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## NEGATIVE IMPACT OF UNILATERAL SANCTIONS ON THE ENJOYMENT OF HUMAN RIGHTS IN THE COVID-19 PANDEMIC

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The article is aimed to provide an overview of sanctions imposed by individual states and regional organisations without or beyond the authorisation of the UN Security Council in the course of COVID-19 pandemic and assess their impact on the enjoyment of different categories of human rights, identify the most vulnerable groups of population and efficacy of humanitarian exemptions as well as the availability of delivery of humanitarian aid. The article is based on the materials collected by the UN special rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in the course of preparation of the annual report to the UN General Assembly but reflect a personal academic assessment of the author and cannot be viewed as the position of the United Nations organs.

**Keywords:** unilateral sanctions; human rights; COVID-19; humanitarian exemptions; the most vulnerable categories.

## НЕГАТИВНОЕ ВЛИЯНИЕ ОДНОСТОРОННИХ САНКЦИЙ В УСЛОВИЯХ ПАНДЕМИИ

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Дается обзор санкций, применяемых государствами и региональными международными организациями в условиях коронавируса без санкции Совета Безопасности ООН, оценивается воздействие таких санкций на соблюдение различных категорий прав человека, выявляются наиболее уязвимые группы лиц, исследуется эффективность применения гуманитарных исключений, а также возможность и достаточность поставляемой гуманитарной помощи для защиты прав человека. Статья основывается на материалах, собранных специальным докладчиком по негативному влиянию односторонних принудительных мер на права человека в рамках подготовки ежегодного отчета в Генеральную Ассамблею ООН, однако при этом в работе отражено личное академическое мнение автора, которое не может рассматриваться в качестве позиции органов ООН.

**Ключевые слова:** односторонние санкции; права человека; COVID-19; гуманитарные исключения; наиболее уязвимые группы населения.

The COVID-19 pandemic constitutes a global challenge to the world community and the whole system of human rights. It challenges the ability of states and international organisations to work together in the spirit of multilateralism, cooperation, and solidarity to guarantee that no one will be left behind and deprived of medical help, especially the most vulnerable, inclu-

ding persons with disabilities and older persons, who are at much higher risk when contracting the disease. COVID-19 is threatening to overwhelm public health care systems and is having devastating impacts across the world on all spheres of life.

A number of countries all around the world faced shortages of medical items because of the increased

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demand, prices rise, and disruption of the regular shipping schemes. The problems of medicines, medical equipment, food, and other vital supplies turned to be particularly severe for countries targeted by unilateral sanctions that already hindered their participation in the international trading system. Moreover, the number, scope, forms, and consequences of unilateral sanctions have changed so much recently, that the legality of every specific form of it shall be assessed separately.

The problem of the negative impact of unilateral sanctions on the enjoyment of human rights in the course of the COVID-19 pandemic has not been considered in the legal doctrine yet despite its urgent nature. This article thus is based on the documents of the United Nations, other governmental and non-governmental organisations, as well as positions of states.

Negative humanitarian effects of economic or other sanctions against states had been recognised by the United Nations already in 2000, despite their undoubted legality when applied by the UN Security Council acting under chapter VII of the UN Charter. UN Secretary-General expressly admitted that “the existence of a sanctions regime almost inevitably transforms an entire society for the worse”<sup>1</sup>. Since then, the UN Security Council has sought to apply sanctions restrictively (in the form of targeted sanctions mostly) to minimise the negative humanitarian effects.

The UN Charter does not provide for any possibility to impose sanctions without authorisation of the UN Security Council. At the same time, today the World community witnesses the expansive application of unilateral sanctions by states and international organisations, quite often without or beyond the authorisation of the UN Security Council. It concerns not only targeted but rather sectoral or blanket sanctions more and

more frequently, which include economic, financial, and trade embargoes, restrictions on transportation, shipments, bank transfers, and cyber services, enforced by secondary sanctions and followed by an increasing level of over-compliance.

The negative effect of such unilateral sanctions exacerbates during the pandemic. As a result, a number of the UN high officials (the UN high commissioner for human rights<sup>2</sup>, UN Secretary-General<sup>3</sup>) followed by the UN special procedures<sup>4</sup>, other international organisations (European Union<sup>5</sup>, Group of 77 and China<sup>6</sup>) and civil actors (ICRC<sup>7</sup>, Human Rights Watch (HRW)<sup>8</sup>, other non-governmental organisations (NGOs)<sup>9</sup>) requested to lift, suspend, waive or at least ease all unilateral sanctions that obstruct the humanitarian responses of sanctioned states, in order to enable their health care systems to fight the COVID-19 pandemic and save lives or to work together in the spirit of multilateralism, cooperation and solidarity at least (UN General Assembly resolution 74/270<sup>10</sup>).

