

**HUMAN RIGHTS COUNCIL
BIENNIAL PANEL DISCUSSION ON UNILATERAL COERCIVE
MEASURES AND HUMAN RIGHTS**



Opening statement by

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Mr. President,

Distinguished panellists and participants,

Colleagues and friends,

Nearly 25 years ago, 171 nations gathered in Vienna for the World Conference on Human Rights. In that forum, they adopted the Vienna Declaration and Programme of Action, calling on states “to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impede the full realisation of human rights (...), in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services.”

Three years later, the Committee on Economic Social and Cultural Rights identified the following human rights challenges often associated with economic sanctions imposed internationally, regionally and unilaterally: They may lead to significant disruptions in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, interfere with the functioning of basic health and education systems, and undermine the right to work. They argued for the need to inject a human rights dimension into deliberations on this issue, and concluded that more attention should be paid to the impact of these measures on groups in vulnerable situations.

In a 2012 thematic study (A/HRC/19/33), the Office of the United Nations High Commissioner for Human Rights reiterated these concerns, and recommended that all Member States avoid the application of any coercive measures that have negative effects on human rights, particularly on the most vulnerable.

That report emphasised that even carefully targeted sanctions imposed to end gross human rights violations must be subject to stringent conditions. In particular:

- They must be imposed no longer than necessary,
- They must be proportional; and
- They must be subject to appropriate human rights safeguards, including human rights impact assessments and monitoring conducted by independent experts.

As a bottom line, the positive impact that sanctions imposed with the objective of protecting human rights can be reasonably expected to have must outweigh the negative impact, taking into account the views of the population suffering under the human rights violations that gave rise to the sanctions and the impact on the most vulnerable parts of society.

Yet, despite these recommendations, we see repeatedly that UCMs are being imposed without full consideration for their human rights impact, and without proper assessment, monitoring, and remedy. So since the Committee on ESCR made its assessment, we have seen many times that sanctions which do not provide for clear exemptions for the purchase and payment of food or medical supplies lead to violations of the rights to food, to water, to health – and, ultimately, the right to life. In addition, although typically sanctions do not target specific population groups, the poor and the groups in vulnerable situations, including women, older persons and children, are usually the ones who suffer the most because of denial of access to life-saving equipment and medications and basic food products. Recently, for example, sanctions on Sudan allowed for the purchase of medical supplies, but failed to allow for their payment. This omission was fortunately resolved through the assistance

of the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights and on Sudan.

At the individual level, people targeted by sanctions often have no form of review or redress, and coercive measures can last for years, even if unjustified.

Mr. President,

Today's panel will allow this Council to give further consideration to different aspects of the relationship between human rights and unilateral coercive measures, focusing in particular on the resources necessary to promote accountability and reparations.

Several documents shed light on related questions, including contributions to the first Council panel event, which took place two years ago (A/HRC/31/82). The Advisory Committee of the Human Rights Council in 2015 discussed potential mechanisms to assess the negative impact of unilateral coercive measures and to promote accountability (A/HRC/28/74). These are issues that are difficult to resolve but we hope that the panel can focus on some of the following questions in this discussion today, keeping in mind the avoidance of coercive measures that result in adverse human rights consequences.

First, how can sanctions be designed so that they do not render already vulnerable parts of the population more vulnerable? second, what are the safeguards that can be put in place when such measures are imposed?; Third, what review and monitoring can take place to assess the impact of measures on human rights and take immediate remedial measures when sanctions have negative consequences, including those that may be have been unforeseen, and finally, how can accountability and reparation be framed in this context?

I look forward to hearing the panel members unpack these issues for us today. Thank you for being with us. I trust that this panel will help to chart the way forward on how to address the adverse impacts on human rights caused by unilateral coercive measures and wish you fruitful discussions.

Thank you.