

Questionnaire on Human Rights and Unilateral Coercive Measures

- 1. Do you consider that unilateral coercive measures have an impact on human rights of citizens in targeted States? If yes, in what way? If no, why?**

Yes. Where one State imposes on another State economic measures or sanctions, it has a direct impact on the economy of the targeted State. As such, it affects the ability of the targeted State to produce, distribute and consume goods and services. Access to essential goods and services such as health care, food, sanitation, education as well as access to non-essential goods and services are negatively affected leading to unemployment and downturns in the economy. As a consequence the State is unable to fulfil its obligations to ensure the enjoyment of certain human rights such as the right to an adequate standard of living, the right to health and education or even the right to life, liberty and security.

- 2. (a) What specific aspects of human rights are affected by unilateral coercive measures in targeted States? Can you give examples of particular groups most affected by unilateral coercive measures and in what way?**

The aspects of human rights affected by unilateral coercive measures include the right to health care and proper health services. Where a State is unable to import medicines and sanitary equipment such as gloves and syringes, the standard of health care is diminished. In addition, where there are downturns in the economy, the State may suffer from "brain drain", where physicians may choose to leave the State for better opportunities.

Another aspect of human rights that may be affected is the right to education. When economic sanctions are instituted against a State it may result in a lack of access to the latest texts and equipment. Children may also be compelled to drop out of school to join the workforce to support their families in a declining economy.

In a State facing economic challenges, the Government is usually compelled to cut spending in areas such as social services. As such, the right to social security is affected. Government spending in relation to social security programmes such as unemployment relief and disability grants is removed.

Particular groups most affected by unilateral coercive measures include the most vulnerable in society such as women, children, the elderly and the disabled. In the case of the US embargo against Cuba, Amnesty International reported based on fact finding reports that the embargo continues to contribute to malnutrition especially affecting women and children as a result of poor water supplies and a lack of medicine supplies. In 2013, during the Office of the High Commissioner of Human Rights Workshop on the impact of unilateral coercive measures on human rights, the Government of Zimbabwe reported that in addition to women and children

being the most vulnerable to the effects of sanctions, persons living with HIV/AIDS have also suffered greatly due to the lack of access to medicines and treatment.

(b) Do such unilateral coercive measures have an impact on citizens in non-targeted third States? Can you provide examples of this impact?

Yes. Although unilateral coercive measures are meant to target a specific State, it is no doubt that the impact of such measures result in 'spill-over' effects in third party States. Dursun Peksen, in his paper "Bilateral Trade and the Third Party Effect of US sanctions" (2006) suggests that US sanctions have a negative "spill-over" effect, impacting the trade between the target State and third countries. It has been observed that third countries will avoid developing economic relations with countries undergoing unilateral sanctions, for fear of possible repercussions from the sanctioning State. For developing countries that rely more heavily on their geographic neighbours for trade, this scenario can be devastating. For example, US sanctions against the Islamic Republic of Iran resulted in the blocking of the Iran-Pakistan Gas Pipeline project aimed at addressing the energy crisis in Pakistan. For several years, Pakistan's energy crisis has led to the shutting down of industries and other businesses leading to increases in unemployment and poverty, and affecting the economic and social rights of millions of Pakistanis. However, in March 2014, it was reported that the Iranian and Pakistani Governments have decided to move ahead with the project noting the severity of the energy crisis for the economy of Pakistan. In addition, Pakistan received a warning from the US Government that Pakistan runs the risk of facing US sanctions if it pursues its plans with Iran.

3. Are current human rights norms and mechanisms effective in addressing the negative impacts of unilateral coercive measures on human rights in targeted States?

No.

The human rights norms and mechanisms that may possibly address this issue include the treaty based bodies such as the Committees relevant to the Conventions i.e. the ICCPR, ICESCR, CEDAW, CRC and CERD or the Charter based bodies i.e. the Human Rights Council with its various mechanisms and procedures such as the Universal Periodic Review.

In terms of the treaty based bodies, these Committees assess human rights violations according to the Conventions which limit their assessment to jurisdiction and as such cannot extend to human rights violations occurring in a targeted State or a third State. In other words, according to the Conventions, a State is only responsible for ensuring the observance and protection of human rights in its own jurisdiction and does not extend to protecting human rights in other jurisdictions, even though its actions may extend beyond its own State as in the case of economic sanctions. As such in a case where a country like the US imposes economic sanctions

on other States such as Cuba and Iran, it cannot be held accountable for alleged human rights violations in those countries as a result of the sanctions imposed.

On the other hand, charter-based bodies like the Human Rights Council and the mechanism of the UPR are more flexible and may allow for the assessment of the negative impacts of unilateral coercive measures. However, it should be noted that the UPR is a highly political process and may not provide for an independent assessment of the human rights violations.

4. What specific human rights mechanisms can be used to assess the negative impact of unilateral coercive measures on the enjoyment of human rights in targeted States or in any other third State, and to promote accountability?

The most appropriate human rights mechanism may be the Special Procedures which include special rapporteurs, special representatives of the UN Secretary-General and the expert working groups. The Special Procedures mechanism allow for individuals to undertake on-site visits in States and obtain first-hand evidence. It also provides for the appointment of an expert in the particular area of assessment and the use of the technical expertise of the individual appointed. This mechanism is also administratively and financially more efficient as it does not involve the work of an entire Committee or involve the enormous undertaking of a review like the UPR. In addition, it provides for the assessment to be independent as it is not Government driven.

5. Can you provide specific examples of the impact of unilateral coercive measures on human rights in your country?

Not applicable.

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