It has appeared, however, that sanctioning states chose to evaluate the mechanism of humanitarian exemptions and to provide humanitarian aid, rather than to ease the existing sanctions regime. As a result, human rights of the targeted population have been affected even more due to the deteriorating economic situations in the targeted countries, the impossibility to buy or deliver the necessary equipment, food, or medication, and the increasing level of over-compliance when banks and organisations reject to deal with targeted state entities out of fear of violating sanctions regimes, even if specific entities are not listed.

Responses of states and findings of international organisations demonstrate that all categories of human rights are affected by the application of unilateral

<sup>1</sup>In address to International Rescue Committee, reflects on humanitarian impact of economic sanctions [Electronic resource]. URL: <https://www.un.org/press/en/2000/20001115.sgsm7625.doc.html> (date of access: 01.08.2020).

<sup>2</sup>Bachelet calls for easing of sanctions to enable medical systems to fight COVID-19 and limit global contagion [Electronic resource]. URL: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25744&LangID=E> (date of access: 01.08.2020).

<sup>3</sup>Remarks at G-20 virtual summit on the COVID-19 pandemic [Electronic resource]. URL: <https://www.un.org/sg/en/content/sg/speeches/2020-03-26/remarks-g-20-virtual-summit-covid-19-pandemic> (date of access: 01.08.2020) ; COVID-19 and human rights: we are all in this together, UN policy brief [Electronic resource]. URL: [https://www.un.org/sites/un2.un.org/files/un\\_policy\\_brief\\_on\\_human\\_rights\\_and\\_covid\\_23\\_april\\_2020.pdf](https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf) (date of access: 01.08.2020).

<sup>4</sup>UN rights expert urges governments to save lives by lifting all economic sanctions amid COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25769&LangID=E> (date of access: 01.08.2020) ; US must lift its Cuba embargo to save lives amid COVID-19 crisis, say UN experts [Electronic resource]. URL: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25848&LangID=E> (date of access: 01.08.2020) ; COVID-19 pandemic: negative impact of unilateral sanctions during the state of emergency: COVID-19 human rights guidance note [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/UCMCOVID19GuidanceNote.pdf> (date of access: 01.08.2020).

<sup>5</sup>Declaration by the High Representative Josep Borrell on behalf of the EU on the UN Secretary General's appeal for an immediate global ceasefire [Electronic resource]. URL: <https://www.consilium.europa.eu/en/press/press-releases/2020/04/03/declaration-by-the-high-representative-josep-borrell-on-behalf-of-the-eu-on-the-un-secretary-general-s-appeal-for-an-immediate-global-ceasefire/> (date of access: 01.08.2020).

<sup>6</sup>Statement by the Group of 77 and China on the COVID-19 pandemic [Electronic resource]. URL: <https://www.g77.org/statement/getstatement.php?id=200403> (date of access: 01.08.2020).

<sup>7</sup>“COVID-19 a wake-up call to international community. Urgent need for global solidarity to prevent poverty and food insecurity around the world,” says IFRC president [Electronic resource]. URL: <https://media.ifrc.org/ifrc/press-release/covid-19-wake-call-international-community-urgent-need-global-solidarity-prevent-poverty-food-insecurity-around-world-says-ifrc-president/> (date of access: 01.08.2020).

<sup>8</sup>US: ease sanctions on Iran in COVID-19 crisis [Electronic resource]. URL: <https://www.hrw.org/news/2020/04/06/us-ease-sanctions-iran-covid-19-crisis> (date of access: 01.08.2020).

<sup>9</sup>Lift sanctions, save lives [Electronic resource]. URL: <https://www.liftsanctionssavelives.org/> (date of access: 01.08.2020).

<sup>10</sup>Global solidarity to fight the coronavirus disease 2019 (COVID-19): resolution adopted by the General Assembly on 2 Apr. 2020 [Electronic resource]. URL: <https://undocs.org/pdf?symbol=en/A/RES/74/270> (date of access: 01.08.2020).

sanctions. The purpose of this article is, however, to identify rights, which are most affected in the course of the COVID-19 pandemic.

