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THE UNITED NATIONS

GUIDING PRINCIPLES ON EFFECTIVE REMEDY
AND RESPONSIBILITY IN THE UNILATERAL
SANCTIONS ENVIRONMENT

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

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I. Framework

1. Objective

The Guiding Principles on effective remedy and responsibility seeks to provide specific guidelines and benchmarks for States, international (universal and regional) organizations, businesses, legal professionals, bar associations, directly and indirectly targeted individuals, humanitarian organization and any other individuals or entities. It elaborates on those whose rights have been affected by unilateral sanctions, means of their enforcement and overcompliance. The objective is to ensure the promotion, protection and respect for the right to access justice and the right to an effective remedy and redress for victims of human rights violations in the unilateral sanctions environment; and to identify the mechanisms to hold perpetrators of such violations accountable under international law.

2. Actors

In 2025, one These Guiding Principles are intended for:

- States, groups of States and international organizations, including when they are acting to implement sanctions of the UN Security Council,
- All business enterprises and transnational corporations, regardless of their scale, economic sector, place of operation, place of incorporation place of management and headquarters, corporate structure, or applicable jurisdiction,
- The United Nations and its organs and agencies, other international intergovernmental organizations and non-governmental organizations, donors, and humanitarian organizations,
- Individuals, including identifiable groups of individuals based on a

certain criterion (patients, people with disabilities, pregnant women etc.) and communities.

- Legal professionals authorized under national law to provide legal assistance regardless of type, form or beneficiaries of such assistance, including legal advice, preparation of cases, drafting legal documents and (or) legal representation in all types court proceedings or before any bodies or agencies of states or international organizations,

- Humanitarian actors, which include a diverse range of entities, including UN agencies, NGOs and other actors. While the mandates and activities of humanitarian actors may differ from each other, all are united by their commitment to providing humanitarian assistance in accordance with the principles of humanity, neutrality, impartiality and independence.

3. Legal framework

The Guiding Principles are based on the Charter of the United Nations, the International Bill of Human Rights, fundamental principles and other peremptory norms of international law, international treaties and customary norms of international law, and general principles of law recognized by all nations. This document seeks to draw from and expand on the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011), Guiding Principles on sanctions, business and human rights (2025), the Articles on Responsibility of States for Internationally Wrongful Acts (2001), the Draft Articles on Responsibility of International Organizations (2011), Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005), Basic Principles on the Role of Lawyers (1990), Bangalore Principles of Judicial Conduct (2006), Measures for the effective implementation of the Bangalore Principles of Judicial Conduct (2010), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

(1985), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012), UN Model Law on Legal Aid in Criminal Justice Systems with Commentaries (2017), International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020), Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels adopted by UN General Assembly Resolution 67/1 (2012), as well as, but not limited to, General Assembly Resolutions 2449(1968), 60/147 (2005), 75/185 (2020), 78/227 (2023), Economic and Social Council resolution 2019/22 (2019), Commission on Crime Prevention and Criminal Justice resolution 25/2 (2016), 70/1 (Agenda for Sustainable Development, 2015), UN Security Council Resolution 2150(2014), New Vision of the Secretary-General for the Rule of Law (2023) and other relevant documents.

4. Disclaimer

Nothing in the Guiding Principles shall in any way be taken or interpreted as a direct or implicit recognition of the legality or legitimacy of any form of unilateral coercive measures, compliance and overcompliance with such measures.

5. Coherence

- 5.1 These Guiding principles constitute a coherent document and shall be read, individually or in aggregate, in terms of its objectives, enhancing standards and practices with regards to rule of law and access to justice so as to achieve tangible results for affected individuals and communities with respect to redress, effective remedy and accountability, and thereby to also contribute to international and national efforts towards sustainable development, the protection of human dignity and safeguarding of humanity, and the strengthening of international solidarity and cooperation.

- 5.2 The Guiding Principles on Effective Remedy and Responsibility in the Unilateral Sanctions Environment is a standalone document. It can be referred to independently of other documents. However, for additional clarity it should be read and interpreted together with the Guiding Principles on Sanctions, Business and Human Rights and the Guiding Principles on Humanitarian Action in the Unilateral Sanctions

II. Use of terms

6. Terminology

For the purposes of these Guiding Principles terms shall be understood as follows:

Access to justice encompasses the right to a fair trial, including equal access to and equality before the courts, access to legal assistance, access to documents, evidence and other relevant material, seeking and obtaining just and timely remedies for rights violations and availability of efficient and impartial mechanisms for the enforcement of judicial decisions.

Due diligence is an obligation of conduct of a State under international law to take all measures necessary to ensure that any activity under their jurisdiction or control does not violate international obligations and fundamental human rights.

Corporate human rights due diligence refers to an obligation of businesses to proactively identify, prevent, mitigate and account for how they address their potential and actual impacts on human rights, including to the obligation to prevent compliance with unilateral coercive measures and overcompliance.

Effective remedy refers to available adequate, sufficient, prompt and appropriate recourse for relief, including reparation, in regard to the violation of human rights, where such recourse is provided through domestic and international judicial and non-judicial bodies.

Injury includes any damage, including death, physical injury, deterioration of health status, material or moral harm

Legal aid means the provision of legal advice, assistance and representation for persons detained, arrested or imprisoned; for persons suspected or accused of, charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes.

Overcompliance occurs when private actors go beyond what is strictly required for compliance with sanctions, often to minimize the risk of penalties for inadvertent violations, and/or to avoid reputational risks that can arise from dealing, or having any other nexus, with a State, entity or individual under sanctions, or because the complexity and uncertainty of sanctions, and/or high penalties as a form of sanctions enforcement, make compliance too costly or risky.

Redress encompasses the concepts of “effective remedy” and “reparation.”

Reparation entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations.

Remedy may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.

Responsibility entails a set of secondary obligations on the part of states, international organizations, businesses or individuals that arise from the violation of primary duties (wrongdoing) arising out of international law.

Regional international organizations for the purposes of these Guiding Principles mean those regional organizations entitled to adopt decisions directly applicable within the territories of their

member states and directly creating rights and obligations of private actors. For the purpose of clarity and simplicity, obligations of states in this section are equally applicable to regional organizations unless otherwise specifically established.

Sanctions, the UN Security Council refer to enforcement measures adopted upon decision by the UN Security Council acting under Chapter VII of the UN Charter.

Sanctions, secondary refer to unilateral sanctions imposed against States, individuals or entities who allegedly violate, circumvent, or assist in circumvention, of primary sanctions regimes as a means of enforcement of primary sanctions against primary targets.

