***Organization for Defending Victims of Violence (ODVV)*** **

**Written Contribution for the Call for inputs for the report of the UN Secretary-General pursuant to the UN General Assembly resolution 77/205** **entitled “A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, to be presented to the seventy-eighth session of the UN General Assembly**

**Key questions**

* Reparatory justice initiatives regarding slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies contributing to the development and recognition of the dignity of the affected States and their people (paragraph 16).

**UCMs are Racism Based on Nationality**

We emphasize that UCMs constitute a widespread and systemic "racism based on nationality" against all millions of nationals of States under economic sanctions. The racist measures negatively affect the human rights of "millions" of people globally and regrettably it is totally or partially overlooked by various UN mechanisms even when the issue is raised by the civil society.

We request the UN HC to include a discussion of this form of systemic racism in the report and offer all stakeholders (the sanctioning and sanctioned States, the UN member states and the international businesses on how to heal with this increasing form of racial discrimination.

Specifically, ODVV expresses serious concerns over the continued policies of banks and financial actors that violate human rights for nationals of sanctioned countries, hinder the flow of humanitarian items, including life-saving medicine, to sanctioned countries, fringe the rights of free trade and the right to education for students of foreign universities because of their nationality.

The banks intentional reluctance to conduct legal transactions or offer authorized services is reflected in activities such as their refusal to opening or maintaining bank accounts for nationals of sanctioned States living abroad, without providing them with any explanations; requiring unnecessary documentations for making financial transactions for these nationals; delaying financial transfers and denying foreign students the opportunity to receive education loans to pay university fees on the grounds of being nationals of a sanctioned country.

Considering the fact that the outreach of sanctions leads to extensive violations of a magnitude of human rights, we urge the UN HC to recommend HRC to initiate a mechanism to encourage all banks and financial institutions to comply with their international obligations including their responsibilities under the UN Guiding Principles for Business and Human Rights and General Comment No. 24 of the Committee on Economic, Social and Cultural rights, offering services to all individuals and entities without discrimination based on nationality.

We would also like to reiterate that the widespread, large scale discrimination based on nationality which is resulted by UCMs impedes access to all fundamental items, including medicine, and collectively violates the right to life, the right to health, the right to education, the right to food, the right to clean water and sanitation, the right to work, the right to an adequate living standard, the right to work as well as the rights of the most vulnerable including, refugees, migrants, asylum seekers, patients with chronic disease and their families, and the people with disabilities.

**Systemic Mass Killings and Violations of Human Rights**

ODVV draws the High Commissionaire attention to the bitter reality that certain foreign policy tools adopted by powers including the United States, have destructive extraterritorial reach that negatively affect all human rights including the right to life and all economic, social and cultural rights. In addition, they pose a threat to international peace and coexistence between nations.

Unilateral Coercive Measures (UCMs) are recognized by many UN reports and resolutions[[1]](#footnote-1) as a means of violating target populations' human rights.

UCMs have proven to be "deadly"[[2]](#footnote-2) in the targeted countries, taking lives of people especially during the Covid-19 pandemic in silence, disproportionally targeting the vulnerable social strata including patients, disadvantaged communities, children, people with disabilities. Research reports have documented loss of thousands of lives – 40000 people lost their lives in Venezuela, in a single year period – due to imposition of sanctions[[3]](#footnote-3).

The remarks made by the UN Special Rapporteur on UCMs is proven by the on-the ground experience of NGOs working in sanctioned countries, that:" The lack of access to medication has resulted in many more deaths.[[4]](#footnote-4)"

The banns created by UCMs on SWIFT interbank system and the over-compliance of countries and businesses with the US sanctions –due to fear of heavy US fines – prevents banks and businesses from getting involved in any legitimate trade with sanctioned countries.

As a result, all companies even the ones that transfer humanitarian items refrain from having any trade with sanctioned States. The situation leads to lack or limitation of access to medicine causing loss of health and life in sanctioned countries, specifically for the patients whose lives relies on life saving medicine.

The multiplicity of sanctions coupled with secondary sanctions have notorious human rights implications for sanctioned populations in a way that some targeted countries and reports have referred to UCMs as "genocide[[5]](#footnote-5)", "crimes against humanity" and "economic terrorism".

**Unilateral Coercive Measures as Genocide or Crimes Against Humanity**

Due to detrimental effects of sanctions, some documents have considered sanctions as genocide, for example, the UN report, A/75/81 clarifies that:

"*The embargo is a massive, flagrant and systematic violation of the human rights of all Cubans. Because of their stated purpose and the political, legal and administrative framework on which they are based, it constitutes an act of genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide*". p.23

The crime of genocide is defined as "(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;[[6]](#footnote-6)" . This is while, the intention behind the imposition of sanctions is clarified to be intentional "inflicting" of "pain" and suffering in the target populations[[7]](#footnote-7), by the designers of UCMs.