**The right to the highest attainable standard of physical and mental health** of every individual is generally cited as the most endangered<sup>11</sup>. Art. 12 of the International covenant on economic, social and cultural rights (ICESCR) includes, inter alia, “the reduction of infant mortality; the healthy development of the child; the prevention, treatment and control of epidemic, endemic, occupational and other diseases; and the creation of conditions that would ensure access to all medical services and medical attention in the event of sickness”. ICESCR General comment 14 (2000) refers to availability, physical, economic and information accessibility based on non-discriminatory criteria, acceptability and quality as integral elements of this right (para 12)<sup>12</sup>.

It shall be taken into account that the economies of targeted states could already be in a critical state before the pandemic. Venezuela’s healthcare system e. g. is recognised to be in crisis since 2014<sup>13</sup>. Contemporary developments, however, show that the ability of targeted countries to fight the pandemic has been highly hindered because of the sanctions. In particu-

lar, some targeted countries face an insufficiency of medical personnel who migrated to more stable states (Venezuela<sup>14</sup>), and shortages of medications and medical equipment necessary for diagnosis and treatment of COVID-19 and other diseases, including oxygen supplies and ventilators (Sudan<sup>15</sup>, Cuba<sup>16</sup>, Venezuela<sup>17</sup>, Iran<sup>18</sup>), protective kits (Cuba)<sup>19</sup>, spare parts, software (Syria, Sudan<sup>20</sup>, Cuba), fuel, electricity, drinking water and water for sanitation (Venezuela<sup>21</sup>, Syria<sup>22</sup>). Due to the economic crisis and ever-tightening economic, financial, trade, and transportation sanctions, HRW reports that disinfectants including soap are “virtually non-existent” in Venezuelan hospitals. Moreover, shortages of water for drinking, hygienic and sanitary purposes make washing hands, the prophylactic means recommended by the World Health Organisation (WHO), impossible<sup>23</sup>.

Due to the imposed restrictive measures, Syria is only able to do 100 COVID-19 tests per day since the beginning of the pandemic, which is insufficient for assessing the progression of the disease. The country is suffering from the absence of medicine, protective kits, medical equipment and software<sup>24</sup>. Measures affecting the electricity sector result in extensive damage to other

<sup>11</sup>Call for submissions: UCM-study on impact of unilateral sanctions on human rights during the state of emergency amid COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/EN/Issues/UCM/Pages/call-covid.aspx> (date of access: 01.08.2020).

<sup>12</sup>General comment No. 14 the right to the highest attainable standard of health (article 12 of the International covenant on economic, social and cultural rights) [Electronic resource]. URL: [http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QsmlBEDzFEovLuW1AVC1NkPsgUedPIF1vfPM\]2c7ey6PAz2qaojTzDjMCoY%2B9t%2BsAtGDNdEqA6SuP2r-0w%2F6sVBGTpvSCbiOr4XVFTqhQY65auTFbQRPWNDxL](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QsmlBEDzFEovLuW1AVC1NkPsgUedPIF1vfPM]2c7ey6PAz2qaojTzDjMCoY%2B9t%2BsAtGDNdEqA6SuP2r-0w%2F6sVBGTpvSCbiOr4XVFTqhQY65auTFbQRPWNDxL) (date of access: 01.08.2020).

<sup>13</sup>Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight. P. 39–46 [Electronic resource]. URL: [https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018\\_EN.pdf](https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf) (date of access: 01.08.2020).

<sup>14</sup>Venezuela: urgent aid needed to combat COVID-19 [Electronic resource]. URL: <https://www.hrw.org/news/2020/05/26/venezuela-urgent-aid-needed-combat-covid-19> (date of access: 01.08.2020).

<sup>15</sup>Submission by the Coalition of sudanese doctors abroad for SR UCM-study on the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/SudaneseDoctorsAbroad.docx> (date of access: 01.08.2020).

<sup>16</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organizations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>17</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>18</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>19</sup>Impact of unilateral sanctions imposed by the United States of America of the health situation and COVID-19 pandemic preparedness and response in Sudan [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/SudaneseDoctorsAbroad.docx> (date of access: 01.08.2020).

<sup>20</sup>Ibid.

<sup>21</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>22</sup>Responses be the Syrian Arab Republic to questions in the questionnaire circulated by special rapporteur on the negative impact of unilateral coercive measures [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Syria.doc> (date of access: 01.08.2020).