Serious breach of an obligation arising under a peremptory norm of general international law is a gross or systematic failure by a State to comply with an obligation deriving from a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted¹.

Unilateral coercive measures (UCMs) are any type of measures or activity applied by States, groups of States or regional organizations without or beyond authorization of the UN Security Council, not in conformity with international obligations of the sanctioning actor, or the illegality of which is not excluded on grounds of the law of international responsibility and countermeasures, regardless of the announced purpose or objective. Such measures or activities include, but are not limited to, economic, financial, political or any other sort of State-oriented or targeted measures, applied to another State or an individual, company or other non-governmental entity, in order to induce a change in policy or behavior, to obtain from a State the subordination of the exercise of its sovereign rights to secure advantages of any kind, or to signal, coerce or punish.

Sanctions, unilateral: measures taken by a State, group of States or a regional organization without or beyond authorization of the UN Security Council, without prejudice to their legality or illegality.

¹ Under article 53 of the Vienna Convention on the Law of Treaties a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character

Victims of sanctions-related policies: persons who, individually or collectively, have suffered harm, directly or indirectly, including physical or mental injury, emotional suffering, economic or financial loss or substantial impairment of their human rights through acts or omissions as a result of the imposition of unilateral sanctions, enforcement and implementation of unilateral sanctions, overcompliance with the UN Security Council sanctions or unilateral sanctions. The term “victim” also includes affected immediate family or dependents of the victim as well as persons who have suffered harm in any way whatsoever howsoever caused, directly or indirectly harm.

III. General principles

7. Adherence to the rule of law

- 7.1 All states and international organizations shall adhere to the purposes and principles of the Charter of the United Nations, international law and principles of justice, and to an international order based on the rule of law.
- 7.2 The rule of law applies to all States equally, and to international organizations. Respect for and promotion of the rule of law and justice should guide all of their activities and provide predictability and legitimacy to their actions.
- 7.3 States shall respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law. States and regional organizations shall not adopt or implement any means of pressure that are incompatible with their obligations under international law, in relation to substantive content, exercise of jurisdiction or access to remedies.
- 7.4 Secondary sanctions, civil and criminal penalties for the circumvention of primary unilateral sanctions regimes, as well as any other mechanism for their implementation, do not form any legal basis to circumvent peremptory norms of public international

law as well as other customary law or treaty obligations.

- 7.5 States shall take all necessary legislative and administrative measures to avoid overcompliance with sanctions.
- 7.6 States shall ensure that no violation of human rights arising from the imposition of unilateral sanctions, their application, the means of their enforcement, or compliance and overcompliance with unilateral sanctions will go unpunished under national law. For that purpose, if they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations.
- 7.7 States shall ensure that international legal norms and national legislation are interpreted in good faith and in accordance with the purposes and principles of their international obligations, including but not limited to those arising from human rights law, humanitarian law, and the law of refugees.
- 7.8 States shall provide for accountability- and redress-mechanisms for violations of human rights perpetrated in the context, or as a result of, sanctions policies. All those who over whom the state purports to exercise jurisdiction, and all those affected by the state's measures, shall have a right to seek redress in domestic courts. There should be no circumstances in which a state imposes sanctions, or directly or indirectly imposes penalties, without also providing full access to domestic legal redress, including constitutional rights of due process.
- 7.9 Sanctions, sanctions enforcement, implementation and overcompliance shall not obstruct access to justice, the administration of justice, respect for judicial procedures, and access to effective remedies in the sanctioning state.
- 7.10 States shall ensure, by mechanisms including established national periodic review, that any measures taken in response to unilateral coercive measures fully adhere to the criteria for countermeasures in accordance with law of international responsibility.

8. The principle of humanity

- 8.1 States and regional organizations shall ensure that any businesses and other entities under their jurisdiction or control act with due regard to human rights and concerns of humanity.
- 8.2 The principle of humanity shall prevail in any consideration of internal or foreign policy of States and international organizations and business policies of private actors.
- 8.3 All actors shall respect and treat all persons, individually or in community with others, with due respect for their fundamental human rights and dignity, without discrimination or distinction of any kind.
- 8.4 No “good intentions”, “high goals”, “promotion of democracy”, “common goods policy” or any other similar language can justify violation of human rights and of the principle of humanity.
- 8.5 Businesses must ensure the incorporation and implementation of the principles of humanity and non-discrimination in their internal and external documents and policies, with specific reference to humanitarian exemptions/carve-outs and the requirement of a human rights impact assessment, to avoid overcompliance and negative impacts on human rights.
- 8.6 Failure to respect and observe the principle of humanity may constitute involvement in breaches of public international law (including but not limited to international criminal law, international human rights law and international humanitarian law), with all criminal and civil consequences that may follow.

9. Accessibility of humanitarian assistance

- 9.1 Access to humanitarian assistance and humanitarian relief shall be granted in any and all circumstances, including but not limited to armed conflict and emergency situations, to all persons in need, without any discrimination or distinction, in accordance with the

principles of humanitarian assistance – humanity, neutrality, impartiality, and independence – and to ensure survival, reconstruction and development.

- 9.2 Obstruction of humanitarian relief is prohibited. No unilateral sanctions shall be formulated or implemented in a manner that obstructs, directly or indirectly, intentionally or unintentionally, humanitarian relief or the supply of critical goods or services. Any reprisals or other penalties for humanitarian work and/or assistance in the delivery of humanitarian goods in a sanctions environment are prohibited. Delivery of humanitarian assistance shall not in any way be interpreted as circumvention of sanctions regimes.
- 9.3 UN Security Council resolutions, including those relevant to humanitarian action, shall be implemented in good faith, with due respect for the Charter of the United Nations, in particular its Article 25, and for the competence and authority of the UN Security Council, . All stakeholders are under an obligation to implement fully all existing or future humanitarian resolutions and provisions of resolutions of the UN Security Council, including resolution 2664 (2022) to ensure basic needs of the population.
- 9.4 People in States affected by unilateral sanctions shall enjoy access to humanitarian assistance on terms that are not less favorable than those proposed for states under sanctions of the UN Security Council. They shall fully benefit from the principle of humanity and access to humanitarian aid and assistance.

