



General Assembly

Distr.: General
6 September 2013

English only

Human Rights Council

Twenty-fourth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Contradiction of unilateral and multilateral sanctions with right to development principles

In its first article, the UN General Assembly Declaration on the Right to Development (1986) defines the right to development as follows: "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised." In fact the right to development in this definition has roots in the fundamental concepts of the Universal Declaration of Human Rights and the two International Conventions.

Respecting different views regarding "justice" and "duty" of the right to development, the ODVV deems this group of rights and part of the Third Generation of Human Rights, and sees it as a "right". From this aspect, not only the right to development is a legal concept, but it is also seen as factors in the realisation of human rights; in a way that we believe that if there is no development or not be in a proportional all inclusive form, the realisation of human rights will rarely take place.

With this approach, whatever is an obstacle in the way of the development of society from five political, civil, economic, social and cultural aspects with the right to development principles, and more importantly, contradicts the two fundamental human rights covenants frameworks.

In fact, examples of the right to development can be seen in many human rights treaties and conventions. Articles 15(2) and 15(4) of the International Covenant on Economic, Social and Cultural Rights, name development as a right. Article 15(2) speaks of provisions for the full implementation. These commitments include necessary measures for the provision, protection and development and promotion of science and culture. The main pivot is science and culture which must be considered in three stages of protection, development and promotion. 15(4) deals with the recognition of state parties to the covenant of the benefits from encouragement and expansion of cooperation and international communication with regards to science and culture.

Also the introduction of the Convention on the Elimination of all Forms of Discrimination against Women states: "...the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields." This paragraph considers development in all dimensions, due to a comprehensive concept that with its unique characteristic is not possible without the integrated participation of women.

In many other human rights treaties, wherever there's word of the necessity of mankind to improve and promote children, women, disabled, the elderly and minorities' condition, the necessity for the bringing about of suitable conditions for these situations as "inherent and human rights". For the preservation of human dignity and preservation and bringing about the conditions for a decent life, people have the right to through proportionate - not necessarily equal - enjoy the conditions. With this in mind, the ODVV believes the imposition of unilateral and multilateral sanctions is the blatant violation of the right to development. We believe that sanctions quickly destroy the political, economic, social, cultural and civil infrastructures of a healthy society, and this is in the event that the true reasons behind sanctions, are more political nature than being legal, which will have more destructive effects.

In our view regarding the contradiction of sanctions with the right to development a number of points can be raised:

- a) According to paragraph 2 of Article 1 and also paragraph 55 of the Charter of the United Nations, unilateral sanctions in a way have negative effects on the right of the citizens of the target state in the right to self determination. At the same time the punishing sanctions, affect the right to development of the target state, and in the long and short run threaten this right.
- b) Human Rights Council Resolution A/HRC/RES/19/32 (18 April, 2012) clearly bans unilateral coercive measures in the form of economic pressures against a state. Paragraph 3 of the resolution states: "Condemns the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems:"
- Article 9 of the resolution states: "Underlines the fact that unilateral coercive measures are one of the main obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries:"
- c) In the general opinion presented by the Committee on Economic, Social and Cultural Rights in 2007 regarding the link between economic sanctions and the respect of economic, social and cultural rights, four rights (right to life, right to enjoyment of suitable living standards (food, housing and medical care), right to freedom from hunger and right to health are deemed as the main measures for the determination of the legality levels of economic sanctions. On this basis, it can be concluded that whenever these sanctions violate one of these rights, their inhumanity and contradiction of sanctions with human rights principles will be more justifiable.
- d) The banning of the use of economic and sanctions tools against a state and also criticism of aggressive and non-cooperative approaches have repeatedly and glancingly been mentioned in other international documents. For example the International Covenant on Economic, Social and Cultural Rights in articles 7, 11, 12, 13, 14, 15, and 18 speak of rights such as the right to have fair and suitable working conditions, the right to a decent living and right to food, clothing and adequate housing, education, and a right to enjoy advancement in science and technology, the right to enjoy the benefits of the art. These instances show the importance of these rights and the necessity to respect the most basic relations between states.

The ODVV believes that the important point that must be noted when studying the effects of sanctions on human rights, is the reiteration in many documents on the effects of unilateral (like the ones imposed by the United States against Iran on the pretext of nuclear activities) sanctions on the human rights of the target state. In fact lesser attention has been given to the study of the effects of multilateral (such as the ones imposed by the United Nations Security Council and the European Union against Iran) sanctions within international documents. This is in instances where a state, such as Iran, is subjected to both types of sanctions at the same time, and it makes it impossible to distinguish the effects of negative sanctions on the human rights of the people of Iran, while increasing the bad effects of sanctions, receiving their feedback for neutral international observers is very difficult.

It must not be forgotten the issuing of four sanctions documents alone in 2011, and also 5 sanctions documents in 2012 by the United States, is a record unprecedented in the last three decades. These records have been matched by the EU too, where from the beginning

of 2013 the total number of Iranian institutions having sanctions imposed on them 40 and the total number of Iranian nationals who have been sanctioned has reached 105.

It must be said that among the America imposed sanctions, one of the strangest ones, is the new sanctions that were imposed in February 2013, which put pressure on countries that imported oil from Iran, where the money for the purchased oil would be kept in bank accounts in these countries and only be released for purchasing necessary goods for Iran. This factor alongside the numerous problems created by America and the EU in the transfer of money in Iran, has resulted in the import of many vital goods, medicines in particular to be disrupted, and Iran's choice to buy drugs to be restricted to a number of specific countries.

Associating sanctions with the right to development in this statement, the ODVV tied to point out in brief the hidden and visible effects of unilateral and multilateral measures of a limited number of countries against another UN member state, which no body or international document has managed to prove a diversion in the peaceful nuclear activities of Iran. We believe the sanctions have had a huge negative effect on the right to development of the people of Iran; and we call upon the Security Council to adopt a practical measure in the form of a resolution or raising the subject in the Council and review the negative consequences of these measures, and prevent the continuation of the use of these tools to put political pressures on countries.