<sup>23</sup>Venezuela: urgent aid needed to combat COVID-19 [Electronic resource]. URL: <https://www.hrw.org/news/2020/05/26/venezuela-urgent-aid-needed-combat-covid-19> (date of access: 01.08.2020) ; Input of the Bolivarian Republic of Venezuela for the study regarding the “impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020) ; Infection prevention and control during health care when coronavirus disease (COVID-19) is suspected or confirmed [Electronic resource]. URL: <https://apps.who.int/iris/rest/bitstreams/1284718/retrieve> (date of access: 01.08.2020) ; Critical preparedness, readiness and response actions for COVID-19 [Electronic resource]. URL: <https://apps.who.int/iris/rest/bitstreams/1283590/retrieve> (date of access: 01.08.2020).

<sup>24</sup>Responses be the Syrian Arab Republic to questions in the questionnaire circulated by special rapporteur on the negative impact of unilateral coercive measures [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Syria.doc> (date of access: 01.08.2020).



spheres, including health, food and education. To be able to guarantee minimal standards of health protection, Cuba earmarked 27.5 % of its budget for the health sphere in 2020<sup>25</sup>. Office of the United Nations high commissioner (OHCHR) Sudan reports that only 33 % of health facilities offer the complete basic healthcare package, and 30 % are absolutely non-functional<sup>26</sup>.

Restricted access to foreign dollar reserves needed to import medicine and medical equipment, and the impossibility to use frozen bank assets or make bank transfers are named as being among very strong impediments to the exercise of the right to health in Iran, Venezuela, Syria and other targeted states<sup>27</sup>. Delays and increasing costs of bank transfers and deliveries result in the rising prices of medical equipment, food and other essential goods, in particular in Venezuela<sup>28</sup>. The cost of oxygen cylinders “skyrocketed from \$US 55 to 110” in Sudan<sup>29</sup>.

Some medical equipment and medicine are reported (Syria<sup>30</sup>, Cuba<sup>31</sup>, Iran<sup>32</sup>, Sudan<sup>33</sup>, etc.) not to be available for purchase at all because of the absence of financial resources, the rejection of manufacturers to make transactions with targeted states and companies, the reluctance of banks to permit bank transfers or the enormous extension of transfer terms, as well as the unwillingness of other companies to be involved in trans-

actions because of the fear of secondary sanctions even when companies in targeted countries are not included on sanctions lists (over-compliance). In particular, due to the US sanctions, Cuba was unable to buy pulmonary ventilators necessary to fight COVID-19 from the manufacturer as soon as the latter was acquired by the US company and suspended all commercial relations with Cuba<sup>34</sup>. Iran is referring to impediments in buying anesthetic, respiratory, ophthalmological, cardiac, endoscopy and other pharmaceutical equipment; ventilators, computer tomography scanners, dialysis, continuous renal replacement therapies, extracorporeal membrane oxygenation, digital radiology, electroschock, reverse transcription polymerase chain reaction, video laryngoscope and portable sonography equipment, tests, protective kits and advanced wound dressings<sup>35</sup>.

Sixteen transfers have reportedly been blocked from the BANITSMO bank in Panama that were to be used for humanitarian purposes in Venezuela<sup>36</sup>. Moreover, the time to process bank transfers from (to) Venezuela increased from 2 to 45 days, as bank fees rose from 0.5 to 10 %<sup>37</sup>. In April 2020, Swiss banks blocked donation transfers to Cuba made by Swiss organisations MediCuba-Suiza and Asociacion Suiza-Cuba to fight the pandemic<sup>38</sup>. Targeted countries (Syria, Cuba, Iran,

<sup>25</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organisations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>26</sup>Submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/OHCHRSudansubmission.docx> (date of access: 01.08.2020).

<sup>27</sup>Joint submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights from the Centre for Economic and Policy Research, the Charity&Security Network, and the American friends service committee [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/JointCommentsCSN-CEPRandAFSC.docx> (date of access: 01.08.2020).

<sup>28</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>29</sup>Impact of unilateral sanctions imposed by the United States of America of the health situation and COVID-19 pandemic preparedness and response in Sudan [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/SudaneseDoctorsAbroad.docx> (date of access: 01.08.2020).

<sup>30</sup>Responses be the Syrian Arab Republic to questions in the questionnaire circulated by special rapporteur on the negative impact of unilateral coercive measures [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Syria.doc> (date of access: 01.08.2020).