10. Equality of all human rights

- 10.1 All human rights, freedoms, and dignity enshrined in the International Bill of Human Rights (the acquis of the international community) shall be fully respected and protected while implementing UN Security Council enforcement measures under Chapter VII of the UN Charter, or in the course of any unilateral activity.
- 10.2 All persons shall enjoy all human rights enshrined in the

International Bill of Human Rights, independently of the aims of any sanctions policy, or enforcement and implementation of relevant sanctions, and overcompliance with the latter. Enforcement or implementation of sanctions can not be invoked as a justification for non-performance of international obligations deriving from the International Bill of Human Rights.

- 10.3 All public and private actors shall respect and prioritize all human rights without discrimination when formulating and implementing sanctions and/or compliance policies.

11. Precautionary principle

- 11.1 All stakeholders shall take all necessary precautionary measures, and perform ongoing humanitarian impact assessments, when formulating and implementing any measures and actions within the UN Security Council's sanctions frameworks or when acting unilaterally, and shall reformulate these measures or adjust their enforcement as appropriate to avoid negative impact on human rights.
- 11.2 Lack of full scientific certainty about specific negative humanitarian impact shall not be used as a reason/ground for ignoring humanitarian concerns and not taking all measures necessary to avoid or minimize overcompliance and possible consequential negative humanitarian impact.
- 11.3 No reference to an "unintended" character of humanitarian impact shall be invoked to legalize, legitimize or justify adoption of unilateral coercive measures, enforcement or implementation of the above measures, or the failure to take all measures necessary to avoid or minimize overcompliance with such unilateral measures.
- 11.4 Sanctions` policies and their implementation shall not affect delivery of essential goods as being contrary to the humanity and precautionary approach per se.

12. The principle of non-discrimination

- 12.1 States shall not derogate from their human rights obligations, including their obligation not to discriminate against any person based on birth, race, color, ethnicity, citizenship, national or social origin, religion, age, gender, language, disability, health status, political or other opinion or other recognized ground.
- 12.2 Businesses shall take all appropriate measures to elaborate, monitor and implement their compliance policy aligned with a human rights based approach on a non-discriminatory basis, including extraterritorially. This approach shall apply to all operational processes, all levels of decision-making, and all products and services.
- 12.3 No collective punishment is allowed. Nationals or residents of countries under sanctions, relatives, friends or other affiliates of designated individuals shall not be subjected to any limitation or face negative consequences due to their place of birth, nationality, residence, IP address, personal ties or any other nexus with designated states, entities, individuals.

13. The principle of proportionality

- 13.1 All measures imposed by the UN Security Council under Chapter VII of the UN Charter shall be interpreted and implemented by States and regional organizations in good faith and consistent with their obligations under international law, by means of formal legislation in clear language with the ordinary meaning to be given to the terms and precise scope of the authorization, to ensure that such measures are readily understood by all affected, and are precise in their application to avoid overcompliance, and with due respect to the obligations of States and regional organizations to respect and protect human rights and human dignity.
- 13.2 States shall not confer immunity on any person or entity in respect of their overcompliance with measures imposed by the Security Council under Chapter VII of the UN Charter or their purported

compliance and overcompliance with unilateral coercive measures.

- 13.3 Any means of pressure taken by States or international organizations in the course of counter-measures shall be performed in full compliance with the standards of the law of international responsibility toward the directly injured States. Such measures must be proportionate to the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question, which are limited to non-performance for the time being of international obligations with no effect to the obligations for the protection of human rights.

14. Accessibility to information

- 14.1 Access to information through all types of communication services is an enabling element of all human rights. No sanctions shall interfere with the right to information through all media and all means of communication, as it is set forth in art. 19–20 of the ICCPR.
- 14.2 States, international organizations shall provide transparent, timely and adequate information on all matters related to sanctions, including reporting on humanitarian impacts in a free, accessible and nondiscriminatory manner.
- 14.3 Access to IT-platforms shall be guaranteed by the operators of those platforms.
- 14.4 All sanctioning actors shall create enabling environments and maintain open channels for communication on human rights and humanitarian aspects relevant to sanctions and their implementation, including as a primary obligation, but not limited to, the establishment of focal points with adequate financial and human resources.
- 14.5 Focal points shall provide detailed information, clarification and advisory services, free of charge and in a timely manner, regarding licensing, the scope of humanitarian carve-outs and relevant

procedural matters, including administrative and legal procedures for delisting of designated individuals and entities, and arrangements to secure access to justice of a binding character.

15. Principle of responsibility

- 15.1 Every internationally wrongful act of a State or an international organization entails international responsibility.
- 15.2 The characterization of an act of a State as internationally wrongful is governed by international law. Qualification of acts as unilateral coercive measures, or as a means of their enforcement and overcompliance, is to be done in accordance with international law. Qualification of any unilateral measures or the means of their enforcement as lawful by internal law of States does not exclude their wrongfulness under international law.
- 15.3 States or regional organizations with an exclusive or shared competence, which are entitled to take binding actions directly applicable on the territory of member states, are responsible for the failure to ensure that activities taken under their jurisdiction or control do not violate human rights, including extraterritorially.
- 15.4 Any person who is in a position to adopt unilateral coercive measures and means of their enforcement or any other person who in the course of the adoption, enforcement and overcompliance with unilateral coercive measures commits an act which constitutes a crime under international law is responsible therefore and liable to punishment. The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

16. Responsibility of businesses and other private actors

- 16.1 Businesses and other private actors are responsible for any act or

omission resulting in the violation of human rights, including extraterritorially, due to the overcompliance with sanctions of the UN Security Council, or the compliance with, enforcement of and overcompliance with unilateral coercive measures which are illegal under international law.

- 16.2 Businesses are responsible for the failure to take all necessary measures to eliminate or mitigate any adverse human rights impact due to the implementation of sanctions of the UN Security Council and overcompliance with them.
- 16.3 Humanitarian actors are responsible to take all necessary measures to ensure that they adhere to principles of humanitarian action and protection.
- 16.4 Think tanks, academia and academic institutions are responsible in their academic activity in accordance with standards of academic work to ensure that any research or discussion about unilateral coercive measures, means of their enforcement and overcompliance with sanctions is done objectively and with respect to the methodology of the specific academic area to engage in rigorous and objective research.
- 16.5 Businesses and other private actors are responsible for human rights violations as a result of the refusal to continue supplying goods, and the inclusion of sanctions clauses in relation to the supply of essential goods and services, especially in the cases when a business is a monopolist supplier of life-saving and/or essential goods and/or equipment.
- 16.6 Any activities within the lifecycle of artificial intelligence systems, including misinformation or disinformation campaigns, use of deep fakes that undertaken to advocate for or legitimize the adoption of unilateral coercive measures or to induce overcompliance with them, are prohibited.

