



General Assembly

Distr.: General
16 August 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

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

Written statement* submitted by Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

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

[16 August 2021]

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

ID for Biennial panel discussion on unilateral coercive measures and human rights, Unilateral sanctions: jurisdiction and extraterritoriality

The extraterritorial reach of unilateral coercive measures (UCM)s raise special concerns for all NGOs based in UCM target countries, due to the scope and array of human rights violations resulted by unilateral sanctions. This includes the widespread and systematic violation of all economic, social and cultural rights of the target populations, threatening the right to health and the right to life during the emergency of Covid-19 pandemic due to the impact of extraterritorial application of UCMs on interbank systems and over compliance of third parties with the sanctions that leads to limitation of access to live-saving medicine and vaccine.

Numerous resolutions of the Human Rights Council (resolutions 15/24, paras. 1–3; 19/32, paras. 1–3; 24/14, paras. 1–3; 27/21, paras. 1–3; 30/2, paras. 1–2 and 4; and 34/13, paras. 1–2 and 4) and the General Assembly (resolutions 69/180, paras. 5–6; 70/151 paras. 5–6 and 71/193, paras. 5–6) have criticized the resort to UCMs emphasizing on the illegal nature of such measures and the inadmissibility of the extraterritorial application of unilateral measures.

ODVV is alarmed that despite the repeated resolutions of the Human Rights Council and the General Assembly as well as the repeated calls made by the UN experts UN High Commissioner and the UN Secretary General (1) for elimination of unilateral sanctions during the pandemic, some States are increasing imposing sanctions without or beyond the authorization of the United Nations and the Security Council on some other States and entities.

Considering all the life threatening complications created by UCMs during the pandemic and the flagrant disrespect of sanctioning countries for the repeated UN resolutions and UN calls that undermine the credibility of the role of the UN and the rule of law, ODVV calls on the Distinguished Panelists to:

- Offer recommendations to the UN and the international community on how to approach the countries that consider themselves above the law and how to strengthen the international rule of law.
- Offer recommendations to the target countries on how to heal with the extraterritorial reach of the sanctions.
- Study the ways of encouraging all States and international organizations to cooperate to guarantee that human rights are not violated by unilateral sanctions, especially the rights of women, children, the elderly and other vulnerable groups of the population.

Considering the fact that the world community should have mechanisms to react to mass violations of human rights and to punish perpetrators, ODVV urges the panelists to offer the Council with recommendation on how to establish such a mechanism for illegal application of deadly UCMs, especially during the pandemic.

Considering the necessity of protection of UCM victims, ODVV calls on the Panelists to offer the Council with recommendation on how to facilitate the establishment of a compensation mechanism to guarantee the rights of the people whose rights have been violated by unilateral sanctions.

Considering the fact that unilateral sanctions aim at extending the influence of sanctioning States into the territory of targeted States, ODVV call on the Panelists to offer the Council with recommendations on how to approach human rights violations committed by States abroad in the exercise of their jurisdiction.

In line with the recommendations offered by the former Special Rapporteur on unilateral coercive measures, ODVV calls on the Panelists to study the grounds for resumption of the work of the International Law Commission on extraterritorial jurisdiction so as to offering the Council with more expert advice on the illegality of sanctions involving the unlawful assertion of jurisdiction.

In line with the recommendations offered by the former Special Rapporteur on unilateral coercive measures, ODVV also calls on the Panelists for affirmation of the principle that imposition of unilateral sanctions with adverse extraterritorial effects on the human rights of people within the territory of the targeted State, should entail the responsibility of the sanctioning State under relevant human rights instruments. Because the protection granted by the human rights treaties is not limited to a specific geographical zone.

Finally, ODVV calls on the Panelists to recommend the General Assembly to request the International Court of Justice to issue an advisory opinion on the legality of secondary sanctions and the expectation of sanctioning countries that third States and third parties should comply with the unilateral sanctions of the source country against the target State.

1. e.g. <https://news.un.org/en/story/2020/03/1060092>; <https://foreignpolicy.com/2020/03/24/un-coronavirus-cuba-iran-venezuela-north-korea-zimbabwe-sanctions-pandemic/>;
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26155&LangID=E>
UN Experts: Sanctions proving deadly during COVID pandemic, humanitarian exemptions not working <https://www.un.org/press/en/2020/sgsm20024.doc.htm>; A/HRC/42/46; A/HRC/39/54;