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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2023]

* Issued as received, in the language of submission only.



Unilateral Coercive Measures (UCMs) Violate Human Rights

Unilateral Coercive Measures (UCMs) violate a broad range of human rights. In recent years, the types, means, grounds, purposes and targets of unilateral sanctions have expanded to such an extent that they are often viewed as a traditional means of international intercourse aimed at protecting “common goods”, including international peace and security, national security, the promotion of democracy and the protection of human rights, and as a softer and publicly acceptable alternative to the use of force, in the absence of authorization of the Security Council. But unfortunately contemporary developments are characterized by complicated and confusing legislation, insufficient transparency, the expansion of secondary sanctions and over-compliance. We believe these ambiguous features of sanctions, make UCMs illegal.

As the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights notes, the specific forms of pressure applied by individual States or groups of States have changed and are still changing. States apply various forms of unilateral sanctions in pursuit of common goods, thereby transforming exceptions in international relations into ordinary practice.

Unilateral Measures may be taken by States or regional organizations in compliance with international legal standards only, that is, they are taken with the authorization of the Security Council acting under Chapter VII of the Charter of the United Nations in response to a breach of peace, a threat to peace or an act of aggression, and they do not violate any international treaty or customary norm, or their wrongfulness is excluded in accordance with international law in the course of countermeasures in full compliance with the rules of law of international responsibility. Like the special rapporteur (1) we also believe that unilateral sanctions that do not satisfy the above criteria constitute unilateral coercive measures and are illegal under international law.

The legality of unilateral measures must be assessed in the context of various aspects of international law: the law of international security, international criminal law, international humanitarian law, international trade law, international human rights law, the law of international responsibility, treaty law, and specialized spheres of international law when relevant.

Aligned with the UN Special Rapporteur on UCMs, we strongly believe that Unilateral Coercive Measures violate all human rights. Even worst is that another form of violating International (Human / Humanitarian) law comes directly from Secondary sanctions. These forms include measures imposed on third States and their nationals and legal entities for having violated primary sanctions or circumvented sanctions regimes. It's clear that most of the time, the real intention behind these acts are purely political. States are not free to impose civil and criminal penalties on their nationals and resident companies in the implementation of unilateral sanctions, as measures to implement unilateral coercive measures are not legal in international law.

Beside the illegality of UCMs and secondary sanctions, we emphasize that the humanitarian impact of any unilateral sanctions must be assessed. States should become subject to reporting obligations when imposing sanctions, with appropriate monitoring by the United Nations of their humanitarian impact.

And this very simple and clear notion has been ignored completely by some sanctioning states. As the Special Rapporteur on UCMs notes, "The United States has for years been imposing sanctions on individuals and entities without national criminal jurisdiction and in the absence of universal jurisdiction. This is a clear violation of due process rights, including the presumption of innocence and fair trial, these rights are guaranteed under the International Covenant on Civil and Political Rights – which the United States has ratified and must fully implement." (2)

We are concerned that human rights are infringed when the United States of America trade bans against certain countries penalize foreign companies for doing business. "These policies affect labor rights, freedom of movement, and the rights of foreign individuals who may be associated with these companies,". That also harms the rights of individuals who rely on the companies' goods or services, including items such as medicines and medical equipment.

We believe that any imposition of extraterritorial jurisdiction is incompatible with international human rights standards. We invite all stakeholders to reflect on its meaning vis-à-vis the international principle of non-interference in domestic affairs.

Also, we are seriously concerned at the deep social, economic and humanitarian disruptions caused by extensive and multifaceted restrictions emanating from both targeted, sectoral, economic and financial unilateral sanctions regimes, which can hardly be counter-balanced and mitigated by the existing humanitarian carve-outs, such as for food, medicines and medical equipment, among others.

As an NGO active for years in a sanctioned country, we emphasize that Structural and application inconsistencies of such humanitarian exemptions have seriously affected the work and conduct of humanitarian operators, by challenging their principled humanitarian mission, seriously undermining their emergency response capabilities and resulting in a feeling of uncertainty and fear. Considering all the harmful impacts of UCMs on human rights and the humanitarian activities, we call for elimination of all such illegal measures.

1 . A/HRC/48/59

2 . <https://www.ohchr.org/en/press-releases/2023/03/united-states-efforts-use-sanctions-expand-jurisdiction-abroad-violate-human>