**48th regular session of the Human Rights Council**

**Biennial panel discussion on unilateral coercive measures and human rights**

**Theme: Unilateral coercive measures:** **the issue of jurisdiction and extraterritoriality challenges and its inadmissibility under international law**

*Concept note (as of 14 September 2021)*

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| **Date and venue:** | **Thursday, 16 September 2021, 10 a.m. to 12 p.m.**  [**Room XX**](http://www.unog.ch/80256EE60057CB67/(httpRooms)/4C2700FCE9684AD780256EF9005A65FE?OpenDocument&unid=BAE3AF717207A5AF80256EF80049C552)**, Palais des Nations, Geneva** **and online platform (Zoom)**  *(will be broadcast live and archived on* [*http://webtv.un.org*](http://webtv.un.org/)*)* |
| **Objectives:** | The objective of the biennial panel discussion is to increase awareness among all stakeholders, including United Nations human rights mechanisms, of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries. It is also a platform for a continued exchange of views and experiences among member states, academic and civil society experts, civil society organizations, human rights mechanisms and other relevant stakeholders, on the impact of unilateral coercive measures on human rights. This year’s panel discussion will focus in particular on issues of jurisdiction and extraterritoriality that arise in connection with unilateral coercive measures and on “overcompliance”, made by public and private entities resulting from the intended interpretation of the expansion of extraterritorial jurisdiction. It will aim at:   1. Discuss on the intended extraterritorial jurisdiction in the context of the application and enforcement of unilateral coercive measures and the “overcompliance” that occurs as a consequence; 2. Follow-up on and update of the recommendations of the previous Council-mandated panels and workshops held respectively in 2019, 2017, 2015, 2014 and 2013, and the research-based report of the Human Rights Council Advisory Committee ([A/HRC/28/74](https://undocs.org/A/HRC/28/74)). 3. Increasing awareness about the negative impacts of unilateral coercive measures on the enjoyment of human rights. |
| **Chair:** | H.E. Ms. Nazhat Shameem Khan, President of the Human Rights Council |
| **Opening statements:** | * **Ms.** **Michelle Bachelet**, United Nations High Commissioner for Human Rights * **Ms. Alena Douhan**, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights *(video message)* |
| **Panellists:** | * **Mr. Tom Ruys**, Professor of International Law, Ghent University, Belgium *(video message)* * **Mr. Pouria Askari**, Associate Professor of International Law, Allameh Tabataba’i University and Secretary General of the Iranian Association for United Nations Studies, Islamic Republic of Iran *(video message)* * **Ms. Joy Gordon**, Ignacio Ellacuría, S.J. Chair in Social Ethics, Philosophy Department and School of Law, Loyola University Chicago, United States of America *(video message)* * **Mr. Zhang Wanhong**, Professor of Jurisprudence, Wuhan University School of Law, China  *(video message)* |
| **Outcome:** | In accordance with Human Rights Council resolution 27/21 and its corrigendum, the Office of the United Nations High Commissioner for Human Rights (OHCHR) will prepare a report on the proceedings of the panel discussion. The report will be submitted to the forty-ninth session of the Human Rights Council, and will provide inputs to the Council on how to proceed in its considerations of the impact of unilateral coercive measures on human rights. |
| **Mandate:** | In its resolution 27/21 and its corrigendum, the Human Rights Council decided to organize a biennial panel discussion on the issue of unilateral coercive measures and human rights, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, and requested OHCHR to prepare and submit a report on the panel discussion to the Human Rights Council. |
| **Format:** | The opening statements and initial presentations by the panellists will be followed by a two-part interactive discussion and conclusions from the panellists. A maximum of one hour will be set aside for the podium, which will cover the opening statement, panellists’ presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor, with each segment consisting of interventions from 12 States or observers, 1 national human rights institution and 2 non-governmental organizations.  The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet. |
| **Background:** | In its resolution 27/21, its corrigendum, and resolution 46/5, the Human Rights Council stressed that unilateral coercive measures and legislation are contrary to international law, and expressed its concern at their negative impact on human rights, development, international relations, trade, investment and cooperation. The Council has further recognized that these measures, in the form of economic sanctions, may have far-reaching implications for human rights; disproportionately affecting the poor and the most vulnerable populations; and may result in social problems and raise humanitarian concerns.  Previously, decisions of a number of United Nations organs and human rights treaty bodies as well as studies by United Nations agencies had outlined legal limitations as to the imposition of unilateral coercive measures with regard to rights essential for dignity and survival, while a number of declarations and resolutions have drawn attention to the need for special measures to alleviate the negative impact of such measures on the human rights of women and children, among other groups in a situation of vulnerability (see background documents below).  In a number of adopted resolutions, the Human Rights Council and General Assembly have called “upon all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development” (see, for example, Human Rights Council resolution 27/21).  The 2019 edition of the biennial panel on unilateral coercive measures was chaired by the President of the Human Rights Council and moderated by the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations Office and other international organizations in Geneva, Jorge Valero. The panellists were the current Special Rapporteur, Alena Douhan; Professor and Deputy Vice Chancellor for Industry, Community and Alumni at Universiti Teknologi MARA (Malaysia), Rahmat Mohamad; and member of the Human Rights Council Advisory Committee (Switzerland), Jean Ziegler. They discussed the way forward towards a United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of all human rights, including the right to development.  In the 2021 edition of the biennial panel, invited experts and other participants will be able to discuss in more detail on the intended extraterritorial jurisdiction in the context of the application and enforcement of unilateral coercive measures and of their “overcompliance”, including those made by public and private entities – that is a consequence of this growing practice. This topic is related to the one recently presented by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in her report, where she discusses the notions, characteristics and legal status of unilateral coercive measures (available in background documents below). In this report, the Special Rapporteur has confirmed “the existence of general consensus on the illegality of the application of extraterritorial sanctions from the side of legal doctrine among directly targeted States and also among countries traditionally viewed as imposing sanctions.” She has also noted that “extraterritorial application is reported to result in overcompliance and to affect all foreign partners in trade, health, education, culture and so on. It also results in an increase in direct and indirect targets of sanctions. The extraterritorial effect of unilateral coercive measures has been noted in relevant resolutions of the Human Rights Council and the General Assembly as impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments.” |
| **Background documents:** | * Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on unilateral coercive measures: notion, types and qualification (2021) ([A/HRC/48/59](https://undocs.org/A/HRC/48/59)) * Human Rights Council resolutions on unilateral coercive measures, in particular [resolution 46/5](https://undocs.org/A/HRC/RES/46/5) of 23 March 2021, [resolution 40/3](https://undocs.org/A/HRC/RES/40/3) of 21 March 2019, and [resolution 27/21](https://undocs.org/en/A/HRC/RES/27/21) of 26 September 2014 (read in conjunction with its [corrigendum](https://undocs.org/en/A/HRC/RES/27/21/Corr.1) of 14 November 2014) * General Assembly resolutions on unilateral coercive measures, in particular [resolution 75/181](https://undocs.org/en/A/RES/75/181) of 16 December 2020, [resolution 74/154](https://undocs.org/en/A/RES/74/154) of 18 December 2019 and [resolution 73/167](https://undocs.org/en/A/RES/73/167) of 17 December 2018. |