Also, A/HRC/39/47/Add.1, considers sanctions as crimes against humanity in paragraph 39:

*The effects of sanctions imposed by Presidents Obama and Trump and unilateral measures by Canada and the European Union have directly and indirectly aggravated the shortages in medicines such as insulin and anti-retroviral drugs. To the extent that economic sanctions have caused delays in distribution and thus contributed to many deaths, sanctions contravene the human rights obligations of the countries imposing them.* *Moreover, sanctions can amount to crimes against humanity under Article 7 of the Rome Statute of the International Criminal Court.*

ODVV urges UN HC to pay special attention to the deadly and destructive effects of UCMs on All human rights and the systemic, systematic and continuous collective killing of people through sanctions, in the report. We also, urge His Excellency to use all capacities at hand to eliminate or mitigate such effects. In addition, we also, request the UN HC to discuss the illegality of collective punishment of populations through UCMs.

**No Access to Remedy**

In addition to the detrimental effects of UCMs on human rights and human lives, we draw the attention of the UN HC to the fact that the victims of UCMs, which are imposed beyond the authority of the UN and the rule of law, must be entitled to effective, timely, accessible and affordable remedy and redress while to date "no" mechanism has been introduced to address the widespread sufferings of the victims.

We request the UN HC to discuss the any grounds for access of UCM victims to adequate, accessible and timely remedy and redress.

* Racism, racial discrimination, xenophobia and related intolerance targeting migrants and refugees (preambular paragraphs 9 and 10).

The vulnerable social strata especially refugees and immigrants, are the most important victims of UCMs, with the expansion of the US unilateral economic sanctions against countries. The US claims that humanitarian items as well as medicines and medical equipment are exempted from sanctions, however, under multi layered sanctions, the access to medicine and medical care is detrimentally limited.

On the one hand, devaluation of national currency of sanctioned countries sharply increase the prices of medicine and medical care. On the other hand, the sanctions imposed on financial and banking transactions make legal trade, imports and exports almost impossible. Due to banking exchange problems, sanctioned countries face challenges in importing many emergency medicines.

The complicated situation impact migrants among other vulnerable groups. Unfortunately, in spite of all the efforts made, many refugees suffering from chronic diseases find medical treatment challenging and their lives are at risk because of the rising costs of medicines and medical treatment.

According to the UN Special Rapporteur on the negative impact of unilateral coercive measures, Mr. Idriss Jazairy:

*These unjust and harmful sanctions are destroying the economy …, driving millions of people into poverty and making imported goods unaffordable*.[[8]](#footnote-8)

Finally, in line with the UN General Assembly resolution adopted on 15 Dec 2022, on UCMs, which calls the Human Rights Council "to take fully into account the negative impact of those measures", and the request on the United Nations High Commissioner for Human Rights, "in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly";

We urge the UN HC to discuss: a) the negative impacts of racism based on nationality; b) killing people by means of UCMs; c) global discrimination against the people of sanctioned countries and violations of their economic social cultural rights by UCMs and d) UCM victims' access to remedy in the current report, drawing global attention to the destructive impact of UCMs on the lives and the livelihoods of millions of people worldwide.

1. A/HRC/48/59; A/HRC/48/59/Add.2; A/HRC/45/7; A/HRC/42/46; A/HRC/36/44; A/HRC/33/48; A/HRC/48/59; A/HRC/48/59/Add.2; A/HRC/51/33; A/HRC/51/33/Add.1; A/HRC/RES/24/14; A/HRC/RES/30/2; A/HRC/RES/34/13; A/RES/71/193; A/HRC/RES/46/5; A/HRC/RES/43/15 [↑](#footnote-ref-1)
2. Remarks made by the Special Rapporteur on UCMs and other Special Rapporteurs which is approved by the experiences of NGOs based in sanctioned countries. UN Experts: Sanctions proving deadly during COVID pandemic, humanitarian exemptions not working, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26155&LangID=E> [↑](#footnote-ref-2)
3. https://cepr.net/images/stories/reports/venezuela-sanctions-2019-04.pdf [↑](#footnote-ref-3)
4. Iran: Over-compliance with unilateral sanctions affects thalassemia patients say UN experts, available at: https://www.ohchr.org/en/press-releases/2023/02/iran-over-compliance-unilateral-sanctions-affects-thalassemia-patients-say [↑](#footnote-ref-4)
5. A/75/81 p.23: "The embargo is a massive, flagrant and systematic violation of the human rights of all Cubans. Because of their stated purpose and the political, legal and administrative framework on which they are based, it constitutes an act of genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide". [↑](#footnote-ref-5)
6. Convention on the Prevention and Punishment of the Crime of Genocide, available at: <https://www.un.org/>

   en/genocideprevention/documents/atrocity-crimes/Doc.1\_Convention%20on%20the%20Prevention%20

   and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf [↑](#footnote-ref-6)
7. Nephew, Richard. (2017). The Art of Sanctions: A View from the Field. USA: Columbia University Press [↑](#footnote-ref-7)
8. https://www.ohchr.org/en/press-releases/2018/08/iran-sanctions-are-unjust-and-harmful-says-un-expert-warning-against [↑](#footnote-ref-8)