<sup>31</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organisations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>32</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>33</sup>Impact of unilateral sanctions imposed by the United States of America of the health situation and COVID-19 pandemic preparedness and response in Sudan [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/SudaneseDoctorsAbroad.docx> (date of access: 01.08.2020).

<sup>34</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organisations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>35</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>36</sup>Joint submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights from the Centre for Economic and Policy Research, the Charity&Security Network, and the American friends service committee [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/JointCommentsCSN-CEPRandAFSC.docx> (date of access: 01.08.2020).

<sup>37</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>38</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organisations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

Sudan, etc.) uniformly report on the impossibility to buy medical equipment for the treatment of COVID-19 as well as other illnesses.

The right to health has also been impeded by the interruption of electricity, which prevents the normal functioning of hospitals (Iran, Venezuela), and the absence of fuel, preventing people from being able to get to hospitals or ambulances to be used<sup>39</sup>.

The economic nature of the majority of unilateral sanctions, especially those which are taken with the purpose to “impose maximum pressure”, results in the violation of the **right to food** in the targeted states, which depend on food imports because unilateral sanctions disrupt existing food supply chains (Venezuela, Sudan, Syria<sup>40</sup>), or may occur in the future due to the insufficiency of agricultural production and transportation (Venezuela<sup>41</sup>). The rise of transportation, banking, and other costs and the decline of imports is reportedly resulting in increasing prices for food (Syria). As reported by OHCHR Sudan, economic sanctions keep prices for food very high even in the harvest season<sup>42</sup>.

**Access to information** plays an important role in the fight against pandemics<sup>43</sup>, including information concerning symptoms, diagnostics, and means of treatment<sup>44</sup>. In practice, however, existing statements are mostly focusing on the obligation of states to guarantee access to information in the country, while measures preventing citizens of targeted states from accessing COVID-19 related and other vital information remains out of sight.

The impact of unilateral sanctions on the access to information in the course of the COVID-19 pandemic is twofold. Services and software cannot be used for

commercial internet services, connectivity, etc. (para D)<sup>45</sup>, even for non-commercial activity, as the result of service agreements (as concerns Syria, Iran, Cuba, North Korea and Crimea citizens) or through US legislation<sup>46</sup>, even for contacts and coordination among doctors to exchange their experiences on symptoms, diagnostics and means of treatment<sup>47</sup>. While in the non-COVID period access to information may also be impeded by visa and travel restrictions<sup>48</sup>, the establishment of open access via online platforms has appeared to be vital in the course of the pandemic. The same restrictions refer to the prohibition of the export of technology, necessary, *inter alia*, for computer tomography and ventilators<sup>49</sup>.

It has been also reported that Iranian citizens cannot get access to information on COVID-19 and its symptoms, even from the Iranian government, due to Google’s censoring of the AC19 (an Iran-developed App)<sup>50</sup>. Iranian doctors cannot get access to medical databases (Pub Med) after its server had been transferred to Google<sup>51</sup>. Venezuela refers to the impediment to the access to information via television due to the cessation of operation of DirecTV Venezuela, which represented 43 % of the market, because of the US sanctions, in May 2020<sup>52</sup>.

Another impediment to the access to information refers to the insufficient access of individuals to information about sanctions – being listed, mechanisms of getting licenses, humanitarian exemptions and humanitarian aid – as far as these are not transparent enough. This traditionally results in over-compliance from the side of private actors even if sanctioning states have not imposed specific sanctions.

<sup>39</sup>Venezuela: urgent aid needed to combat COVID-19 [Electronic resource]. URL: <https://www.hrw.org/news/2020/05/26/venezuela-urgent-aid-needed-combat-covid-19> (date of access: 01.08.2020).

<sup>40</sup>Responses by the Syrian Arab Republic to questions in the questionnaire circulated by special rapporteur on the negative impact of unilateral coercive measures [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Syria.doc> (date of access: 01.08.2020).

<sup>41</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the “impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>42</sup>Submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/OHCHRSDansubmission.docx> (date of access: 01.08.2020).

<sup>43</sup>COVID-19: governments must promote and protect access to and free flow of information during pandemic – international experts [Electronic resource]. URL: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E> (date of access: 01.08.2020).

<sup>44</sup>Access to COVID-19 tools (ACT) accelerator [Electronic resource]. URL: [https://www.who.int/publications/m/item/access-to-covid-19-tools-\(act\)-accelerator](https://www.who.int/publications/m/item/access-to-covid-19-tools-(act)-accelerator) (date of access: 01.08.2020).