17. Principle of due diligence²

- 17.1 State must ensure that all victims of human rights violations, both those directly designated and those affected by the enforcement, implementation of sanctions and overcompliance with them, have proper access to justice, with full observance of the right to a fair trial, the presumption of innocence, and procedural guarantees.
- 17.2 States shall implement a due diligence approach to ensure that businesses acting under their jurisdiction or control do not over-comply and do not violate human rights, including extraterritorially, including but not limited to enforcing blocking legislation prohibiting their nationals from complying or over-complying with extraterritorial unilateral coercive measures as well as over-complying with enforcement measures of the UN Security Council. States shall establish domestic mechanisms for protection of the rights of victims.
- 17.3 States should take all possible measures to assist businesses in their pursuit of their human rights due diligence obligations in the context of compliance policies and practices.
- 17.4 Businesses shall undertake due diligence procedures and methods in interpreting and implementing all requirements, exemptions, exceptions and derogations. As unilateral coercive measures are illegal under international law, businesses shall challenge their implementation and enforcement by all available legal means. All the actual impacts that have already occurred due to the failure to exercise corporate due diligence should be subject to remediation by businesses.
- 17.5 The United Nations is under a due diligence obligation to ensure that UN organs, organizations and agencies as well as UN partners do not comply in their internal / structure and operational policy with unilateral coercive measures or the means of their enforcement and do not overcomply with any type of sanction.

² Human rights obligations of businesses in sanctions environment are dealt with in the Guiding Principles for Sanctions, Business and Human Rights.

- 17.6 Businesses should inform states of their nationality, residence, and location of operations in the context of the possible human rights implications due to their compliance and overcompliance with unilateral sanctions.

IV Responsibility

- 18. Responsibility arising from the adoption of unilateral coercive measures, means of their enforcement and overcompliance**
 - 18.1 International legal responsibility arises for States and regional organizations imposing unilateral coercive measures which are illegal under international law, and adopting measures to enforce them and encourage or compel other actors to apply and enforce them.
 - 18.2 Any wrongful activity under international law, which cannot be qualified as retortions, countermeasures or strict implementation of resolutions of the UN Security Council adopted under Chapter VII of the UN Charter, entails responsibility for imposing, enforcing, facilitating and implementing states and international organizations.
 - 18.3 International organizations shall be internationally responsible for adopting decisions that encourage or compel any actors, explicitly or implicitly, to take measures or actions that constitute unilateral coercive measures. The existence of such decisions does not exclude international responsibility of states for taking measures or actions that constitute unilateral coercive measures.
 - 18.4 States and other actors are responsible for their failure to take all necessary measures to ensure that businesses under their jurisdiction and control do not comply or over-comply with unilateral sanctions.
 - 18.5 States are responsible for the failure to mitigate negative effects of unilateral coercive measures under their international obligations to ensure human rights.

- 18.6 Unilateral sanctions and overcompliance shall by no means impede full implementation of humanitarian resolutions of the UN Security Council.
- 18.7 Third states are to be held responsible for implementing unilateral sanctions under international law since it constitutes aid or assistance in the commission of an internationally wrongful act.
- 19. Attribution of international responsibility for violations of international law and human rights that may result from the adoption, enforcement or implementation of or compliance with unilateral coercive measures**
 - 19.1 Any conduct resulting in overcompliance with sanctions of the UN Security Council, adoption of unilateral coercive measures, means of their enforcement and overcompliance with them is attributable to a state when it is performed by organs of a State, including exceeding the authority they hold or in contravention of instructions, as long as the conduct is carried out in the exercise of the official capacity of the state body or agent; persons or entities exercising elements of governmental authority, or by non-state actors, whose conduct is directed or controlled by a State, carried out in the absence or default of the official authorities or acknowledged and adopted by a State as its own.
 - 19.2 Any conduct resulting in overcompliance with sanctions of the UN Security Council, adoption of unilateral coercive measures, means of their enforcement and overcompliance with them is attributable to an international organization when it is performed by organs or agents of this international organization or acknowledged and adopted by the international organization as its own.
- 20. Shared responsibility for violations of international law and human rights that may result from the adoption, enforcement of or compliance with unilateral coercive measures**
 - 20.1 The commission of one or more internationally wrongful acts

resulting from the adoption, enforcement of or compliance with unilateral coercive measures that contribute to an indivisible injury by multiple actors (states, international organizations) entails shared responsibility.

- 20.2 Contribution to an indivisible injury, harm or damage may be individual, concurrent or cumulative.
- 20.3 States and international organizations share responsibility for a single or multiple internationally wrongful act (acts) when conduct consisting of an action or omission:
 - a) is attributable to each of them separately; and
 - b) constitutes a breach of an international obligation for each of those international persons; and
 - c) contributes to the indivisible injury of another person.

21. Illegality of extraterritorial jurisdiction

- 21.1 Extraterritorial application of unilateral coercive measures is illegal under international law, being a violation of fundamental principles of international law. Means of enforcement shall not be used as grounds for the extension of the jurisdiction of sanctioning States over third States, their nationals and companies, as well as their own companies and nationals.
- 21.2 Any criminal, civil or other penalizing action taken by third countries for the alleged circumvention of a unilateral sanctions regime, as well as the fulfillment of any requests for mutual legal assistance or extradition as a result of relevant civil or criminal proceedings carried out by the sanctioning state, constitutes the illegal extension of extraterritorial application of unilateral coercive measures.

22. Inevitability of responsibility

- 22.1 All actors shall be held responsible for violations of international law and human rights that may result from the adoption, enforcement of or compliance with unilateral coercive measures, and from overcompliance with any form of sanctions. Nothing in these Guiding Principles should be read as limiting or undermining any legal obligations a State may have undertaken or be subject to under international law.
- 22.2 Unilateral sanctions, means of their enforcement and overcompliance shall not impede the implementation of humanitarian resolutions of the UN Security Council.
- 22.3 Shifting responsibility between international organizations, States and businesses does not provide any ground for excluding such responsibility or liability under international public law, international private law or national law (civil or criminal).
- 22.4 Provisions of the national law of sanctioning States cannot be invoked to avoid responsibility under international law and/or liability for damages thereof.
- 22.5 The obligation of due diligence is an obligation of action. Therefore, States are obliged under international law to take all necessary legislative, organizational or operational measures to ensure that any activity of businesses under their jurisdiction or control does not violate human rights, including extraterritorially. Regional organizations shall bear the obligation insofar as it falls within their functional competence.

