

Sanctions and Medicines: Fact and Fiction

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Table of Content

- 1 – Introduction
- 2 – The status of Access to essential medicines as part of the right to the highest attainable standard of health
- 3 – Unilateral sanctions and the right to health: thematic study of US sanctions against Iran
 - a. The effects of sanctions on the right to health of Iranian citizens through prevention of financial transactions related to the purchase of medicines
 - b. Effects of sanctions on Iranian people’s right to health through drop in imports and negative impact on production
- 4 – Unilateral sanctions and the right to health: Views of UN experts
- 5 – Conclusion and Recommendations

*As part of our ongoing efforts to shed light on and challenge the systematic human rights violations of the most vulnerable people in Iran, due to unilateral/multilateral coercive measures, Organization for Defending Victims of Violence (ODVV) has published a series of reports on the ways in which economic sanctions negatively impact the daily life of the civilian citizens in this country. **The first** volume in the series addresses the detrimental consequences of the imposed economic sanctions on “patients and the process of the production and distribution of medicines in Iran”; **the second** volume discusses “corruption and money-laundering” as a result of sanctions; the third volume centers on the economic sanctions forced upon Iran and its people, particularly by “banks and other financial institutions;” **the fourth** volume focuses on “the humanitarian consequences of sanctions”; **the fifth** volume explores “the impact of sanctions on refugees and migrants in Iran” and this issue, **the sixth** volume reflects on “Sanctions and Medicines”.*

Introduction

1

Most of sanctions imposed against the Islamic Republic of Iran took place following the February '79 revolution, following the Iranian nuclear programme issues, sanctions further intensified. Since 2006 when the International Atomic Energy Agency (IAEA) sent the Iranian nuclear programme case to the United Nations (UN) Security Council, Iran has faced various sanctions.¹ Among these sanctions, the United States of America (USA) has over the past four decades imposed a wide range of economic sanctions under the pretext of punishing Iran for a number of undesired policies. Ten years of talks between Iran and the 5+1 countries (5 Security Council Permanent Members plus Germany) ultimately in 2015 led to the Joint Comprehensive Plan of Action or JCPOA, which is one of the most successful documents of the talks related to the peaceful use of nuclear energy, nonetheless right from the outset the United States did not stick to its commitments, something which following the Trump Administration coming to power further escalated.

November 4, 2018 marked the final day of the 180-day wind-down period following President Trump's May 8, 2018 announcement to

¹ <https://bit.ly/12tiQ>

cease the United States' participation in the JCPOA. On November 5, 2018, the United States fully re-imposed the sanctions on Iran that had been lifted or waived under the JCPOA. These are the toughest U.S. sanctions ever imposed on Iran, and will target critical sectors of Iran's economy, such as the energy, shipping and shipbuilding, and financial sectors. The United States is engaged in a campaign of maximum financial pressure on the Iranian government and intends to enforce aggressively these sanctions that have come back into effect.²

In spite of the abovementioned actions by the United States, Washington claims that fundamental and humanitarian goods, particularly medicines and medical equipment are exempt from the sanctions. This is while evidence shows that these sanctions are pursued solely with political objectives and no concerns of the international community. The clarity of the issue is to an extent that on numerous occasions the international community has criticised the United States' actions and shown reactions. Also, top Iran officials have cautioned about the human consequences of sanctions. Alongside these officials, Iranian NGOs have clarified the various aspects of catastrophes that have occurred to the

2 <https://www.treasury.gov/resource-center/sanctions/programs/pages/iran.aspx>

international community due to the urgency of the subject and transparency. To this aim, in one voice with other human rights defenders and in order to conduct a part of its mission of defending human rights, ODVV reviews the inhuman repercussions of sanctions on innocent people who need medicines and highlights the existing evidence-based facts to clarify the fictions claimed by the United States regarding exemptions on medicines.

