

Statement by Ms Alena Douhan
**UN Special Rapporteur on the negative impact of unilateral coercive
measures on the enjoyment of human rights**

*26th session of the Intergovernmental Working Group
on the Right to Development*

Item 4.3 – Interactive dialogue aimed at addressing divergent views expressed
in the Working Group

4.3.3 Coercive measures and the right to development

14 May 2025

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Thank you very much, Mr. Chair.

And I really appreciate the possibility to be here and I really appreciate the focus on the impact of unilateral coercive measures on the right to development. I have to start at the very beginning with saying that, unfortunately, all Sustainable Development Goals which have been set forth in the Agenda 2030 have been affected by the use of unilateral sanctions means of the enforcement and over compliance.

When we are talking about unilateral sanctions, we shall take into account that we are not talking about economic sanctions only or one specific type of sanctions imposed by one specific country. We are talking about the whole complexity of different types of unilateral sanctions including those which are called targeted ones. Unfortunately, at the moment, they are not targeted any longer because of the fact that those who are targeted are usually either high estate officials or people in charge of huge corporations and as a result due to the impact of unilateral sanctions different mechanism of sanctions enforcement what you see on the screen it ends up in not understanding what exactly sanctions regime are and growing fear of possible punishments which are really high. And all that results in over compliance.

In my report, which has been presented both to the Human Rights Council, the first part of the report, and the one to the General Assembly, the second part of the report, are reflected on different reasons and consequences of over compliance some of which you can see on the screen. Unfortunately, the current situation results in the conditions when all population of the countries affected by unilateral sanctions, even if they are targeted ones become affected with the consequences. And additionally, it's not only those countries which are being affected. They start to have transborder effects, spillover effect, regional effect and eventually targeting even nationals and companies coming from the countries which impose sanctions because they are not able to have proper business or even personal cooperation relations academic sphere is also affected. So therefore, it's even very hard to identify who become the targets.

This is a picture which I did during my country visit to Syria. And these are not the ruins, just the ruins. These are the building in which people live. What you see on the red circles are identifications of people staying there, living there, having their clothes on the street. During my report on the country visit to Syria, I identified that everything what you see on the screen, electricity, water, gas, heating, food, healthcare, transportation, economy, industry and so on and so forth and education have been affected by the impact of unilateral sanctions on Syria which exacerbated already existed crisis.

Quite often, when it came to Syria for a long period of time, and it still happens to many other countries, it has been argued that there are nice humanitarian exceptions which do not provide for humanitarian impact, and all sanctions against Syria used to be subjected to the government only. But in reality, if we look at the document adopted in 2023, it clearly demonstrates that the efforts are taken to prevent any reconstruction and rebuilding of Syria. And you have just seen the pictures. People living in the houses like that without water, without electricity, without anything.

And as a result, as I have already mentioned, the targets of unilateral sanctions regimes are very diverse. It is not true that they are those how they are presented, the bad guys which are directly targeted in the whole population. Many different categories of people, family members of working from specific industries. The most vulnerable groups like women, children, elderly, indigenous population, marginalized group and even lawyers and legal professionals which have been working and being nationals of the countries which impose sanctions who presented their position during the last conference I organized in November.

Taking into account that we have very limited time, I will only be able to demonstrate you the impact of unilateral sanctions on a few Sustainable Development Goals, although in reality I can do it for every single one of them.

Goal number 1, elimination of poverty and goal number 8, promote sustainable inclusive and sustainable economic growth, full and productive employment and decent work for all. Economy become one of the first targets of unilateral sanctions. And as soon as economy is affected, people living in the country become affected. They face hyperinflation, they face noncompetitive salaries when they are not able to procure even the basic food for their families. They start to sell even medicine which they might get free of charge from the government at the black market to food to feed their children. They move to grey and shadow economy. They move to criminal activity. Their job becomes not green, not decent and very unsafe because quite often the things which make our work decent, like, for example, having proper condition of filters and proper equipment to do our job properly, are not available any longer.