<sup>45</sup>Sanctions programmes and country information [Electronic resource]. URL: [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/ukraine\\_gl\\_9.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/ukraine_gl_9.pdf) (date of access: 01.08.2020).

<sup>46</sup>Zoom terms of service. Para 12 [Electronic resource]. URL: <https://zoom.us/terms> (date of access: 01.08.2020).

<sup>47</sup>Executive order 13606 of 22 April 2012 “blocking the property and suspending entry into the United States of certain persons with respect to grave human rights abuses by the governments of Iran and Syria via information technology” [Electronic resource]. URL: <https://fas.org/irp/offdocs/eo/eo-13606.htm> (date of access: 01.08.2020).

<sup>48</sup>Note of the permanent mission of the Republic of Belarus to the United Nations office and other organisations in Geneva No. 02-16/721 of 17 June 2020.

<sup>49</sup>Infection prevention and control during health care when coronavirus disease (COVID-19) is suspected or confirmed [Electronic resource]. URL: <https://apps.who.int/iris/rest/bitstreams/1284718/retrieve> (date of access: 01.08.2020).

<sup>50</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>51</sup>Ibid.

<sup>52</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the “impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

Aligned with the abovementioned statements of the UN and WHO officials, Venezuela<sup>53</sup>, Syria<sup>54</sup>, Namibia<sup>55</sup>, the Russian Federation<sup>56</sup>, Cuba<sup>57</sup> and Iran<sup>58</sup> responded that the impossibility to get access to proper medicine, medical care, food, electricity and fuel results in the violation of the **right to life** of those who are infected by COVID-19, and those who cannot get medical help and medication while suffering from other diseases, are malnourished, or are unable to get to hospitals because of the absence of money, fuel or other reasons<sup>59</sup>; this is a clear violation of para 7 of the General comment 36, requesting states to protect and ensure the right to life against “reasonably foreseeable threats and life-threatening situations that can result in loss of life”<sup>60</sup>.

It shall be taken into account that General comment 36 does not refer to the impact of unilateral sanctions on the enjoyment of the right to life. At the same time, the abovementioned reasons hinder the ability of states “to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity”, including “the prevalence of life-threatening diseases <...>, widespread hunger and malnutrition and extreme poverty and homelessness <...> to ensure access with-

out delay <...> to essential goods and services such as food, water, shelter, health care, electricity and sanitation” (para 36 General Comment 36). The right to life is also reported to be violated by visa restrictions when specific types of medical care can only be found in the targeting country<sup>61</sup>.

The above rights thus are considered to be the most affected in the course of the COVID-19 pandemic. It shall be taken into account that other categories of rights do not stay untouched too.

In particular, **the prohibition of discrimination** constitutes an integral part of the exercise of the right to health (para 12 of General comment 14 (2000)) and the right to life. The HRC president’s statement of 29 May 2020 expresses deep concern that the COVID-19 pandemic perpetuates and exacerbates existing inequalities<sup>62</sup>, but unfortunately does not address the fact that existing and operational unilateral sanctions, imposed against about 20 % of UN member states, exacerbate today, even more, the aforementioned calamities and thus discriminate against populations of targeted countries.

It has been reported by numerous respondents (Sudan<sup>63</sup>, Venezuela<sup>64</sup>, Syria<sup>65</sup>, Namibia<sup>66</sup>, Iran<sup>67</sup>, Belarus<sup>68</sup>,

<sup>53</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>54</sup>Infection prevention and control during health care when coronavirus disease (COVID-19) is suspected or confirmed [Electronic resource]. URL: <https://apps.who.int/iris/rest/bitstreams/1284718/retrieve> (date of access: 01.08.2020).

<sup>55</sup>Information on the negative impact of unilateral coercive measures on the enjoyment of human rights in the context of the COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Namibia.docx> (date of access: 01.08.2020).

<sup>56</sup>Information from the Russian Federation in response to a request by the UN Human Rights Council Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights regarding the impact of unilateral sanctions on human rights during a state of emergency in the context of the COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Russia.docx> (date of access: 01.08.2020).

<sup>57</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organisations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>58</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>59</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organisations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>60</sup>General comment No. 36. Article 6: right to life [Electronic resource]. URL: <https://www.refworld.org/docid/5e5e75e04.html> (date of access: 01.08.2020).

<sup>61</sup>Note of the permanent mission of the Republic of Belarus to the United Nations office and other organisations in Geneva No. 02-16/721 of 17 June 2020.

