid COVID-19 pandemic

Call for submissions by 1 June 2020

Pursuant to Human Rights Council resolutions 27/21 and 36/10 and General Assembly resolution 74/154, the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights is requested in fulfilling her mandate, *inter alia*, to gather all information relevant to the negative impact of unilateral coercive measures on the enjoyment of human rights; to study relevant trends, developments and challenges; and to make guidelines and recommendations on ways and means to prevent, minimize and redress their adverse impact on human rights; as well as to draw the attention of the Human Rights Council, General Assembly and the High Commissioner to relevant situations and cases.

Shortly after assuming her mandate on 25 March 2020, in the face of unfolding COVID-19 pandemic emergency, the Special Rapporteur, Ms. Alena Douhan issued her first [public statement](#), dated 3 April, urging to lift all unilateral sanctions that obstruct the humanitarian responses of sanctioned States, in order to enable their health care systems to fight the COVID-19 pandemic and save lives. This was aligned with and echoed [the 23 March statement](#) of the UN High Commissioner for Human Rights to ease or suspend sanctions and [the 26 March appeal](#) of the UN Secretary General to waive sanctions that undermine countries' capacity to respond to the pandemic.

On 2 April, the UN General Assembly adopted its resolution [74/270](#) on “Global solidarity to fight the coronavirus disease 2019 (COVID-19)” called for multilateral cooperation, unity and solidarity, acknowledging 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 identifies the need to save human lives as the UN priority.

On 3 April, the European Union issued a [declaration](#) echoing UN Secretary General's call for a global cease-fire in view of the COVID-19 crisis. It also stressed that also stresses that sanctions should not impede the delivery of essential equipment and supplies necessary to fight the coronavirus and limit its spread worldwide. The European Union underlined that UN and EU sanctions provide for humanitarian exceptions. Through application of these exceptions, the EU and its Member States will ensure that these sanctions do not obstruct the global fight against COVID-19, while stressing that they continue to play an indispensable role in countering breaches of international law,

proliferation, staunching the flow of arms into war zones, combatting human rights abuses, and targeting spoilers of peace processes. The EU also encouraged other jurisdictions to provide the necessary clarifications to ensure that their respective sanctions are no obstacle to the global fight against the pandemic.

The same day on 3 April, Group of 77 and China issued a [statement](#) calling upon the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries. Group of 77 and China stated that at this juncture, the enactment and application of unilateral coercive economic measures will have a negative impact on the capacity of States to respond efficiently, specifically in the acquisition of medical equipment and supplies to adequately treat their populations in the face of this pandemic. Ultimately, these measures also affect the essential cooperation and solidarity that should prevail among nations.

On 30 April, the Special Rapporteur issued a [joint public statement](#) calling on the United States to lift its economic and financial embargo on Cuba that is obstructing humanitarian responses to help the country's health care system fight the COVID-19 pandemic. She urged the US Government to withdraw measures aimed at establishing trade barriers, and ban tariffs, quotas, non-tariff measures, including those which prevent financing the purchase of medicine, medical equipment, food and other essential goods.

On 1 May, the Special Rapporteur issued her first [COVID-19 Human Rights Guidance Note](#), calling *inter alia* to lift or at least suspend any sanctions impeding trade in or delivery of essential humanitarian goods and commodities, such as medicine, antiviral, medical equipment, its component parts and relevant software, food; as well as review and minimize the whole scope of unilateral sanctions in order to enable sanctioned states to ensure the effective protection of their population during COVID-19, to repair their economy and to guarantee the well-being of their people in the aftermath of the pandemic.

On 4 May, the Heads of States and Governments of the Non-Aligned Movement (NAM) under the theme of "United against COVID-19 pandemic" adopted a [Declaration](#) expressing their strong condemnation at the promulgation and application of unilateral coercive measures against Member States of the Movement. The declaration further urged the international community to adopt urgent and effective measures to eliminate the use of such measures, that are inconsistent with the principles of international law or the Charter of the United Nations, with a view to ensure the effectiveness of national responses to the COVID-19 pandemic.

Clearly, the common threat of the COVID-19 pandemic constitutes today a global challenge to the world community, the whole system of human rights, including the rights to life, to health, to food as well as to the ability of states and international organizations to work together in the spirit of multilateralism, cooperation and solidarity to guarantee that no one will be left behind and deprived of medical help, especially the most vulnerable, including persons with disabilities and older persons, who are at much higher risk of/when contracting the virus. It is threatening to overwhelm public health care systems, and is having devastating impacts across the world on all spheres of life – the economy, social security, education and food production. Hundreds of thousands of lives have already been lost, including those of doctors and nurses providing front-line medical treatment.