Right to food is also affected incredibly with the use of unilateral sanctions. Traditionally, it's presented that right to food and right to health are the least affected, taking into account that there are humanitarian exceptions which explicitly refer to availability of food and medicine. But in practice, it unfortunately doesn't work like that at all. When we are talking about the right to food and achievement of Sustainable Development Goal No. 2, we are talking not about the possibility to have a food at this specific moment. We are talking about sustainability, about the possibility to make sure that the food will be available tomorrow and the food will be pretty healthy. From the point of delivery of food, import of food to the country, it also faces very serious challenges despite the fact that humanitarian exceptions exist on paper. Quite often you need many licenses to deliver food. It becomes very expensive delivery or insurance companies refuse to deliver food. I have been reported, for example, about situations when the UN organs were not able to deliver a baby to Cuba for six months despite the fact that it was project being controlled by UN institutions directly because not a single delivery company accepted to deliver food, this milk to Cuba because of the US sanctions. Besides that, the process of getting licenses is very complicated and delivery becomes so expensive that the humanitarian organizations can procure several times less food than they can do it in their normal situation. But as I have already said, having food today is not the only problem.

People shall have sustainability in getting food in the future. And to have that, it is necessary to have agricultural machinery, fertilizers, vaccines and many other elements to make sure that the country will be able to produce food, to proceed food, to store food and to deliver this food to the consumers. None of these elements have ever been covered by humanitarian exceptions,

and they are considered to be development projects; and as a result, it is not possible to deliver anything like that.

You see on the screen similar situation relevant to the right to health. I produced the whole report about the impact of unilateral sanctions on the right to health, and it identifies all areas of healthcare systems, starting from the disease prevention up to the treatment and maintenance of healthcare facilities, which are affected by unilateral sanctions.

I understand that I'm already going beyond my time. That's why I will come to the conclusion.

I was just willing to demonstrate you how complicated is the work of humanitarian organizations and how uncertain humanitarian exceptions are. Theoretically, they do exist. They are included in unilateral sanctions regime. In practice they cannot be properly implemented because of the both problems of interpretation of facts and application of facts and moreover due to the very narrow understanding what can be accepted.

That's why I would like to refer you not to my statement but to the report which has been produced by several humanitarian organizations two years ago, which have demonstrated what administrative and operational challenges they are facing due to unilateral sanctions regimes. That's why, for example, the mandate is taking initiatives to develop different documents, including the principles of humanitarian action in the face of unilateral sanctions.

Similar situation and impact exists as regards, for example, SDG 5 as regard the achievement of gender equality. SDG 10, prohibition of discrimination. SDG 16, access to justice and access to meaningful remedy, which has been reflected in the report I presented to the General Assembly the next year.

Unfortunately, despite the fact that all sustainable development goals are affected and there are multiple evidence on this regard, at the moment we do not have proper mechanism for response, remedies and redress. That is one of the initiatives which has been started by the mandate and I invite all of you to help me to develop the document which will provide us with the possibilities to make further step on the achievement of the Sustainable Development Goals.

I apologize for being too long and thank you very much for attention. We will be open for your questions.

Thank you.

**26th Session of the Working Group on the Right to Development
Interactive Dialogues Aimed at Addressing Divergent Views on the Right to
Development Expressed in the Working Group on the Right to Development**

Coercive measures and the right to development

**Impact of unilateral coercive measures, means of their enforcement
and over-compliance on the right to development**

Prof. Alena Douhan, Dr. Dr. hab

**UN Special Rapporteur on the negative impact of unilateral coercive measures
on the enjoyment of human rights**

14 May 2025

Unilateral sanctions

Primary sanctions

- Economic, financial, trade, transport, insurance, cyber etc.
- Sectoral
- Targeted
- SWIFT

Sanctions enforcement

- Secondary sanctions
- Criminal charges for circumvention of sanctions regimes
- Civil penalties
- Customs seizures
- Maximum pressure campaigns
- Unofficial pressure