<sup>62</sup>PRST 43/...Human rights implications of the COVID-19 pandemic [Electronic resource]. URL: <https://undocs.org/A/HRC/43/L.42> (date of access: 01.08.2020).

<sup>63</sup>Submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/OHCHRSudansubmission.docx> (date of access: 01.08.2020).

<sup>64</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>65</sup>Responses be the Syrian Arab Republic to questions in the questionnaire circulated by special rapporteur on the negative impact of unilateral coercive measures [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Syria.doc> (date of access: 01.08.2020).

<sup>66</sup>Information on the negative impact of unilateral coercive measures on the enjoyment of human rights in the context of the COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Namibia.docx> (date of access: 01.08.2020).

<sup>67</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>68</sup>Note of the permanent mission of the Republic of Belarus to the United Nations office and other organisations in Geneva No. 02-16/721 of 17 June 2020.



a number of NGOs) that deteriorating economic situations are badly affecting the exercise of **economic and labour rights**, including the right to an adequate standard of living Art. 11 of ICESCR and the right to work Art. 6 of ICESCR.

Violations of the **right to education** are cited in Iran<sup>69</sup>, Sudan and Venezuela<sup>70</sup> because of the impossibility to use online platforms for educational purposes, and secondly in the long term with a view to the deteriorating economic situation. OHCHR Sudan reported that unilateral sanctions in the course of COVID-19 are very probably affecting school enrolment and increase the school drop-out rate<sup>71</sup>.

It has also been generally reported (Cuba<sup>72</sup>, Sudan<sup>73</sup>, Venezuela<sup>74</sup>, Syria<sup>75</sup>, Iran<sup>76</sup>) that economic hardships exacerbated by the application of unilateral sanctions and the pandemic impede not only individuals but also collective rights, including the **right to development**.

As mentioned above sanctioning states are generally express their adherence to human rights and agree that unilateral sanctions shall not under the basic need of the targeted population and country's ability to fight COVID-19<sup>77</sup>. They are proposing and providing significant humanitarian aid and provide instructions to get

humanitarian exemptions as regards the basic needs especially in the course of the pandemic.

EU sanctions on Syria, for example, allow humanitarian exemptions for respirators, disinfectants, hand sanitizers or detergents that can be necessary in responding to the pandemic. At the same time, the applicant shall prove that they will not be used to fabricate chemical weapons or conduct internal repression<sup>78</sup>. Both the US<sup>79</sup> and the European Union<sup>80</sup> issues explanations to clarify in some way mechanism for humanitarian exemptions.

It has been reported, however, that humanitarian exemptions and mechanisms to supply humanitarian aid are usually complex and confusing. In particular, the US factsheet on the provision of Humanitarian Assistance and Trade to Combat COVID-19 is informational but does not have the force of law, and does not supersede the actual legal provisions cited<sup>81</sup>. Targeted governments insist that such humanitarian exemptions are costly and nearly non-existent. A similar assessment is given by some research institutions<sup>82</sup>. In particular, a license issued by the US Department of the Treasury in February 2020, exempted some humanitarian trade transactions with the Central bank of Iran but did not

<sup>69</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>70</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>71</sup>Submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/OHCHRSudansubmission.docx> (date of access: 01.08.2020).

<sup>72</sup>Note of the Permanent Mission of Cuba to the United Nations office in Geneva and the international organizations in Switzerland No. 252/2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/CUBA.docx> (date of access: 01.08.2020).

<sup>73</sup>Impact of unilateral sanctions imposed by the United States of America of the health situation and COVID-19 pandemic preparedness and response in Sudan [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/SudaneseDoctorsAbroad.docx> (date of access: 01.08.2020).

<sup>74</sup>Input of the Bolivarian Republic of Venezuela for the study regarding the impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Venezuelapart1.docx> (date of access: 01.08.2020).

<sup>75</sup>Responses be the Syrian Arab Republic to questions in the questionnaire circulated by special rapporteur on the negative impact of unilateral coercive measures [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Syria.doc> (date of access: 01.08.2020).

<sup>76</sup>Responses and comments from the Islamic Republic of Iran of 15 June 2020 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Iran.docx> (date of access: 01.08.2020).

