



# General Assembly

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## Human Rights Council

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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 American Association of Jurists, 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.

[1 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Imposition of unilateral coercive measures and economic blockades against Cuba, Nicaragua and Venezuela (Bolivarian Republic of) that impede combating the COVID-19 pandemic**

Since the outbreak of the COVID-19 pandemic began, at least ten communications have been issued by various UN experts and Special Rapporteurs urging the lifting, suspension or easing of unilateral coercive measures and economic blockades that prevent sanctioned States from effectively combating the virus and thus saving the lives of their populations.

Despite these appeals, the main sanctioning actors have not relented in the use of these unilateral measures, with the United States of America imposing a total of 777 new unilateral sanctions during 2020, according to specialized think tanks in that country, and the European Union imposing new restrictive measures or extending existing programs against at least seven countries.

In the case of the American continent, Cuba, Nicaragua and Venezuela (Bolivarian Republic of) are three countries that are victims of this policy that violates international norms and human rights, affecting the rights to health and food of entire populations due to the obstacles imposed on States to obtain essential services and to use their income to acquire equipment, medicines and food in international markets.

Cuba has suffered the onslaught of the economic blockade for more than 50 years; Nicaragua, which suffered an economic embargo between 1985 and 1990, has again been subject to these coercive measures since 2018; while Venezuela (Bolivarian Republic of) has been the victim of a sanctions program since December 2014. In all three countries, the humanitarian situation of the civilian population has been severely affected, also violating the rights to life, education and access to public services, affecting the recovery of social indicators and impeding the recovery of national economies.

These measures, which are contrary to international humanitarian law, the Charter of the United Nations and the norms and principles that regulate peaceful relations between States, constitute acts of interference that violate the sovereignty and self-determination of peoples, as stated in more than 30 resolutions adopted by the United Nations General Assembly and the Human Rights Council of the United Nations.

Likewise, the treaty bodies have issued General Comments that have developed doctrine on the negative impact of these practices, such as numbers 8, 12 or 14 of the Committee on Economic, Social and Cultural Rights.

In the case of General Comment No. 8, the Committee notes that sanctions almost always have dramatic consequences, often leading to disruptions in the distribution of food, pharmaceutical and sanitary supplies, compromising the quality of food and the availability of drinking water, seriously disrupting the functioning of basic health and education systems, and undermining the right to work. In the same Observation, the Committee considers "... that the provisions of the Covenant, virtually all of which are reflected in other human rights instruments and in the Universal Declaration of Human Rights, cannot be considered inoperative or in any way inapplicable merely because a decision has been taken to impose sanctions for considerations of international peace and security.

Just as the international community insists that any State subject to sanctions must respect the civil and political rights of its citizens, so must that State and the international community itself make every effort to protect at a minimum the essential content of the economic, social and cultural rights of the affected persons of that State (see also general comment No. 3 (1990), para. 10)."

GC No. 12 on the right to adequate food (Article 11) states that "States parties should refrain at all times from imposing embargoes or similar measures on food that jeopardize access to food in other countries. Food should never be used as an instrument of political or economic pressure".

Finally, GC No. 14 on the right to the highest attainable standard of health (Article 12) states that "States parties should refrain at all times from imposing embargoes or similar measures

that restrict the supply of appropriate drugs and medical equipment to another State. At no time should the restriction of such goods be used as a means of exerting political or economic pressure".

Likewise, as the Special Rapporteur on the impact of unilateral coercive measures, Alena Douhan, has repeatedly pointed out, these measures have had a devastating effect on populations, especially on sectors of society in extreme poverty, women, children, health workers, persons with disabilities or with chronic or life-threatening diseases, and indigenous populations.

In this context, the AAJ considers that these arbitrary measures may amount to a crime against humanity, as stipulated in Article 7 of the Statute of the International Criminal Court, since they are applied in a systematic, intentional and generalized manner against entire populations, even more so in a situation of global emergency such as the HIV/AIDS pandemic, a disease that affects everyone equally and transcends borders, religions, races and political inclinations.

The AAJ noted with great interest the preliminary conclusions<sup>(1)</sup> of the visit to the Venezuela (Bolivarian Republic of) of the Special Rapporteur on the negative effects of unilateral coercive measures on the enjoyment of human rights, as well as her press release<sup>(2)</sup>, and invites her to pay the same attention to the human rights violations related to unilateral coercive measures suffered by Cuba and Nicaragua.

The AAJ urges the Human Rights Council to pronounce itself categorically on this issue and to continue working to ensure that the most powerful countries stop using these resources to subjugate peoples who chose to be free, sovereign and independent, and to ensure that humanitarian exemptions are effective, efficient and fully adequate to enable sanctioned states to protect and guarantee the human rights of their populations during and after the pandemic.

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(1) <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26747&LangID=E>  
As of the day of submitting the written contribution the final report of the visit is yet not published on the dedicated webpage of the Council

(2) <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26749&LangID=E>