Over-compliance

- Zero-risk policies
- Discharge of any nexus to the countries under sanctions

Reasons and consequences of over-compliance

- Multiple, over-lapping, confusing and fast changing sanctions regimes;
- Uncertainty: scope of sanctions, complicated regulation; exemptions; licensing;
- Active use of non-binding instruments to enforce/ interpret binding ones treated as binding (QA, Guidances, etc.);
- Enormous costs of sanctions compliance “due diligence”
- Costly, lengthy and limited de-listing/de-penalization process – access to justice;
- Prohibition of permitted activity by other means (no way to pay/ to insure/ to deliver);
- Reputational risks
- High risk of high penalties in general/ for lawyers / for humanitarian workers
- “presumption of legality” of UCMs
- **Non-selectivity;**
- **Discrimination and isolation of nationals/ companies of CuS;**
- **Isolation of peoples under sanctions**
- **Breach of co-operation networks even in the recognized emergency situations;**
- **Non-efficacy of humanitarian carve-outs;**
- **Challenges and high cost of the delivery of humanitarian assistance;**
- **Non-implementation of humanitarian resolutions of the UN Security Council;**
- **Unwillingness/ fear to access justice;**

Country visit to Syria, 2023

- Electricity
- water
- Gas
- Heating
- food
- healthcare
- transportation
- Economy
- Industry
- Aviation
- Tourism
- Education
- Culture
- handicraft
- Refugees/ IDP
- Street-children



H. R. 3202 “Assad Regime Anti- Normalization Act of 2023”.

SEC. 3. PROHIBITION OF RECOGNITION OF ASSAD REGIME.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

- (1) not to recognize or normalize relations with any Government of Syria that is led by Bashar al- Assad due to the Assad regime’s ongoing crimes against the Syrian people, including failure to meet the criteria outlined in section 7431(a) of the Caesar Syria Civilian Protection Act of 2019;
- (2) to actively [oppose recognition or normalization of relations by other governments with any Government of Syria](#) that is led by Bashar Al-Assad, including by fully implementing the mandatory primary and secondary sanctions in the Caesar Syria Civilian Protection Act of 2019 and Executive Order 13894; and
- (3) to use the full range of authorities, including those provided under the Caesar Syria Civilian Protection Act of 2019 and Executive Order 13894, [to deter reconstruction activities](#) in areas under the control of Bashar al-Assad.

SEC. 4. INTERAGENCY STRATEGY TO COUNTER NORMALIZATION WITH ASSAD REGIME

- (1) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period not to exceed 5 years, the Secretary of State (in consultation with the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, and the heads of other appropriate Federal departments and agencies) shall submit to the appropriate congressional committees a report and strategy to describe and counter [actions taken or planned by foreign governments to normalize, engage with, or upgrade political, diplomatic, or economic ties with the regime led by Bashar al-Assad in Syria](#)
- (E) a description of the steps the United States is taking to actively deter recognition or normalization of relations by other governments with the Assad regime, including specific diplomatic engagements and use of economic sanctions authorized by statutes or implemented through Executive Orders

Targets of unilateral sanctions' regimes

- Designated individuals, their family members
- Workers of designated companies and their family members
- Workers of partner companies, companies from the supply chains
- Workers of companies from the targeted sectors of economy
- Population of the country affected by UCMs as a whole
- Nationals/ people born in/ with IP address/ with surnames similar to those from the country affected by UCMs
- People depended on humanitarian assistance from countries affected by UCMs
- Humanitarian workers
- Lawyers and other legal professionals

Most vulnerable groups:

- Women (inclu. Pregnant women, women delivering babies)
- Children
- People suffering from rare, severe, chronic deceases (communications – shifting responsibility)
- Persons with disabilities
- elderies

Impact on SDGs achievement (Agenda 2030)