23. Indivisibility of responsibility

- 23.1 The existence of any restrictive measures on a regional or national level can not be invoked as justification for a State's failure to perform its obligations at an international level. International organizations shall be held internationally responsible if they take decisions encouraging their member states to impose or enforce

unilateral coercive measures. Such organizations are under the responsibility to take all possible measures to make sure that their decisions are not used as a ground to impose, enforce or implement unilateral coercive measures.

- 23.2 A State's failure to ensure that businesses under its jurisdiction or control abide by international human rights law and avoid compliance with unilateral coercive measures, or exercise overcompliance, which impacts human rights negatively, constitutes a violation of the state's obligation to promote, respect and protect relevant human rights.

24. General regime of responsibility³ for states and international organizations for human rights violations caused by unilateral sanctions, means of their enforcement and overcompliance

- 24.1 The State responsible for the internationally wrongful act caused by unilateral coercive measures, means of their enforcement and overcompliance is under an obligation:
- a) to cease that act, if it is continuing;
 - b) to offer appropriate assurances and guarantees of non-repetition, if circumstances so require;
 - c) to make full reparation for the injury resulting from the internationally wrongful act caused by unilateral sanctions, means of their enforcement and overcompliance.
- 24.2 The responsible State may not rely on the provisions of its internal law regulating unilateral coercive measures as justification for its failure to comply with its obligations under international law.
- 24.3 No provision in these Guiding Principles relating to the responsibility of States under international law shall affect

³ For states and international organizations

individual criminal responsibility.

25. Specific regime of responsibility for violations of human rights caused by a serious breach of an obligation arising under a peremptory norm of general international law as a result of the adoption of unilateral coercive measures, their enforcement and overcompliance

- 25.1 A breach of peremptory human rights norms due to adoption or implementation of unilateral coercive measures is serious if it involves a gross or systematic failure by the responsible State to fulfil the obligation under international law.
- 25.2 States shall cooperate to bring to an end through lawful means to any serious breach of an obligation arising under a peremptory norm of general international law
- 25.3 No State shall recognize as lawful a situation created by a serious breach of any obligation arising under a peremptory norm of general international law as a result of the adoption of unilateral coercive measures, means of their enforcement and overcompliance, nor render aid or assistance in maintaining that situation.

26. Countermeasures

- 26.1 Every State injured due to adoption or implementation of sanctions policies by another State or regional international organization may only take countermeasures against a State or regional international organization which is responsible for an internationally wrongful act in order to induce that State to comply with its obligations.
- 26.2 Countermeasures are limited to the non-performance for the time being of international obligations of the State or regional international organization taking the measures towards the responsible State.

- 26.3 Countermeasures shall, as far as possible, be taken in such a way as to permit the resumption of performance of the obligations in question.
- 26.4 Countermeasures must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act caused by unilateral coercive measures, means of their enforcement and overcompliance and the rights in question
- 26.5 Countermeasures shall not affect:
- a) the obligation to refrain from the threat or use of force as embodied in the Charter of the United Nations;
 - b) obligations for the protection of fundamental human rights;
 - c) obligations of a humanitarian character prohibiting reprisals;
 - d) other obligations under peremptory norms of general international law.
- 26.6 A state or an international organization entitled under the norms of law of international responsibility to take countermeasures may take such measures against each of the States or international organizations that share responsibility.

27. Responsibility of businesses

Any injury caused by businesses as a result of their compliance policies and overcompliance with unilateral sanctions and overcompliance with sanctions of the UN Security Council is subject to compensation by those businesses.

28. Individual criminal responsibility for human rights violations caused by unilateral coercive measures, means of their enforcement and overcompliance

- 28.1 Any person who, due to the adoption, enforcement or

implementation of sanctions policies, commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

- 28.2 The fact that internal law does not impose a penalty for a human rights violation caused by unilateral sanctions, means of their enforcement and overcompliance which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.
- 28.3 The fact that a person acted pursuant to order of their Government or of a superior to over-comply with sanctions of the UN Security Council, or to comply or over-comply with unilateral coercive measures, does not relieve that person of responsibility under international law, provided a moral choice was in fact possible to them.
- 28.4 The fact that a person who adopted measures to over-comply with sanctions of the UN Security Council, unilateral coercive measures , means of their enforcement and overcompliance which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve them from responsibility under international law.

29. International responsibility of regional international organizations

- 29.1 Any acts or omissions by regional international organization with regard to unilateral coercive measures which constitute an international wrongful act entails international responsibility of such organization.
- 29.2 Regional international organizations shall offer the means to guarantee the right of persons affected by unilateral coercive measures, means of their enforcement and overcompliance to access justice, including but not limited to recourse to administrative bodies or judicial bodies of these regional international organizations as well as other international judicial

institutions.

- 29.3 Any injury suffered by a victim of human rights violations of unilateral coercive measures, means of their enforcement and overcompliance shall be fully redressed by the responsible regional international organization.

30. Prohibition on profiting from unilateral coercive measures, secondary sanctions and overcompliance

All actors deriving revenue from the imposition, enforcement or implementation of unilateral coercive measures or from creating conditions to encourage overcompliance, including through reputational pressure, are in violation of international law and the perpetrators may be held liable. It is prohibited for any States or institutions that are involved in the collection or use of compliance data to use such data to threaten, support, or implement unilateral coercive measures, directly or indirectly, through individuals and/or institutions in their territories and beyond. All persons entities which service or profit from compelling or encouraging overcompliance in violation of international law shall be liable for their actions.

V. Effective remedy

31. Adequacy and efficacy of remedy

- 31.1 The right to an effective remedy is an inherent right that everyone enjoys in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights.
- 31.2 Anyone whose rights or freedoms are violated due to unilateral coercive measures, means of their implementation and enforcement and overcompliance has the right, either in person or through legally authorized representation, to receive immediate,

personal and direct notification that they have been listed and the grounds for such listing; to file without any impediment and at a reasonably affordable cost a complaint and to have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay, in the case of both individual and systemic violations.

