**54th regular session of the Human Rights Council**

**Biennial panel discussion on unilateral coercive measures and human rights**

**Theme:** **The impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals**

*Concept note (as of 12 September 2023)*

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| **Date and venue:** | **Thursday, 14 September 2023, 10 a.m. to 12 p.m. (UTC+2)‎**  [**Room XX**](http://www.unog.ch/80256EE60057CB67/(httpRooms)/4C2700FCE9684AD780256EF9005A65FE?OpenDocument&unid=BAE3AF717207A5AF80256EF80049C552)**, Palais des Nations, Geneva** **and online platform (Zoom)**  *(will be broadcast live and archived on* [*https://media.un.org/en/webtv*](https://media.un.org/en/webtv)*)* |
| **Objectives:** | The objective of the biennial panel discussion is to increase awareness among all stakeholders, including Member States, United Nations, its entities agencies and programmes, other international and regional organizations, civil society, private sector and the media of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries. It is also a platform for a continued exchange of views and experiences among all relevant actors and stakeholders on the multifaceted impact of unilateral coercive measures on human rights and particularly of those in vulnerable situations. This year’s panel discussion will focus in particular on the impact of unilateral coercive measures and overcompliance with sanctions on the right to development and the achievement of the Sustainable Development Goals (SDGs). It will aim at:   1. Discussing the impact of unilateral coercive measures/unilateral sanctions and overcompliance with sanctions on the right to development and the achievement of the SDGs in general as well as specific SDGs; 2. Following-up on and updating of the recommendations of the previous Council-mandated panels and workshops held respectively in 2021, 2019, 2017, 2015, 2014 and 2013, and the research-based report of the Human Rights Council Advisory Committee ([A/HRC/28/74](https://undocs.org/A/HRC/28/74)). 3. Increasing awareness about the negative impacts of unilateral coercive measures on the enjoyment of human rights. |
| **Chair:** | H.E. Mr. Muhammadou M.O. Kah, Vice-President of the Human Rights Council |
| **Opening statements:** | * **Mr. Volker Türk**, United Nations High Commissioner for Human Rights * **Ms. Alena Douhan**, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights |
| **Panellists:** | * **Mr. Mihir Kanade**, Member of the Expert Mechanism on the Right to Development * **Ms. Elena Gentili**, Country Director in Cuba, Oxfam * **Prof. Jeffrey D. Sachs**, Director of the Center for Sustainable Development at Columbia University*(live intervention)* * **Mr. Amir Saed Vakil**, Assistant Professor at the University of Tehran *(video message)* |
| **Outcome:** | In accordance with Human Rights Council resolution 52/13, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights will prepare a report on the proceedings of the panel discussion, to be submitted to the Council at its fifty-fifth session. The report will provide inputs to the Council on how to proceed in its considerations of the impact of unilateral coercive measures on human rights. |
| **Mandate:** | In its resolution 52/13, the Council requested OHCHR to organize, in accordance with its resolution 27/21 and the corrigendum thereto, a biennial panel discussion on unilateral coercive measures and human rights, to be held during its fifty-fourth session, and focusing on the impact of unilateral coercive measures and overcompliance on the right to development and the achievement of the Sustainable Development Goals, with the participation of States, relevant United Nations bodies, agencies and other relevant stakeholders. The Council requested the Special Rapporteur to act as rapporteur of the panel discussion and to prepare a report thereon for its fifty-fifth session. |
| **Format:** | The panel discussion will be limited to two hours. The opening statements and initial presentations by the panellists will be followed by a two-part interactive discussion and conclusions from the panellists. A maximum of one hour will be set aside for the podium, which will cover the opening statement, panellists’ presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor, with each segment consisting of interventions from 12 States or observers, 1 national human rights institution and 2 non-governmental organizations.  The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet. |
| **Background:** | In its resolutions 27/21 and resolution 46/5, the Human Rights Council stressed that unilateral coercive measures and legislation are contrary to international law, and expressed its concern at their negative impact on human rights, development, international relations, trade, investment and cooperation. The Council has further recognized that these measures, in the form of economic sanctions, may have far-reaching implications for human rights, disproportionately affecting the poor and the most vulnerable populations, and may result in social problems and raise humanitarian concerns.  Previously, decisions of a number of United Nations organs and human rights treaty bodies as well as studies by United Nations agencies had outlined legal limitations as to the imposition of unilateral coercive measures with regard to rights essential for dignity and survival, while a number of declarations and resolutions have drawn attention to the need for special measures to alleviate the negative impact of such measures on the human rights of women and children, and other groups in a situation of vulnerability.  