- Goal 1 (Elimination of poverty);
- Goal 2 (End hunger, achieve food security and improved nutrition and promote sustainable agriculture);
- Goal 3 (To ensure healthy lives and promote well-being for all at all ages);
- Goal 4 (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all);
- Goal 5 (Achieve gender equality and empower of women and girls);
- Goals 6 (Ensure availability and sustainable management of water and sanitation for all);
- Goal 7 (Ensure access to affordable, reliable, sustainable and modern energy for all)
- Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- Goal 9 (Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation)
- Goal 10 (Reduce inequality within and among countries)
- Goal 11 (Make cities and human settlements inclusive, safe, resilient, and sustainable)
- Goal 12 (Ensure sustainable consumption and production patterns)
- Goal 13 (Take urgent action to combat climate change and its impact),
- Goal 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development);
- Goal 15 (Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss);
- Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels);
- Goal 17 (Strengthen the means of implementation and revitalize the global partnership for sustainable development).

Goal 1 (Elimination of poverty) and Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all)

- Impact (sometimes detrimental) on economy of a targeted state
- (hyper)inflation
- Non-competitive salaries/ no decent work/ no green jobs/
- dangerous (not protected) working environment/
- shifting to gray economy/ high risk of criminal activity
- drop in / cut off the revenue of people involved in activities relevant to international trade (production, trade, tourism, air companies, etc.)
- Cuts off/ reduces the possibility to get external revenues
- Increasing (skyrocketing) poverty rates
- No /reduced possibility for social assistance

Right to Food. SDG 2

Challenges

- Impediments in delivery of food, seeds, agricultural machinery, spare parts, fertilizers, livestock vaccines etc.;
- Insufficiency of fuel: agricultural machinery, food processing and storage, delivery of food for remote areas;
- Multiplying costs of food and goods necessary for agriculture, transportation costs;
- Access to the newest knowledge;
- Undermined plant and livestock disease prevention capacities
- Deteriorating labor environment, environment, growing use of handwork in the agriculture;
- Growing poverty rates, unavailability of food basket: ratio, proper nutrition;
- Reduced access to clean water and sanitation, transportation, use of sewage for irrigation purposes – risks of water-borne diseases;
- Inefficacy and inefficiency of humanitarian exemptions;
- Impediments for implementation of the UN SC humanitarian resolutions

Impacts

- Moderate and Severe malnutrition/ hunger
- Unbalanced food baskets, insufficiency of proteins, vitamins
- ICCPR: right to life, right to decent life, freedom from torture
- ICESPR, CRC; CEDAW; CRPD – freedom from hunger
- Sacrificing health for nutrition (selling medicine to buy basic food)
- Non-sustainability of the population – high level of dependence on governmental support and humanitarian assistance
- Baby formula/ health related diets unavailability /insufficiency
- Involvement in the gray economy, terrorism or criminal activity as the means of survival
- Growing mortality rates, reduced life expectancy;
- Higher level of gender violence or discrimination

Right to health (report A/HRC/54/23) (SDG 3)

- Impediments in delivery of medicine, medical equipment, tests, raw materials, spare parts, adaptive equipment -- Unavailability of life-saving medicines from monopolist producers;
- Multiplying costs of medical goods;
- Unavailability of rescue equipment;
- Limited access for cooperation for medical professionals and students, access to the newest knowledge;
- Limited access to teaching materials, equipment and databases;
- Undermined disease prevention capacities
- Deteriorating labor environment, insufficiency of medical professionals
- Deteriorating environment;
- Growing poverty rates, inability to pay for health insurance, medicine, medical treatment;
- Reduced access to clean water and sanitation, transportation;
- Inefficacy and inefficiency of humanitarian exemptions;
- Growing mortality rates, reduction of life expectancy;
- Transportation/ electricity/ access to health facilities
- Access to justice to protect the right to health

possibility for remedies?