The existing emergency demands specific urgent action to be taken by the international community to save lives and to uphold the ability of countries to maintain the necessary level of health care system and nutrition procurement. It has been repeatedly announced however by sanctioned states that during the outbreak of COVID-19 pandemic,

the impact of unilateral sanctions imposed additional economic, commercial and financial burden, increases cargo travel time due to an inability to procure supplies, reagents, medical equipment and medicines necessary for the diagnosis and treatment of COVID-19 and therefore constrains effectiveness of the response. It delays the development of e-health and telemedicine due to difficulties in accessing affordable technology too. Unilateral sanctions cause 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 more vulnerable to the virus. While the Governments are obliged to protect their population from COVID-19 and to save lives, some of them had 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 authorization of the UN Security Council. In this regard, the COVID-19 emergency reveals the deadly effect of sanctions and inflicts enormous physical and psychological suffering, especially in the countries where medical personnel is hindered to perform their professional duties due to absence of adequate medical equipment and medicine to treat their patients. In this emergency, the apparent ignoring by some countries of the aforementioned calls to remove all obstacles to the humanitarian responses may lead to a higher risk of suffering and deaths in the countries targeted by their sanctions.

These circumstances have led the Special Rapporteur to undertake **a study on the “Impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic”**. In accordance with the established practice of thematic mandate-holders, Ms. Douhan welcomes inputs by States, UN agencies, regional and international organizations, national human rights institutions, civil society, scholars and research institutions, and others who may wish to submit for this purpose guided by the questionnaire below. Such submissions may include, for instance, recommendations, evidence and case studies.

Questionnaire:

1. Do sanctions introduced by individual states or regional organizations without or beyond authorization of the UN Security Council targeting states and/ or non-state actors have an impact on enjoyment of human rights by the citizens of targeted states in the situation of natural and man-made emergency, including COVID-19 pandemic? Please, elaborate in details.
2. What specific aspects of human rights are affected by unilateral sanctions in targeted States during the pandemic? Can you give examples of particular rights most affected by unilateral sanctions and in what way? What steps were taken by the sanctioning States on one hand and in the targeted States on the other hand to address those human rights violations and remedy the situation?
3. Do sanctions have an impact on non-targeted third States and their citizens in the course of emergency, including the pandemic? Can you provide examples of this impact?
4. Do unilateral sanctions have an impact on the ability of states to react to emergency situations and to protect human rights especially of the most vulnerable categories of population? If yes, what areas/ spheres / types of activity/ vital infrastructure appeared to be the most affected in the course of COVID-19 pandemic? What groups of population are affected the most?

5. What types of sanctions have the most negative impact over the enjoyment of human rights in the course of COVID-19 pandemic? Please provide detailed information about obstacles, which were caused by the sanctions, in the implementation of the national health care system's preparedness and response plan to combat COVID-19 pandemic.
6. Are humanitarian exemptions sufficient, effective and efficient to protect the life of people and to guarantee human rights especially of the most vulnerable groups in the course of natural and man-made disasters including COVID-19 pandemic?
7. Does the mechanism of getting licenses for purchase of medical equipment, its component parts and software, medicines, protective kits, food and other essential goods provide for the possibility to guarantee vital needs of the population? Has it been eased by the sanctioning States in the course of pandemic?
8. Have you faced any problems in delivery of humanitarian aid in the course of COVID-19 pandemic. If yes, please, specify.
9. Please, indicate, what steps have been taken by the sanctioning States on one hand and in the targeted States on the other hand to alleviate possible human suffering caused by unilateral sanctions in the course of pandemic. What were the main obstacles created by sanctions to guarantee vital human needs and save lives in the course of pandemic?
10. What measures of international community do you consider to be vital to urgently enhance the ability of targeted states to resist pandemic?

Guidelines for Submissions:

All submissions and inputs should be made in **word format**, and **sent electronically in English by 1 June 2020** to Mr. Sharof Azizov (Email sazizov@ohchr.org), the Human Rights Officer supporting the Special Rapporteur's mandate; and copied to registry@ohchr.org using the **email title**: "Submission for SR UCM-Study on impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic".

Please note that all submissions and inputs will be considered public records **unless explicitly requested otherwise** and will be used in preparation of thematic reports and published on the website of the Special Rapporteur.