In a number of adopted resolutions, the Human Rights Council and General Assembly have emphasised that unilateral coercive measures create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, and other groups in situation of vulnerability. Furthermore, concern has been expressed in relation to the negative impact of unilateral coercive measures on the right to life, the right to physical and mental health and medical care, food, education, work and housing, as well as the right to development and the right to a clean, health and sustainable environment. In addition, it has been reaffirmed that unilateral coercive measures constitute an obstacle to the implementation of the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development (see background documents below).  The Human Rights Council and General Assembly have called “upon all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development” (see, for example, Human Rights Council resolution 27/21).  The 2021 edition of the biennial panel on unilateral coercive measures was chaired by the President of the Human Rights Council, H.E. Ms. Nazhat Shameem Khan and opened by the United Nations High Commissioner for Human Rights, Michelle Bachelet. The panellists were the current Special Rapporteur, Alena Douhan; Professor of International Law, Ghent University, Tom Ruys (Belgium); Associate Professor of International Law, Allameh Tabataba’i University, Pouria Askari (Islamic Republic of Iran); Ignacio Ellacuría, S.J. Chair in Social Ethics, Philosophy Department and School of Law, Loyola University Chicago, Joy Gordon (USA); and Professor of Jurisprudence, Wuhan University School of Law, Zhang Wanhong (China). They discussed issues of jurisdiction and extraterritoriality that arise in connection with unilateral coercive measures and on “overcompliance”, made by public and private entities resulting from the intended interpretation of the expansion of extraterritorial jurisdiction.  In the 2023 edition of the biennial panel, invited experts and other participants will be able to discuss the impact of unilateral coercive measures and overcompliance with sanctions on the right to development and the achievement of the SDGs. This topic relates to the one discussed at the side event held within the margins of the 52nd session of the Human Rights Council in March 2023, which was organized at the initiative of the Special Rapporteur. The panellists included the Special Rapporteur, Alena Douhan; Chair of the Expert Mechanism on the Right to Development, Mihir Kanade; Associate Professor at Dalhousie University, Robert Huish; and Member of Thalassaemia Control Programme, Michael Angastiniotis. The discussion focused on the impact of unilateral coercive measures on the right to development and implementation of SDGs as well as strides and challenges caused by unilateral sanctions and overcompliance in achieving sustainable development in its three dimensions – economic, humanitarian and environmental – in a balanced and integrated manner (available in background documents below). During the upcoming fifty-fourth session of the Human Rights Council and in line with the nexus between UCMs and the SDGs, the Special Rapporteur will present her thematic report on the impact of UCMs on the right to health. |
| **Background documents:** | * [Side event: Impact of unilateral coercive measures on the right to development and implementation of sustainable development goals](https://www.ohchr.org/en/events/events/2023/side-event-impact-ucms-right-development-and-implementation-sustainable) (28 March 2023) * Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on unilateral sanctions in the cyberworld: tendencies and challenges (2022) ([A/77/296](https://undocs.org/Home/Mobile?FinalSymbol=A%2F77%2F296&Language=E&DeviceType=Desktop&LangRequested=False)) * Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on secondary sanctions, civil and criminal penalties for circumvention of sanctions regimes and overcompliance with sanctions (2022) ([A/HRC/51/33](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F51%2F33&Language=E&DeviceType=Desktop&LangRequested=False)) * Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on unilateral coercive measures: notion, types and qualification (2021) ([A/HRC/48/59](https://undocs.org/A/HRC/48/59)) * Report of the Secretary-General on unilateral economic measures as a means of political and economic coercion against developing countries (2017) ([A/72/307](https://financing.desa.un.org/document/report-secretary-general-unilateral-economic-measures-means-political-and-economic)) * Human Rights Council resolutions on unilateral coercive measures, in particular [resolution 52/13](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F52%2F13&Language=E&DeviceType=Desktop&LangRequested=False) of 3 April 2023, [resolution 46/5](https://undocs.org/A/HRC/RES/46/5) of 23 March 2021, [resolution 40/3](https://undocs.org/A/HRC/RES/40/3) of 21 March 2019, and [resolution 27/21](https://undocs.org/en/A/HRC/RES/27/21) of 26 September 2014 (read in conjunction with its [corrigendum](https://undocs.org/en/A/HRC/RES/27/21/Corr.1)) * General Assembly resolutions on unilateral coercive measures, in particular [resolution 77/214](https://www.undocs.org/A/RES/77/214) of 15 December 2022, [resolution 76/191](https://undocs.org/A/RES/76/191) of 17 December 2021, [resolution 75/181](https://undocs.org/en/A/RES/75/181) of 16 December 2020, [resolution 74/154](https://undocs.org/en/A/RES/74/154) of 18 December 2019 and [resolution 73/167](https://undocs.org/en/A/RES/73/167) of 17 December 2018 * Committee on Economic, Social and Cultural Rights, General comment no. 8 on the relationship between economic sanctions and respect for economic, social and cultural rights of (1997) ([E/C.12/1997/8](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F1997%2F8&Lang=en)) |