The status of Access to essential medicines as part of the right to the highest attainable standard of health (the right to health)

2

Access to medicine has been noted in two fundamental principles of human rights: the first is the right to life which has been seen as the first and most fundamental human rights. This right which is confirmed in important documents such as the Universal Declaration of Human Rights (Article 3), The European Convention on Human Rights (Article 2), and the American Convention on Human Rights (Article 4), gives existence to other human rights. The second, the right to health which is confirmed in documents such as the Universal Declaration on Human Rights (Article 25), the International Covenant on Economic, the Social and Cultural Rights (Article 12), and the International Convention on the Rights of the Child (Article 24).

The World Health Organization which was founded in 1948 at the same time as the signing of the Universal Declaration of Human Rights, has placed the realisation of health and acclamation of health standards at the top of its objectives. The preamble of the World Health Organization's Constitution states: "The enjoyment of the highest attainable standard of health is one of the fundamental



rights of every human being without distinction of race, religion, political belief, economic or social condition.”

The right to health is protected in various international documents and is not limited to the right to being healthy but, it includes the right to protection of health system which provides equal opportunity to enjoy the highest standards of health for all social groups. In order to protect the right to health, the governments need to take appropriate measures for the realisation of this right.

Unilateral sanctions and the right to health: thematic study of US sanctions against Iran

3

In spite of America's claims on putting no sanctions on medicines and humanitarian goods, our experiences as a nongovernmental organization based in Iran shows that the claim is contrary to the on-the-ground reality.

To explain this situation two crucial and simple points must be noted:
A) The effects of sanctions on the right to health of Iranian citizens through prevention of financial transactions related to the purchase of medicines

The United States has severely restricted Iran's access to the international interbank messaging system (SWIFT). Consequently, Iran's international trade transactions come out of official banking channels and are replaced with methods such as currency exchanges. As a result, the chance of using common and low-cost payment methods such as opening LCs become impossible and the costs of international trade increase for the country. This is why foreign suppliers refrain from signing contracts with Iranian counterparts. Therefore, there is a severe drop in international suppliers' trust towards domestic buyers, and create irreparable impacts on Iran's trade. The importance of this issue is to such an extent that France's Ambassador to Washington DC (Gerrard Arod) said:

“We are expecting our American friends to make some gestures on humanitarian goods... Of course humanitarian goods are not sanctioned. But the fact is the banks are so terrified of sanctions that they don’t want to do anything with Iran. It means that in a few months, there is a strong risk that there will be shortage of medicine in Iran if we don’t do something positive... You really need to be more positive and to say how to do it. If you don’t say how to do it, the banks will not do it. So we are waiting for a technical answer.”³

The re-imposition of banking sanctions by the United States on Iran, means drop in oil revenues, reduction of the cooperation of international banks with Iranian banks and as a result reduction in the social welfare and living quality levels of the people of the country. According to the World Bank’s 2018 economic outlook, Iran’s GDP—as a result of the loss of oil income—shrank 1.5 percent in 2018 and will further contract 3.6 percent in 2019. This report primarily cites the reintroduction of US sanctions as the cause of Iran’s downward trajectory. Meanwhile, media reports indicate that sanctions have deprived Tehran of \$10 billion income of oil revenue.⁴ Limited access to international market; the rise in the price of investment goods; increase in demands; provision of escalation of prices; prevention of oil export; drop in value of Iranian currency

3 <https://www.theguardian.com/world/2018/nov/02/iran-sanctions-us-european-humanitarian-supplies>

4 <https://www.atlanticcouncil.org/blogs/iransource/how-us-sanctions-hinder-iranians-access-to-medicine>

and rise of inflation will have irreparable impacts on the population such as shortage of medicine and medical items as well as other high quality products. Under these circumstances the country under sanction is placed in a blockade that prevents the country from having access to essential items to meet fundamental needs of the civilians.

B) Effects of sanctions on Iranian people's right to health through drop in imports and negative impact on production

Countries that are put under sanction face many economic and social problems. Rise in inflation followed by rise in price of goods, the closure of factories and shut down of industry, followed by rise in unemployment, restrictions on imports and exports, followed by increase in monopolisation and the formation of trade mafia are all instances which target the weak and vulnerable sectors of society. Among these individuals, the sick, women, the elderly and individuals with disabilities who have needs for goods such as medicine, medical equipment, and treatment equipment, suffer seriously and mostly irreparably, which can result in their permanent disability or even death.