Humanitarian exemptions

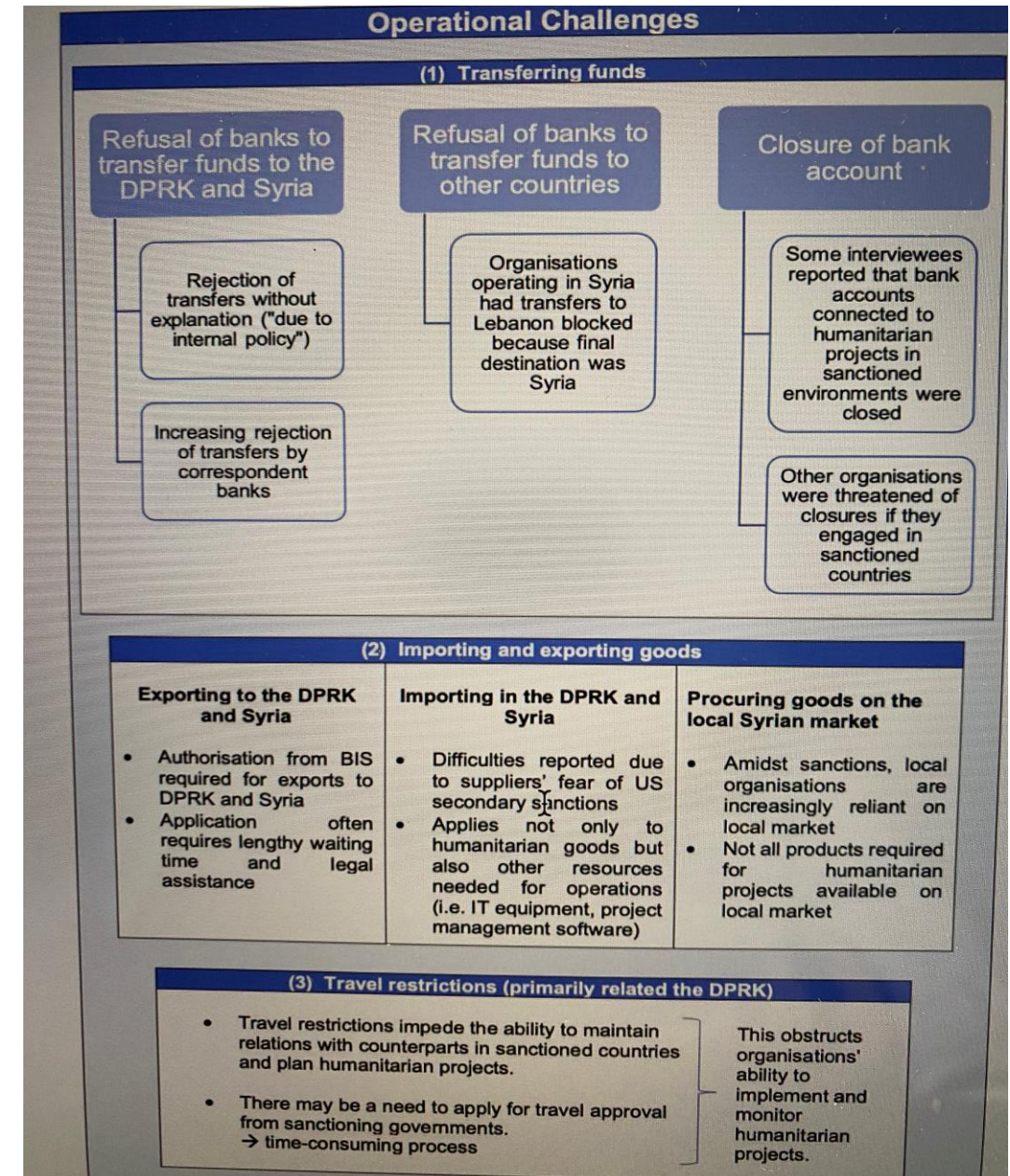
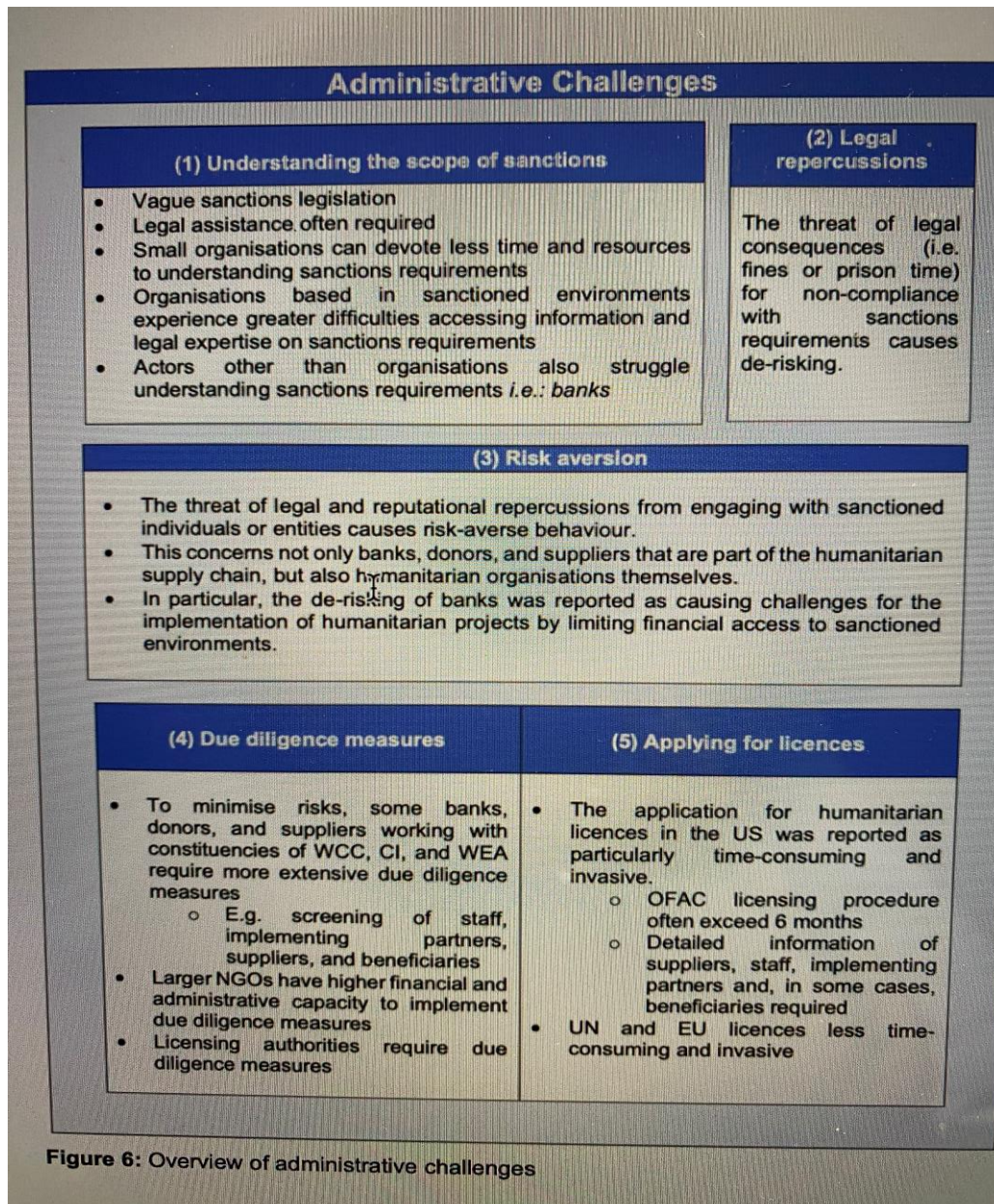
- Narrow interpretation: food and medicine only
- Humanitarian v. development projects/ deliveries
- Prevention of implementation of regional projects and deliveries
- Fear of donors/ NGOS/ countries/ individuals/ UN
- Multiple and expensive licences
- Burden of proof on humanitarian actors / no mechanisms of protection
- Challenges to implement even humanitarian resolutions of the UN Security Council

