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*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

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The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Human Rights Council Advisory committee and with reference to the latter's letter dated 12 March 2014, has honor to herewith, attached, the responses of the Islamic Republic of Iran to the requested questionnaire on "Human Rights and Unilateral Coercive Measures".

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the secretariat of the Human Rights Council, the assurances of its highest consideration.



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Human rights and unilateral coercive measures

QUESTIONNAIRE

1. *Do you consider that unilateral coercive measures have an impact on human rights of citizens in targeted States? If yes, in what way? If no, why?*

Unilateral coercive measures constitute violations of the Charter of the United Nations and the multilateral trading system, and also cause human rights violations, including that of civil, political, economic, social and cultural rights, as well as the right to development.

The Vienna Declaration and Programme of Action, calls upon States:

To refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services”.

The Vienna Declaration had put people and their rights at the centre, an approach which should be strengthened. In addressing the impact of unilateral coercive measures on the enjoyment of human rights, we must focus on people, in particular vulnerable groups and individuals whose rights are most likely to be affected.

Unilateral coercive measures in the form of economic sanctions can have far-reaching implications on the human rights of the general population of targeted States. The primary victims of these measures are often the most vulnerable classes, including women, children, the infirm and older persons, as well as the poor. These groups suffer more acutely as a result of denial of access to life-saving equipment and medications, basic food products and educational equipment. Others are prevented from joining the job market. Unilateral coercive measures aggravate imbalances in income distribution; and they often give rise to illegal and unethical business practices. Thus, it has been observed, under sanctions, the middle class is eliminated,

the poor get poorer, and the rich get richer as do those who take control of smuggling and the black market. Some individuals and elites can actually benefit economically from sanctions, owing to this monopoly on illegal trade.

2. (a) What specific aspects of human rights are affected by unilateral coercive measures in targeted States? Can you give examples of particular groups most affected by unilateral coercive measures and in what way?

In the field of human rights law, the rights most relevant to assessing the legality of economic measures seem to be the right to life, the right to an adequate standard of living, including food, clothing, housing and medical care, the right to freedom from hunger, and the right to health. Unilateral Coercive measures infringe upon the sovereign rights of the targeted state(s). It also undermines the principles of non-discrimination and non-interference in the internal affairs of the Members of the United Nations as enshrined in its Charter.

[Universal Declaration of Human Rights, art. 3; International Covenant on Civil and Political Rights, art. 6, Para. 1; Universal Declaration of Human Rights, art. 25, para. 1; International Covenant on Economic, Social and Cultural Rights, art. 11, para. ; International Covenant on Economic, Social and Cultural Rights, art. 11, para. 2.]

In the field of international humanitarian law, the prohibition against the starvation of a civilian population as a method of warfare is among the most relevant provisions.

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 54; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 14.]

Unilateral coercive measures result amongst others in social problems and raise humanitarian concerns in relation to the most vulnerable segments of society. Accounts from target States maintain that unilateral coercive measures can adversely affect their job markets, impacting rights governed by article 6 of the International Covenant on Economic, Social and Cultural Rights.

Unilateral coercive measures that impinge on the provision of an adequate standard of living, including medical care, food, clothing and housing, would have an impact on the implementation of article 25, paragraph 1, of the Universal Declaration of Human Rights, and of articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights.

Women appear to be disproportionately affected by the impact of unilateral coercive measures.

Likewise, persons with disabilities appear to be disproportionately affected, which hampers the implementation of article 1 of the Convention on the Rights of Persons with Disabilities.

Sanctions, whether smart or not, often create a regime of structural violence, and their impact are disproportionately bear by women and children. Sanctions often do not weaken the political circle of the targeted states; rather, they strengthen them, weaken the people and lead to increasing radicalization and violence against women. Unilateral coercive measures have deep and long-term negative social-psychological effects, and there is little morality for punishing a population and the most vulnerable such as women, children, persons with disabilities and minorities.

(b) Do such unilateral coercive measures have an impact on citizens in non-targeted third States? Can you provide examples of this impact?

Trade sanctions, embargoes, boycotts and the interruption of financial flows which impose by States have extraterritorial effects, as they are extended to third-party States.

States or group of States resorting to such measures are accountable for their impact on human rights of citizens of targeted states and in non targeted third states.

What is clear is that unilateral coercive measures encompass a range of actions, including trade embargoes, financial restrictions, acquisition of property, freezing of assets, visa restrictions, and withholding of vital medical supplies and spare parts for various machineries. The measures in question often extend extraterritorial application of domestic rules, adversely affecting the interests of third States and their nationals.

3. Are current human rights norms and mechanisms effective in addressing the negative impacts of unilateral coercive measures on human rights in targeted States?

It appears that the current mechanisms of UN are not effective enough to curb inhumane consequences of unilateral coercive measures on civilian population of targeted states.

The United Nations and the Human Rights Council should create a specific and effective mechanism to assess and ultimately to prevent imposition and/or maintaining of unilateral coercive measures by certain countries against other member states.

There has to be an end to impunity for unilateral sanction designer countries, and the right of the victims to reparation must be guaranteed. The goal is to end unilateral coercive measures, and that States could decide how to do so.

4. What specific human rights mechanisms can be used to assess the negative impact of unilateral coercive measures on the enjoyment of human rights in targeted States or in any other third State, and to promote accountability?

To assess the negative impact of unilateral coercive measures and to promote accountability of using states of this strategy and to change their political will we recommend the following suggestions;

1- Establishment of an independent body under General Assembly to consider the issue in depth from the perspectives of human rights, security and the rule of law, 2- Establishment of a monitoring mechanism within the United Nations to examine legality of Security Council sanctions which are issued and maintained based on chapter VII.

3- Establishment of a mechanism to end impunity for unilateral coercive sanctions designers and that the right of the victims to reparation must be guaranteed.

4- Establishment a set of principles or a legal framework to examine the human rights aspects of unilateral coercive measures.

5- Economic measures taken as countermeasures or retaliation to an international unlawful act by a State should be assessed by an independent body to distinguish whether such measures were coercive or legitimate under international law, especially in view of the principle of non-intervention.

6- Compensation should be given to the families who had suffered from unilateral embargoes and sanctions. Individuals affected by these measures could seek redress before such relevant treaty bodies.

7- A special procedure should be created to report to the Human Rights Council at all sessions on the human rights consequences of unilateral coercive measures, and there should be a normative framework for these measures.

8- Unilateral coercive measures infringe on international law, including international humanitarian law and international human rights law. The General Assembly could adopt a declaration condemning unilateral coercive measures and turn to the International Court of Justice for advisory opinions on specific cases.

9- Devoting an annual human rights mainstreaming panel discussion of the Human Rights Council to the issue of "unilateral coercive measures and human rights"; drawing up guidelines to prevent, minimize and redress the adverse impact of unilateral coercive measures on human rights.

10- Tasking the Advisory Committee to assess unilateral coercive measures while are imposed against member states and to promote accountability in this field.

11- Strengthening the capacity of OHCHR in this field; and setting up a working group, a special procedure or mandating an existing special procedure to deal with this thematic issue.

5. Can you provide specific examples of the impact of unilateral coercive measures on human rights in your country, if any?

While the impact of sanctions varies from one case to another, they almost always have a dramatic impact on the rights recognized in the Covenants. Thus, for example, they often cause

significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work. In addition, their consequences can include the emergence, almost invariably, of a black market and the generation of huge windfall profits for the privileged for those who manage it. While the phenomena are essentially political in nature, they also have a major additional impact on the enjoyment of economic, social and cultural rights.