Despite US officials' claims based on medicines not being sanctioned, reasons show that like any country under sanction, the Islamic Republic of Iran is also affected in sectors such as medicines and medical treatment. According to the National Food and Medicine Organization: "It is true that no medicines are under sanction, but the imports of medicines into the country are directly affected by

the sanctions. Furthermore, with the sanctions on transport, Iranian airlines and shipping cannot function as before, to transport goods and enter essential medicines into the country.”⁵ Also reports indicate that sanctions directly and indirectly have affected access to medicine. The table below is an example of the current situation of some medicines which have been affected by sanctions.

Sickness Type	Medicine	Situation
Depression	Citalopram	Shortage due to sanctions ⁶
Thalassemia	Deferoxamine	Shortage due to sanctions ⁷
Spinal Muscular Atrophy SMA	Various medicines such as corticosteroids	Shortage due to sanctions ⁸ and rise in costs ⁹
Diabetes and high blood pressure	Norvasc	Shortage due to sanctions on raw materials and quadrupling of price ¹⁰
Cancer Chronic Lymphoblastic	Mercaptopurine	Shortage due to sanctions and tripling of price ¹¹

5 <http://ana.ir/fa/news/46/408025/>

6 <https://www.atlanticcouncil.org/blogs/iransource/iranians-share-how-us-sanctions-are-causing-medicine-shortages>

7 <http://www.bbc.com/persian/iran-features-47400220>

8 <http://www.bbc.com/persian/iran-49172830>

9 <https://fa.euronews.com/2019/07/30/iran-struggles-with-medicines-crisis>

10 <https://www.atlanticcouncil.org/blogs/iransource/iranians-share-how-us-sanctions-are-causing-medicine-shortages>

11 <http://www.bbc.com/persian/iran-features-47400220>

Unilateral sanctions and the right to health: Views of UN experts

4

The unilateral sanctions and their repercussions such as violation of right to health, right to life and right of access to crucial medicines put on banking and trade, is a subject of dozens of UN top officials reports that include the UN High Commissioner for Human Rights (Michelle Bachelet) and the UN Special Rapporteur on the Negative Impacts of Unilateral Coercive Measures on the Enjoyment of Human Rights (Edris Jazairy). Literature produced on the subject shows that UN bodies and officials have human rights concerns for people who are under sanctions. This concern is not solely limited to welfare and economic impacts, but also cover other fundamental human rights.

The UN High Commissioner (HC) for Human Rights has repeatedly stated the impacts of unilateral coercive measures on the violation of human rights. Recently speaking about United States' unilateral sanctions on Venezuela, the HC said: "I am deeply worried about the potentially severe impact on the human rights of the people of Venezuela of the new set of unilateral sanctions imposed by the US this week. The sanctions are extremely broad and fail to

contain sufficient measures to mitigate their impact on the most vulnerable sectors of the population.”

She also said that sanctions escalate the existing crisis for millions of ordinary Venezuelans and in these conditions it is necessary to consider matters such as lifting sanctions from medicines, food and clothes.¹²

The UN Special Rapporteur on the Negative Impacts of Unilateral Coercive Measures on the Enjoyment of Human Rights, has repeatedly cautioned on the severe impacts of United States unilateral sanctions on various human rights aspects such as right to health, the right to access to medicines, particularly in the cases of Iran, Venezuela and Cuba, and deemed these measures as completely contrary to international law and United States commitments to various human rights conventions. According to him:

“There is a need for differences between States to be resolved through peaceful means as advocated by the UN Charter, while avoiding exposing innocent civilians to collective punishment. Causing hunger and disease through economic instruments should not be accepted in the 21st century.”