- 31.3 States must ensure, through judicial, administrative, legislative or other appropriate means, that when violations of human rights occur due to the adoption of unilateral coercive measures, their enforcement, implementation and overcompliance, due to the activity within their territory or jurisdiction, those affected shall have access to justice and effective remedy.
- 31.4 Any person or entity upon which sanctions have been imposed shall be able to seek judicial redress in the courts of the sanctioning states, regardless of whether they have other ties to that jurisdiction. Any person or entity which has suffered harm as a result of sanctions shall have standing to bring an action against the state imposing those measures in its domestic courts, regardless of whether they have other ties with that jurisdiction.
- 31.5 Access to justice cannot be denied even if no remedies for injuries due to the adoption of unilateral sanctions, application, means of their enforcement and overcompliance with such measures are provided under domestic law.
- 31.6 States shall not purport to provide any form of immunity to businesses for complying or purporting to comply with unilateral coercive measures. Where human rights are contravened by unilateral coercive measures and/or overcompliance, States imposing or enforcing them shall ensure that those affected have access to justice and effective remedies within their respective jurisdictions, without prejudice to any other remedies that they may have elsewhere.

- 31.7 States under sanctions should take all administrative, legislative, judicial or other means within the maximum resources available to provide assistance to individuals or companies affected by unilateral coercive measures, means of their enforcement and overcompliance, to ensure access to an effective remedy, including access to justice.

32. Reparation

- 32.1 A responsible State or an international organization is under an obligation to make full reparation for any injury caused by an internationally wrongful act arising from the adoption of unilateral sanctions, their enforcement, implementation and overcompliance.
- 32.2 Each state or international organization sharing responsibility is under an obligation to make full reparation for any indivisible injury caused by the single or multiple internationally wrongful acts.
- 32.3 Individuals and businesses shall be provided full reparation for any delay in lifting sanctions.

33. Restitution

- 33.1 Offenders or responsible third parties, where appropriate, shall make fair restitution to victims, their families or dependents. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights and compensation for any profit lost.
- 33.2 Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases when the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government

successor in title should provide restitution to the victims.

- 33.3 When one or more of the responsible states or international organizations is under an obligation to make restitution, each of the other responsible international persons is under an obligation to ensure that restitution is made.

34. Compensation

- 34.1 When compensation cannot be provided in full by those responsible for the violation of human rights or other sources, States with the capacity to do so should endeavor to provide financial compensation to:
- a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious violations of human rights arising from the imposition of unilateral coercive measures, means of their enforcement and overcompliance;
 - b) The family, in particular dependents of persons who have died or become physically or mentally incapacitated as a result of such victimization.
- 34.2 The establishment, strengthening and expansion of national funds for the compensation to victims of sanctions policies, including the Trust Fund for victims is highly encouraged.
- 34.3 In so far as the damage is not made good by restitution, each of the responsible states and/or international organizations is under an obligation to compensate the victim(s) for the indivisible injury caused.

35. Satisfaction

The State responsible for an internationally wrongful act arising from unilateral coercive measures, their enforcement and overcompliance is under an obligation to give satisfaction for the

injury caused by that act insofar as it cannot be made good by restitution or compensation. When shared responsibility is invoked, this obligation is owed by each of the responsible states and/or international organizations.

36. Right of recourse

- 36.1 A state or international organization that has made full reparation for an indivisible injury, including on behalf of the business, has a right of recourse against all other actors that share responsibility for that injury to receive compensation based on the particular contribution made by those states, international organizations or businesses to the injury caused.
- 36.2 When an international organization shares responsibility with other actors, this provision is without prejudice to the rules of that organization.

37. Restoration of reputation

- 37.1 States shall refrain from any acts or omissions that cause reputational damage, producing any prejudice to any actor, including states, non-governmental organizations, humanitarian organizations, private entities or individuals in the context of sanctions policies. States shall not knowingly allow the use of their territory or telecommunication structure to cause any reputational harm to third states and other actors.
- 37.2 States shall refrain from exhorting any unofficial pressure, reputational pressure or maximum pressure campaigns to compel overcompliance by other states, international governmental, non-governmental organizations or businesses.
- 37.3 States must ensure, through judicial, administrative, legislative or other appropriate means the effective restoration of reputation damaged by the adoption of unilateral coercive measures,

enforcing, implementation and overcompliance within their territory or jurisdiction. The losses incurred by businesses as a result of unilateral coercive measure must be adequately compensated.

38. Assistance

- 38.1 Individuals who consider themselves or are otherwise deemed victims of unilateral coercive measures should receive material, medical, psychological and social assistance through governmental, voluntary, community-based or indigenous means.
- 38.2 Victims of unilateral coercive measures should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.
- 38.3 Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and should be provided with guidelines to ensure proper and prompt aid.
- 38.4 In providing services and assistance to victims of unilateral coercive measures, attention should be given to those who have special needs due to the nature of the harm inflicted.
- 38.5 States should consider incorporating into the national law norms proscribing abuses of power that occurred in the implementation of sanctions, adoption, enforcement, implementation of unilateral sanctions or means of their compliance, and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological support and social assistance.
- 38.6 States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, and should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of power in the context of sanctions policies, as well as promoting mechanisms for the prevention of such acts, and should develop and make readily available

appropriate rights and remedies for victims of such acts.

- 38.7 States under sanctions shall provide assistance to victims of unilateral coercive measures, means of their enforcement and overcompliance including to ensure access to justice, effective remedy and compensation to the maximum of available resources.

39. Diplomatic protection

States, on behalf of an individual, identifiable group of individuals or legal person that is a national/resident, shall invoke through diplomatic action and support or other means of peaceful settlement the responsibility of another State for an injury caused by that State through overcompliance with sanctions of the UN Security Council, by the adoption, enforcement, implementation of unilateral sanctions and overcompliance with them.

40. Access to administrative bodies

- 40.1 Any person whose rights or legitimate interests are affected by unilateral coercive measures, means of their enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures, including extraterritorially, shall be guaranteed the right of access to the administrative procedures to challenge the measures applied. States shall establish a competent authority to deal with all such cases.
- 40.2 States are encouraged to establish an independent body to ensure the protection of those affected as a result of the adoption of unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures by State bodies or agents; and to enhance openness and accountability in the decision-making and administration of the States' institutions.
- 40.3 A complaint on sanctions related issues filed with any

administrative bodies or any decision taken by such body shall not be considered as a prerequisite or barrier to access to courts on this matter.

41. Access to national courts

- 41.1 Any person whose rights or legitimate interests are affected by unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures shall be guaranteed the right to access national courts in cases involving criminal charges or related rights, as well as in regard to all obligations in a suit at law, at a pretrial stage, court proceedings, or at the post-trial stage. Access to justice must effectively be guaranteed in all such cases.
- 41.2 All those affected by unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council and unilateral coercive measures shall be guaranteed the right to a compensation for the damage caused.
- 41.3 All those affected by unilateral coercive measures, means of their enforcement and overcompliance shall be guaranteed equal justice regardless of their nationality or statelessness, whatever their status, whether asylum seekers, refugees, migrant workers, visitors, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State.
- 41.4 Any impediments to access to court, including the imposition of fees on the parties to proceedings that would de facto prevent their access to justice are strictly prohibited.