<sup>77</sup>EU contribution to the study on the "Impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic" by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/EU.docx> (date of access: 01.08.2020) ; Réponse de la Suisse au questionnaire adressé par la Rapporteuse spéciale pour les impacts négatifs des sanctions sur les droits de l'homme en vue de son prochain rapport sur l'impact des sanctions unilatérales sur les droits de l'homme durant l'état d'urgence dans le contexte du COVID-19 [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/states/Switzerland.docx> (date of access: 01.08.2020).

<sup>78</sup>Syria: EU sanctions are not impeding Syria's medical response to COVID-19 [Electronic resource]. URL: [https://eeas.europa.eu/topics/sanctions-policy/79173/syria-eu-sanctions-are-not-impeding-syria%E2%80%99s-medical-response-covid-19\\_en](https://eeas.europa.eu/topics/sanctions-policy/79173/syria-eu-sanctions-are-not-impeding-syria%E2%80%99s-medical-response-covid-19_en) (date of access: 01.08.2020).

<sup>79</sup>Fact sheet: provision of humanitarian assistance and trade to combat COVID-19 [Electronic resource]. URL: [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/covid19\\_factsheet\\_20200416.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/covid19_factsheet_20200416.pdf) (date of access: 01.08.2020).

<sup>80</sup>Para 25–28 of Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU common foreign and security policy [Electronic resource]. URL: <https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf> (date of access: 01.08.2020).

<sup>81</sup>Fact sheet: provision of humanitarian assistance and trade to combat COVID-19 [Electronic resource]. URL: [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/covid19\\_factsheet\\_20200416.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/covid19_factsheet_20200416.pdf) (date of access: 01.08.2020).

<sup>82</sup>Sarfati A. The impact of sanctions on humanitarian Response to COVID-19 [Electronic resource]. URL: <https://theglobalobservatory.org/2020/04/impact-of-sanctions-on-humanitarian-response-to-covid-19/> (date of access: 01.08.2020).

exempt some crucial medical devices. Approval of the special licence for such devices can take up to 77 days if granted<sup>83</sup>. The above problems are exacerbated by the over-compliance from the side of private actors even if sanctioning states did not impose specific sanctions.

In the long-term perspective and in a view of the all-expanding character of unilateral sanctions, unclear and non-transparent mechanisms of getting licences including for humanitarian exemptions, targeted countries are prevented from the development of their economies, including labour, health and educational facilities and become dependent on the foreign humanitarian aid. In some cases, however, even the delivery of humanitarian aid by international organisations and states may be hindered, because e. g. means of transportation (Sudan, Iran) or oil products (Syria) could still remain the subject of sanctions even if the exemption licence is granted for delivering items or goods.

The abovementioned brings us to the following conclusions.

The COVID-19 pandemic revealed the short-term and long-term impacts of unilateral sanctions on the enjoyment of all categories of civil, economic, social and cultural rights. Due to the limited scope of the article, it was unable to consider in details the impact of unilateral sanctions over specific categories of population, especially the most vulnerable ones: women, children,

elderly and persons with disabilities (paras 21–26 of General Comment 24 (2000) to the ICESCR<sup>84</sup>) medical personnel, migrants and refugees, people with chronic deceases, unemployed and self-employed people, as well as those with low income, but targeted population as such is mostly subjected to the violation of the highest attainable standard of health, right to food, right to an adequate standard of living, right to access to information, labour rights, that consequently results in the violation of the right to life and the right to development.

Despite the repeated and numerous calls for solidarity, cooperation and the lifting, suspension or easing of sanctions in the course of the pandemic, sanctioning states chose to act through the mechanisms of humanitarian exemptions and humanitarian aid, which, however, remained hard to exercise, non-transparent and low-effective. They also make populations dependant on humanitarian aid, hinder targeted countries' ability to respond to COVID-19, and prevent their economic recovery in the long term through the development and maintenance of necessary infrastructure.

The increasing internationalisation of unilateral sanctions, combined in some cases with their complexity and the vigor with which they are enforced, result in over-compliance. This can cause parties to act with restraint in ways that negatively impact their own enjoyment of human rights out of fear of potential penalties.

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<sup>83</sup>Submission to the special rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights [Electronic resource]. URL: <https://www.ohchr.org/Documents/Issues/UCM/submissions/privates/OHCHRSudansubmission.docx> (date of access: 01.08.2020).

<sup>84</sup>General comment No. 14. the right to the highest attainable standard of health (article 12 of the International covenant on economic, social and cultural rights) [Electronic resource]. URL: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDjmcOy%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvSCbiOr4XVFTqhQY65auTFbQRPWNDxL> (date of access: 01.08.2020).