“There can be no justification for not including blanket protections

12. <https://www.theguardian.com/world/2019/aug/09/un-rights-chief-decries-latest-us-sanctions-venezuela-michelle-bachelet>

for the importation of food, medicine, and other necessities of life without first requiring lengthy and complex approval processes.”. The International Court of Justice had recently made two preliminary rulings that reiterate the obligation of States to ensure effective humanitarian exemptions while sanctions are in force.^{13,14} Mr. Jazairy also said that the unjust and destructive impacts of sanctions have affected the Iranian economy and currency flow, and is driving millions of people towards poverty and makes imports impossible, as a result the current system creates doubt and ambiguity which makes it all but impossible for Iran to import these urgently needed humanitarian goods. This ambiguity causes a ‘chilling effect’ which is likely to lead to silent deaths in hospitals as medicines runs out, while the international media fail to notice.¹⁵

Alongside UN officials, following Iran taking the United States to the International Court of Justice because of unilateral sanctions and request for issuing a temporary order to stop these sanctions, on 3 October 2018 ICJ stated the following on the impacts of sanctions on health:

13. <https://news.un.org/en/story/2018/11/1025201>

14. See also: <http://mppre.gob.ve/en/2019/06/27/idriss-jazairy-us-measures-destroy-venezuelan-economy/>

15. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

“The Court further considers that restrictions on the importation and purchase of goods required for humanitarian needs, such as foodstuffs and medicines, including life-saving medicines, treatment for chronic disease or preventive care, and medical equipment, may have a serious detrimental impact on the health and lives of individuals on the territory of Iran.”¹⁶

Thus the Court ordered the United States to “Immediately take all measures at its disposal to ensure the suspension of the implementation and enforcement of all of the 8 May sanctions, including the extraterritorial sanctions, and refrain from imposing or threatening announced further sanctions and measures which might aggravate or extend the dispute submitted to the Court”¹⁷

In spite of the United States not carrying out the Court’s order, decisions of the International Court of Justice as the principal judicial organ of the UN has an important status among countries and in the event that the guilty party does not adhere to the decision, it will face many political and credit repercussions.

16. <https://www.icj-cij.org/files/case-related/175/175-20181003-ORD-01-00-EN.pdf>

17 Ibid, 14,a

Conclusion and Recommendations:

5

According to the United Nations and human rights literature, the right of access to essential medicines is one of the necessities for the enjoyment of right to health and has a close relationship with right to life which requires special attention of states. This right which is an essential tool for the realisation of the highest acceptable level of physical and mental health of every individual creates commitments for all members of the international community that include the United States. This is while in theory and on paper, humanitarian goods such as food, medicine and medical equipment are exempt from sanctions imposed by the United States, in practice we saw that this country has imposed such severe restrictions on bank transactions between Iran and other countries that the implementation of the exemption of humanitarian goods is made impossible. These restrictions have such impacts that even companies who are willing to sell essential medicines to Iran, do not engage in business with the country due to the heavy fines that are imposed by the United States for breaking secondary sanctions. Although the Islamic Republic of Iran has a dynamic medicine

industry and domestic producers have the capacity to produce a high percentage of medicines needed for the population, but a notable amount of raw materials are imported. Also, there are specialised medicines which are copyrighted abroad and foreign manufacturers must provide them. That is, the imposed sanctions have direct impact on the health and access to medicine for the people of Iran, and thus another aspect of human rights violating actions against the ordinary and vulnerable people of a country is revealed. With all this in mind and for a solution to end this crisis the following recommendations are given: Since the advisory vote of the ICJ is a beacon for the promotion and development of international law and often are preventive diplomacy tools, we call on countries that suffer from sanctions to:

- cooperate with each other, and gather documents on the negative effects of the unilateral sanctions as cruel punishments, and then based on these documents, request ICJ to issue advisory vote on the measures.
- Refer to the UN Human Rights Council mechanisms and the Special Rapporteurs on right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Negative Impacts of Unilateral Coercive Measures on the Enjoyment of Human Rights, to speak about the negative impacts of unilateral sanctions on people, within the scope of their

mandates, so that the extent of the catastrophe is known by all.

- We also call on the Human Rights Council and the UN General Assembly to set up a monitoring mechanism to monitor the enjoyment of all countries from free transportation of medicines and humanitarian goods, and bring down to zero the possibility of countries to impose sanctions on humanitarian items.