42. State-based business-related non-judicial grievance mechanisms

- 42.1 States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as a part of a comprehensive State-based system for the remedy of business-

related human rights abuses arising from compliance and overcompliance with unilateral sanctions, and overcompliance with UN Security Council sanctions.

- 42.2 To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.

43. Access to international bodies and international courts

- 43.1 Subject to the recognition of the jurisdiction of international human rights bodies any person whose rights or legitimate interests are affected by unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures shall be guaranteed the right to access to such mechanisms.
- 43.2 States are encouraged to resort to interstate complaint mechanisms on reporting within the human rights system to consider the facts that another State, which overcomplies with UN Security Council sanctions, adopts unilateral sanctions and means for their enforcement or over-complies with them, is not giving effect to the provisions of the relevant human rights treaty or is prevented from implementation of provisions of such treaties.
- 43.3 States are encouraged, where appropriate, to refer a case involving the violation of human rights law, international humanitarian law or any other provisions of international law in the context of sanctions policies, to international judicial decision making bodies.
- 43.4 States shall solve all their disputes arising from sanctions policies on unilateral coercive measures through peaceful means.
- 43.5 Nothing in the present Guide shall be interpreted as justifying the use of force, intervention into domestic affairs of any State or violation of sovereignty contrary to the UN Charter.

44. Access to international human rights bodies

- 44.1 Everyone, in particular, victims of human rights violations arising from sanctions policies and unilateral coercive measures, as well as civil society actors, has the right to have unhindered access to, and communication with, human rights bodies, including human rights treaty bodies, without any fear of intimidation or reprisals.
- 44.2 Access to international human rights bodies is subject to limitations arising from their competence. Human rights treaty bodies shall not dismiss applications in unilateral sanctions cases due to the failure to exhaust domestic remedies, due to impossibility or severe hardships entailed in accessing relevant mechanisms domestically from abroad as a result of the extraterritorial impact of unilateral sanctions, the multiplicity of actors, or the multiplicity of barriers.
- 44.3 Everyone, in particular victims of human rights violations arising from sanctions policies and unilateral coercive measures, has the right to have unhindered access to international human rights courts without fear of intimidation or reprisals.

45. Access to relevant information concerning violations and reparation mechanisms

- 45.1 States and international and regional organizations shall provide transparent, timely and adequate information on matters related to unilateral sanctions, including the reporting of human rights violations and access to effective remedy and compensation through non-judicial and judicial mechanisms.
- 45.2 All sanctioning actors shall create enabling environments and maintain open channels for communication on human rights and humanitarian aspects relevant to sanctions and their implementation, including as a primary obligation, but not limited to, the establishment of focal points with adequate financial and human resources.
- 45.3 Focal points shall provide detailed information, clarification and

advisory services, free of charge and in a timely manner, regarding licensing, the scope of humanitarian carve-outs and relevant procedural matters, including administrative and legal procedures for delisting of designated individuals and entities, and arrangements to secure access to justice

46. Fact-finding, monitoring and assessment of negative impact of unilateral sanctions on the enjoyment of human rights

- 46.1 Remediation of negative impact of unilateral sanctions on the enjoyment of human rights shall be based on an evidence-based approach ensured through systematic monitoring and impact assessment.
- 46.2 States affected by unilateral sanctions shall take all measures necessary to establish national mechanisms for the comprehensive and consistent monitoring and assessment of the negative impact of unilateral coercive measures on the humanitarian situation and enjoyment of human rights under their jurisdiction. States are encouraged to provide information for the monitoring tool, developed within the mandate of the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.
- 46.3 All States are invited to use information from their annual and long-term monitoring of the adverse impact of sanctions and the information from the monitoring and assessment tool to engage in international adjudication and the use of competent international quasi-judicial and human rights bodies as a means of dispute settlement, human rights protection, responsibility and redress in unilateral coercive measures cases.

47. International cooperation

States Parties should cooperate with each other on the basis of applicable international treaties as well as the principle of reciprocity

to ensure access to effective remedy to victims of human rights violations caused by the adoption of unilateral coercive measures, means of their enforcement and overcompliance. Such cooperation shall encompass mutual legal assistance, extradition, and recognition of judicial decisions, including those related to compensation for damages resulting from the adoption, enforcement, or implementation of unilateral unilateral coercive measures or overcompliance.

VI. Access to justice

48. Effective access to justice

- 48.1 Access to justice is an essential element of the right to effective remedy.
- 48.2 Access to justice, including access to all types of legal services, with regard to violations of human rights by unilateral sanctions, sanctions enforcement, overcompliance with sanctions of the UN Security Council, or unilateral coercive measures, shall be granted without constraint and in a timely manner to all persons, natural and legal, in full conformity with the presumption of innocence, with respect for due process and with fair trial guarantees, in line with international law.
- 48.3 Any person shall have real and effective access to any national or international mechanism for the protection of rights in the face of the enforcement, implementation of unilateral sanctions, and overcompliance.
- 48.4 Access to justice shall not be impeded by any legislative, administrative or operational measure, including impediments to transfer or unfreeze funds to pay for legal fees and expenses, including legal advice and representation.
- 48.5 Those subjected to unilateral sanctions, or affected by the means of their enforcement or overcompliance, shall always be entitled to

have access to effective remedy, including access to justice in the sanctioning states, enforcing or implementing states, or states of residence or registration of businesses, whose action or inaction in the face of unilateral sanctions resulted in the violation of human rights.

- 48.6 Disputes arising from the breach of international private relations due to the application of unilateral sanctions, enforcement, implementation or overcompliance are regulated by international private law. States and relevant international dispute settlement mechanisms, including arbitration institutions, are obliged to ensure unhindered access to justice to settle such disputes.

49. Access to justice and fair treatment at the national level

- 49.1 Victims of the adoption, enforcement or implementation of unilateral sanctions should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.
- 49.2 Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims shall be informed of their rights to seek redress through such mechanisms.
- 49.3 The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
- a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are alleged and where the victims have requested such information;
 - b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused

and consistent with the relevant national criminal justice system;

- c) Providing proper assistance to victims of sanctions policies throughout the legal process;
 - d) Taking measures to minimize inconvenience to victims of sanctions policies, protect their privacy, and ensure their protection, when necessary, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
 - e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.
- 49.4 Informal mechanisms for the resolution of disputes, including mediation, arbitration should be utilized where appropriate to facilitate conciliation and redress for victims.