Project: Principles of humanitarian work in sanctions' environment

<https://www.ohchr.org/en/calls-for-input/2025/call-input-unilateral-coercive-measures-and-humanitarian-action>

Assessing the Impact of sanctions on humanitarian work, NGOs report 2023

https://un.worldea.org/wp-content/uploads/2023/03/Final_Report_ARP_Sanctions_GI_WCC_CI_WEA_2022-12.pdf



SGD 5 (Achieve gender equality and empower of women and girls)

- School drop out
- Are the first to loose jobs
- Stay in charge of children and parents
- Higher risk of involvement into sexual exploitation, human trafficking and prostitution
- Sucrifice food for men and boys
- In charge on getting food/ water/ cooking on open fire
- Are not protected in the case of pregnancy and baby delivery
- Reduced access to medical assistance in the sphere of reproductive health

Prohibition of discrimination / reduce inequalities (SDG 10)

- Increasing inequalities between the Global South and sanctioning states
- Unilateral sanctions rhetoric (“good guys” v. “bad guys” on behalf of common goods) undermines cooperation;
- discrimination of all people (nationals, residents of the countries under sanctions) on the ground of their nationality, place of birth, residence, phone or IP address
- preventing them from benefitting from international cooperation, academic, sports, arts, cultural cooperation
- Limitations on the use of online challenges in getting visas, procurement of tickets, booking hotels,
- closing bank accounts abroad
- Closing access to online platforms, vents and trainings for all categories of people including civil society actors
- Limiting possibility to have access to humanitarian assistance, buy necessary medicine and medical equipment,
- Profiling of recipients of humanitarian assistance/ violation of principles of humanitarian assistance

Access to justice/ access to meaningful remedy (SDG 16)

- All actors (States; Directly designated individuals and companies; Individuals and companies, subjected to secondary sanctions; Individuals and companies facing criminal and / or civil charges for circumvention/ alleged circumventions of sanctions regimes; Nationals and residents of states under sanctions; People of the country under sanctions; Lawyers; Judges of international courts)
- Sanctions clauses
- Rebuttable presumptions of the wrongfulness of behavior;
- Presumption of “legality” of unilateral sanctions;
- Anti-suit injunctions
- Non-transparency of evidences;
- Reputational risks;
- Access to justice – limited to court representation (if any);
- Criminal responsibility of/ high risk for lawyers;
- No-jurisdiction
- No possibility to pay/come etc.
- Sanctions v. lawyers in international courts;
- Uncertainty of regulations
- Uncertain access to UN institutions

Response, remedies and redress

Adheres to the rule of law and fundamental principles of international law

Careful legal analysis

Any means of pressure can only be taken if they are falling under the criteria of retortions/ countermeasures / stricto sensu implementation of resolutions of the UN Security Council (No good intentions can justify the use of illegal means)

International

- ICJ, ICC, WTO dispute settlement
- Regional judicial and administrative institutions
- UN Special Procedures
- UN treaty bodies
- Involvement of other UN Agencies and organs;
- Monitoring <https://ucmmonitoring.ohchr.org>

Guiding Principles on sanctions, business and human rights <https://www.ohchr.org/en/documents/tools-and-resources/guiding-principles-sanctions-business-and-human-rights>

Commentary to the GPs <https://www.ohchr.org/sites/default/files/documents/issues/ucm/commentary-gpssbhr-2025.pdf>

National

- Diplomatic protection
- Counter-sanctions legislation
- State assistance to those affected by UCMs
- Due diligence of states to ensure proper behavior of businesses
- Regional cooperation

Project: Guidance on the access to remedy, responsibility and redress

Principles of humanitarian assistance in the face of sanctions

references

- Sanctions research platform: <https://sanctionsplatform.ohchr.org>
- Sanctions monitoring tool: <https://ucmmonitoring.ohchr.org>
- Monitoring tool survey: <https://survey.ohchr.org/762521?lang=en>
- Guiding Principles on sanctions, business and human rights
<https://www.ohchr.org/en/documents/tools-and-resources/guiding-principles-sanctions-business-and-human-rights>
- Commentary to the GPs
<https://www.ohchr.org/sites/default/files/documents/issues/ucm/commentary-gpssbhr-2025.pdf>

thank you for your attention