*1. Do sanctions intorduced 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.*

Unilateral sanctions of individual states and regional organizations do influence enjoyment of human rights in such situations. Particularly, sanctions of countries with strong economic systems like the US may affect not only economic situation in targeted states, but also such fields as health care system that are crucial to respond to the pandemic. The weak economy can’t allocate sufficient recourses to the health care system. This fact undermines a right of citizens of targeted states to have an appropriate medical assistance.

Moreover, comprehensive sanctions may also impede the equality of people in receiving medical care, because those who live in the country not affected by sanctions will get all necessary help and medicines, while citizens of targeted States will suffer without medical equipment and professional doctors.

*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?*

Talking about particular human rights, it’s important to start from the right to receive medical assistance. For example, such countries like Iran and Venezuela can’t effectively combat the pandemic because of the lack of recourses and limited access to the medicine and medical equipment. Governments don’t have recourses to allocate to hospitals and conditions there are only make the situation worse, for example, in Venezuelan hospitals there is a shortage of clean water and electricity.

The second right is a labour right. For example, people working in organizations included in the sanction lists are highly likely to be dismissed. A person without a job has no money to buy necessary medicine and has to suffer.

International community urged countries to lift or to ease unilateral sanctions to help targeted states in the fight with pandemic. Targeted states usually join this calling. For example, the Russian Federation made a draft Resolution and sent it to the UN General Assembly. The main idea was to unilateral sanctions. A number of western countries refused the proposal[[1]](#footnote-1).

Sanctioning States usually claim that sanctions regime doesn’t influence the current COVID-19 situation and that it is not an obstacle to provide all necessary assistance to countries under sanctions. This position is held by the US and the EU[[2]](#footnote-2)[[3]](#footnote-3).

*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?*

Non-targeted third States and their citizens may also be affected by sanctions. Sanctions may be used as a threat to pressure third States. Here it’s crucial to mention secondary sanctions that supplement other sanctions programs by targeting non-U.S. persons who do business with prohibited individuals, countries, regimes, and organizations. As a result, non-targeted States and their citizens cannot supply certain food and medical products, and other items needed to fight the pandemic. Unfortunately there are no bright examples of this impact during the pandemic so far.

*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?*

Unilateral sanctions do have an impact on the ability of states to react to emergency. The aim of a number of sanctions regimes is to restrict a capital and technological flow into targeted States or regimes. In case of Venezuela US sanctions against oil sector completely deteriorated economic system and were one of the reasons why country can’t effectively combat the pandemic. Without an income from the oil sector the country cannot buy medicine and medical equipment and also cannot improve hospitals conditions. The same refers to Iran, where situation is even worse because there are some US restrictions on export of items that are necessary to fight the pandemic (see next questions).

Moreover in such conditions governments don’t have an ability to allocate money to the most vulnerable categories of population. All kind of subsidies, retirements and allowance are impossible to get. This also hardly influences the situation with virus.

The most affected area is obviously the health care system of countries. Also it’s important to mention about shortage of electricity and clean water.

The most affected groups are students, retired, unemployed and homeless people.

*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.*

Two types of sanctions have the most negative impact on human rights: 1. Comprehensive sanctions, 2. Sectoral sanctions.

Comprehensive sanctions influence all spheres, including social and economic areas. Due to the comprehensive sanctions regime such countries like Iran and Syria have failed to make a strong national health care system. Comprehensive sanctions against Iran restricted a flow of chemical and biological substances and equipment into the country. But those substances are necessary not only to make a WMD, but also to improve health care system. For example, to export some medicine and medical devises to Iran from the US, it was necessary to get a Specific Authorization. In this list[[4]](#footnote-4) we may find Polymerase Chain Reaction (PCR) machines that are crucial to detect any virus (including COVID-19). Because of the sanctions Iran wasn’t able to quickly obtain technologies to detect virus.

Sectoral sanctions influence only particular field of economy of targeted states. In case of Venezuela it’s important, because the oil sector has always been a backbone of Venezuela’s economy. Restrictions imposed by the US affected an income of state’s government and country didn’t have an opportunity to develop national health care system because of the lack of resources. However it shouldn’t be forgotten that Venezuela had problems with health care even before the imposition of US sanctions, but the current actions of the US contribute to further deterioration of the situation.