50. Obligation to respect the right to fair trial and due process standards

- 50.1 Without any prejudice to the legality of unilateral measures taken, any means of enforcement, implementation set forth in the national criminal, administrative, customs, civil and other areas of law shall be formulated in an open transparent and fully explicit manner. States shall ensure that public and transparent reasons and evidence which are the grounds for any measure taken unilaterally are provided to affected individuals and entities immediately, regardless of the mechanism used. Those against whom sanctions are imposed shall be provided an opportunity to bring a case and contest the imposition of sanctions in court under the standard of due process.
- 50.2 States and regional organizations shall bear the burden of proof in unilateral sanctions adoption and compliance procedures. States or regional organizations must not transfer the burden of proof to any other actor, including targeted states, third states, entities or individuals, regardless of nationality, registration or residence, their

counter-parties or any other actors.

- 50.3 Introduction, implementation or enforcement of a presumption of the wrongdoing of any actor within sanctions policies, whether rebuttable or irrebuttable, constitutes a further violation of international law.

51. Access to legal aid

- 51.1 States should consider the provision of legal aid to be their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations to ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible with respect to sanctions related cases. States should allocate the necessary human and financial resources to ensure this legal aid system is fully accessible to victims.
- 51.2 States should guarantee the right to legal aid in their national legal systems to all persons, natural and legal, whose rights are affected by sanctions policies. To that end, States should consider, where appropriate, enacting specific legislation and regulations to ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible.
- 51.3 All persons are entitled to call upon the assistance of a lawyer of their choice. The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.
- 51.4 Any persecution, pressure campaigns against legal professionals providing legal aid to victims and overcompliance are strictly prohibited and should be promptly investigated and given proper qualification in accordance with national legislation.
- 51.5 States should ensure the provision of accessible and affordable legal aid to all victims regardless of age, race, color, sex, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status

or other status.

- 51.6 States should establish effective remedies and safeguards that apply if affordable access to legal aid is undermined, delayed or denied or if persons have not been adequately informed of their right to legal aid,
- 51.7 Effective legal aid includes, but is not limited to, unhindered access to legal aid providers, confidentiality of communications, access to case files and adequate time and facilities to prepare their defence.
- 51.8 All payments for legal services shall be exempt from licensing requirements and shall not require the sanctioner's approval. Governments shall ensure the provision of sufficient funding and other resources for legal services to affected individuals, including those who are not able to pay for legal services due to freezing of assets, overcompliance of banks or any other reasons caused by unilateral sanctions, sanctions enforcement, unilateral coercive measures, and overcompliance with sanctions of the UN Security Council.
- 51.9 Professional associations of lawyers shall cooperate in the organization and provision of services, facilities and other resources.

52. Beneficiaries of the rights to legal aid in sanctions environment

States shall guarantee the right to legal aid to persons suspected of or charged with a criminal offence for the circumvention of unilateral sanctions or persons subject to civil or administrative penalties for the circumvention of unilateral sanctions, as well as victims and witnesses.

53. Access to information on legal aid

Governments and professional associations of lawyers shall

promote programs to inform the public about their rights and duties under the law in the context of sanctions policies and about the role of lawyers in protecting their fundamental freedoms.

54. Independence and protection of legal aid providers

States and regional international organizations should ensure that legal aid providers are able to carry out their work effectively, freely and independently on issues related to unilateral coercive measures, their enforcement, their implementation, and overcompliance with them. In particular, States should ensure that legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality, both within their own country and abroad, and to freely access prosecution and other relevant files; and that they do not suffer from, and are not threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

55. Competence and accountability of legal aid providers

- 55.1 States should put in place mechanisms to ensure that all legal aid providers possess education, training, skills and experience that are commensurate with the nature of their work in sanctions related cases, including the extraterritorial effects dealt with, to protect the interests of those whose human rights are affected by unilateral sanctions, their enforcement, implementation and overcompliance.
- 55.2 States or regional international organizations shall not use licensing procedures as a means to restrict access to legal aid.
- 55.3 Disciplinary complaints against legal aid providers, including those who refuse to provide legal aid, should be promptly investigated and adjudicated in accordance with professional codes of ethics

before an impartial body and subject to judicial review.

- 55.4 Governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and are made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.
- 55.5 In regard to all groups, communities or individuals affected by the adoption, enforcement, or implementation of unilateral coercive measures and overcompliance with such measures, and whose needs for legal services are not met, including extraterritorially, Governments, professional associations of lawyers and educational institutions should take special measures to provide opportunities for them to receive such services, including online.

56. Duties and responsibilities of legal aid providers

- 56.1 Lawyers shall at all times maintain the honor and dignity of their profession as essential agents of the administration of justice.
- 56.2 The duties of lawyers towards their clients shall include:
 - a) Advising clients as to their legal rights and obligations, and as to the working of the legal system insofar as it is relevant to the legal rights and obligations of the clients;
 - b) Assisting clients in every appropriate way, and taking legal action to protect their interests;
 - c) Assisting clients before courts, tribunals or administrative authorities, where appropriate.
- 56.3 Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act without undue interventions and diligently in accordance with the law and recognized standards and ethics of

the legal profession. Lawyers shall always loyally respect the interests of their clients.

- 56.4 Any acts approving, justifying or encouraging overcompliance with the UN Security Council sanctions or the adoption of unilateral coercive measures on the part of legal professionals or bar associations shall be strictly prohibited.

57. Guarantees for the functioning of lawyers in unilateral coercive measures environment

- 57.1 Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference in the context of adoption, enforcement, implementation of unilateral coercive measures and overcompliance; (b) are able to travel and to consult with their clients freely both within their own country and abroad or online; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics to protect the rights of the victims.
- 57.2 Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.
- 57.3 Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority to protect the rights of victims.
- 57.4 It is the duty of the competent authorities to ensure that lawyers have access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.
- 57.5 Governments shall recognize and respect that all communications

and consultations between lawyers and their clients within their professional relationship are confidential.

58. Freedom of expression and association

Lawyers are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law on sanctions or unilateral sanctions, means of their enforcement, the administration of justice on sanctions related cases and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

59. Professional associations of lawyers

Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services on sanctions related cases and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.