*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?*

Talking about US economic sanctions regime, it’s barely possible to come to a conclusion that humanitarian exemptions are sufficient and effective to protect the life of people during COVID-19 and other natural and man-made disasters. We need to consider this situation on the example of Iran. Thus, Human Rights Watch research in October 2019[[5]](#footnote-5) found that in practice, US exemptions have failed to offset the strong reluctance of US and European companies and banks to risk incurring sanctions and legal action by exporting or financing exempted humanitarian goods. Hence, according to the HRW a lot of companies that may provide Iran with necessary medical equipment and give Iran loans to improve medical conditions don’t do that because of the fear of being sanctioned.

Moreover, despite the fact that Iran produces 97 percent of the medicines consumed in country, existing unilateral sanctions pose a threat to the access of medicine and medical equipment because to produce medicine Iran needs imported materials restricted by US sanctions. Iran’s market for medical equipment is even more dependent on imports. As an example, some categories of items that may be helpful for COVID-19-related assistance, e.g., oxygen generators, full face mask respirators including Powered Air Purifying Respirators, certain diagnostic medical imaging equipment, and certain decontamination equipment, are limited with OFAC specific licensing policy.[[6]](#footnote-6)

That is why in case of Iran existing exemptions are not sufficient to guarantee human rights and medical assistance.

The situation in Venezuela is completely different. Thus, humanitarian conditions in the Bolivarian Republic were that bad even before the imposition of sanctions. That’s why it’s hard to believe that unilateral sanctions as well as exemptions from them do influence the current Venezuelan combat with COVID-19. Moreover, U.S. persons are not prohibited from engaging in transactions involving the country or people of Venezuela, provided that the Government of Venezuela, other blocked persons, or proscribed conduct are not involved. Also US persons don’t need a specific license from OFAC to send US-origin food or medicine to Venezuela.[[7]](#footnote-7) The same refers to Syria.

*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?*

As far as Iran is concerned, the main aim of the Iran sanctions program is to restrict a capital flow it needs to destabilize the international relations; in particular it’s all about the development of weapon of mass destruction. Thus, most medicine and medical devices, including certain personal protective equipment and other items used for COVID-19 related treatment such as medical gowns, medical eye shields and goggles, surgical gloves, face shields, certain respirators and masks such as N95, N99, and N100 masks, and certain ventilators, already qualify for export and reexport to Iran under general licenses, without the need for further authorization from OFAC[[8]](#footnote-8).

However, despite the fact that the US eased it’s restriction on themechanism of getting licenses for purchase of medical equipment for Iran, it’s still hard for Islamic Republic to cope with COVID-19. Hence, OFAC issued general licenses that permit the export of “certain food items, medicines, and basic medical supplies to Iran” without requiring further specific authorization. Nevertheless, some crucial medical equipment like decontamination equipment and full-mask respirators, still requires special licenses.[[9]](#footnote-9) This fact can complicate the timely provision of humanitarian assistance to Iran.

*8. Have you faced any problems in delivery of humanitarian aid in the course of COVID-19 pandemic. If yes, please, specify.*

I have never faced with such a problem. On the contrary, assistance provided by the UN to Yemen helps to cope with famine, and to halt the spreading of COVID-19 in the country. US sanctions regime doesn’t influence the activity of the UN.[[10]](#footnote-10)

Moreover, in the end of March, European countries provided medical gear to Iran. France, Germany and the UK delivered medical supplies to Iran in the first transaction under the INSTEX mechanism set up to bypass US sanctions on Tehran[[11]](#footnote-11).

However, on March, 17, 2020 the IMF rejected an emergency $5 billion loan that was requested by Nicolas Maduro to combat COVID-19. The reason was the absence of clarity regarding the Maduro government’s official recognition by the international community. It’s possible that the IMF didn’t have a willingness to contradict the US and its sanctions policy.

*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 sancitons to guarantee vital human needs and save lives in the course of pandemic?*

As far as the US are concerned, the first step was undertaken on January 30, 2020, when the US Department of Treasury and the Swiss Secretariat for Economic Affairs announced the first transfer of medicine to Iran through a newly established humanitarian channel as a “trial run.”

On February, 27, the US and Swiss Governments finalized the terms of the Swiss Humanitarian Trade Arrangement (SHTA), which is now fully operational. The SHTA will further facilitate the flow of humanitarian goods to the Iranian people.

## On March 6, the US OFAC issued Guidance Related to Humanitarian Assistance with Regard to the Coronavirus Disease 2019 (COVID-19) outbreak in Iran[[12]](#footnote-12). This Guidance claimed that transactions involving Iran’s foreign exchange assets held abroad, when used to buy humanitarian items, would not face US sanctions.

The next step of the US was taken on April 16, 2020 when OFAC issued COVID-19 fact sheet that summarized existing exemptions and authorizations to provide humanitarian assistance in the context of the Iran, Venezuela, North Korea, Syria, Cuba, and Ukraine/Russia-related sanctions programs.

As far as Venezuela is concerned, on June, 3, the Venezuelan government and four opposition parties (led by Juan Guaido) signed an agreement to jointly fight the COVID-19 pandemic within the Pan-American Health Organization – PAHO.[[13]](#footnote-13) This action can be considered as a Maduro’s concession not only to J. Guaido, but also to the US, whose main aim is to restore democracy in Venezuela with J. Guaido as a President.

*10. What measures of international comminity do you consider to be vital to urgently enhance the ability of targeted states to resist pandemic?*

The most important issue now is how to provide all necessary medical assistance to targeted states, including the supply of medicines and medical equipment. The second thing of paramount importance is to prevent further spread of infection. To reach the first goal international community shall establish a kind of a Committee that will function as a part of Economic and Social Council. That Committee will dwell on the humanitarian impact of unilateral sanctions on human rights during COVID-19 pandemic. The main goal of Committee will be to supply and distribute medicine and medical equipment to the countries, most affected by unilateral sanctions, such as Cuba, Iran, Syria, Venezuela and Yemen. That Committee will be protected by the international community and will not be a subject of any unilateral sanctions. This fact will give a Committee an opportunity to act independently and to provide all necessary assistance to countries without a fear to be harmed by sanctions.

Secondly, it’s important to prevent the spread of infection. Even though it’s not completely connected with unilateral sanctions regime, international community shall try to improve socio-economic situation in abovementioned countries to reach this aim. In some countries like Venezuela there is a shortage of clean water and electricity in hospitals.

Moreover, it’s crucial to provide and facilitate the cooperation of targeted states between each other. For example, a recent case when on June, 10, Venezuela received an air cargo shipment of aid from Iran. The flight carried humanitarian aid for COVID-19 patients, including test kits and medical supplies. This case illustrates that in conditions of unilateral sanctions targeted states have an opportunity to help each other, and international community shall do everything possible to ensure that this cooperation continues.

1. https://tass.com/world/1139611 [↑](#footnote-ref-1)
2. https://tass.com/world/1140751 [↑](#footnote-ref-2)
3. https://sputniknews.com/middleeast/202004081078887504-pompeo-claims-no-sanctions-are-preventing-humanitarian-assistance-to-iran/ [↑](#footnote-ref-3)
4. https://www.treasury.gov/resource-center/sanctions/Programs/Documents/iran\_gl\_med\_supplies.pdf [↑](#footnote-ref-4)
5. US Economic sanctions harm Iranian’s right to health //HRW // [Режим доступа] https://www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health#\_ftn34 [↑](#footnote-ref-5)
6. https://www.treasury.gov/resource-center/sanctions/Programs/Documents/iran\_gl\_med\_supplies.pdf [↑](#footnote-ref-6)
7. https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq\_other.aspx#520 [↑](#footnote-ref-7)
8. https://www.treasury.gov/resource-center/sanctions/Programs/Documents/covid19\_factsheet\_20200416.pdf [↑](#footnote-ref-8)
9. https://www.treasury.gov/resource-center/sanctions/Programs/Documents/iran\_gl\_med\_supplies.pdf [↑](#footnote-ref-9)
10. https://news.un.org/es/story/2020/06/1475362 [↑](#footnote-ref-10)
11. https://www.aljazeera.com/ajimpact/iran-receives-european-medical-gear-coronavirus-crisis-200331094048184.html [↑](#footnote-ref-11)
12. https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq\_iran.aspx#828 [↑](#footnote-ref-12)
13. https://presidenciave.com/presidencia/gobierno-interino-logra-acuerdo-que-permitira-a-la-ops-recibir-y-ejecutar-ayuda-humanitaria-frente-al-covid19-en-venezuela/ [↑](#footnote-ref-13)