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Geneva

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Note Verbal No. 315

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its response to communication AL GBR 11 2025, further to the letter dated 21 July 2025 from the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the independence of judges and lawyers and the Independent Expert on the promotion of a democratic and equitable international order.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 26 September 2025

Special Procedures Branch
Office of the High Commissioner for Human Rights



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United Kingdom of Great Britain and Northern Ireland

Response to Special Procedure communications AL GBR 11/2025 of 21 July 2025 sent by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; the Independent Expert on the effects of foreign debt and other related financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the independence of judges and lawyers and the Independent Expert on the promotion of a democratic and equitable international order.

Thank you for your letter of 21 July 2025 regarding the impact of the United Kingdom's sanctions.

UK sanctions are based on a transparent and robust legal framework. It is important that open societies have clear legal routes to allow challenge. Our sanctions are carefully designed and targeted, balancing the impact on the intended target and the impact on the UK domestically, as well as wider consequences in other countries. We draw on evidence from multiple sources and we make sure that every sanction complies with our domestic and international legal obligations. We assess sanctions' effectiveness against a regime's original objectives, changing circumstances and emerging evidence, adapting our approach and measures as needed.

The UK's sanctions regimes are carefully designed to respect and ensure both the right to an effective remedy and the right to a fair and public hearing by a competent and impartial tribunal established by law, while at the same time maintaining the integrity and effectiveness of the sanctions imposed. We recognise access to legal representation as an integral part of the right to a fair trial, and lawyers must be able to act for their clients freely and without fear of reprisal, interference, or reputational attack. There are therefore no general restrictions on the provision of legal services to designated persons or on the provision of advice on complying with sanctions regimes. Where there are any restrictions on the provision of legal advice, these are limited, prescribed by law, necessary in a democratic society and proportionate.

Ministerial Review Process

A designated person has the right to request that the Secretary of State vary or revoke their designation. Such requests are governed by regulations made under section 33(1) Sanctions and Anti-Money Laundering Act 2018 (SAMLA), the Sanctions Review Procedure (EU Exit) Regulations 2018 (the “Review Regulations”). The Foreign, Commonwealth and Development Office (FCDO) has published guidance on how to request variation or revocation of a sanctions designation - [How to request variation or revocation of a sanctions designation or review of a UN listing - GOV.UK](#), which was last updated on 2 February 2023. The Review Guidance states that a designated person should complete a Sanctions Review Request Form (SRRF) in which the designated person provides the information required by the Review Regulations. The SRRF should explain why the designated person considers that the designation should be varied or revoked, and the requested variation if applicable. Relevant evidence supporting the explanation must be provided where such evidence is available to the requestor.

The FCDO makes careful judgments about designations and de-listings on a case-by-case basis. When a designated person submits a request for a Ministerial Review (usually in the form of an SRRF), FCDO officials carry out an initial check to confirm that the request complies with the Review Regulations and the guidance. If it does, FCDO will commence the review process and notify the designated person. The FCDO considers all evidence provided by law firms on behalf of designated persons and completes reviews of designations as it considers appropriate in the circumstances of the case. If the request cannot be processed because it is missing essential information and/or it does not comply with the guidance, FCDO officials notify the designated person, and may request further information to assist in assessing the request. The designated person must provide any further information, where it is available to them, as soon as reasonably practicable.

FCDO officials then assess the designation against the legal test in the relevant sanctions regulations (i.e. whether there are reasonable grounds to suspect the designated person is an “involved person” as defined by the regulations made under section 1, SAMLA) and consider whether the designation continues to be proportionate, taking into account whether there have been any developments since the designation was made that might affect the designation, including new evidence and representations provided by the designated person in the SRRF. If FCDO officials consider that the legal test is satisfied and the designation remains proportionate, they will also consider other impacts of the designation, such as economic, political and security impacts, and whether the case and supporting evidence require amendment or updating.

Officials then submit to a Minister a recommendation on whether to endorse varying, revoking, or maintaining the designation. Following Ministerial endorsement, a senior FCDO official then makes a decision under the Carltona Principle¹ before FCDO officials update the UK Sanctions List where applicable and notify the designated person of the outcome, and the reasons for it, in writing as soon as reasonably practicable. Matters may be excluded from the reasons where officials consider that such exclusion is in the interests of national security, international relations, or justice or for reasons connected with the prevention or detection of serious crime in the UK or elsewhere.

Whilst there is no statutory deadline within which reviews must be completed, Regulation 7 of the Review Regulations provides that the Minister must make the decision on the request “as soon as reasonably practicable” after receiving the information needed to make the decision. The time that a review takes is subject to its complexity, but on average it has taken 7 months. To date, there have been 16 revocations of designations across all regimes since 2021, following requests made under section 23 of SAMLA.

If a designated person considers that the Ministerial Review process has been unduly delayed, then it may be possible for them to initiate judicial review proceedings against the Secretary of State in respect of the failure to take a decision. If relevant, then this may be founded on the basis of a breach of Article 6 of the European Convention on Human Rights (ECHR)², using the provisions in section 7 of the Human Rights Act 1998. The designated person therefore has an effective remedy for any unlawful delay.

Court Review Proceedings

If a designated person is not satisfied with the Minister’s decision at the conclusion of the section 23 Ministerial Review, then they are able to apply to the appropriate court (in England and Wales, the High Court) for a review of their designation under section 38 of SAMLA. Section 38 provides for a bespoke type of court proceedings, whereby the court applies the principles applicable on judicial review. This allows the court to decide whether the Minister’s decision complies with UK public law, including compliance with ECHR Rights, where these are applicable. A number of designated persons have already brought proceedings under section 38.

The effectiveness of these measures is demonstrated by the fact that the United Kingdom Supreme Court handed down its first judgment in an appeal pertaining to section 38 proceedings on 29 July 2025, in *Shvidler v Secretary of State for Foreign, Commonwealth and Development Affairs* - [Shvidler \(Appellant\) v Secretary of State](#)

¹ The principle under United Kingdom law whereby an official can perform duties on behalf of a Minister of the Crown.

² Article 6 ECHR corresponds to Article 14 in the International Covenant of Civil and Political Rights

[for Foreign, Commonwealth and Development Affairs \(Respondent\) - UK Supreme Court](#). You will see from the judgment that Mr Shvilder and his co-appellant both had access to large teams of lawyers and were able to pursue their claim through three tiers of the court system of England and Wales.

The Supreme Court's decision reaffirmed the strength of our processes and the opportunities for challenge, concluding that our approach is 'a marker of a proportionate and tailored response'. While it is understood that the FCDO may not be successful in every case - an inherent feature of a fair and independent legal system - the UK's strong track record to date sends a clear and positive signal about the robustness and credibility of our autonomous sanctions framework.

Licensing

A designated person does not face any restrictions on their right to legal representation or advice as direct consequence of their designation. However, where they have been subject to an asset freeze, they face restrictions on their ability to make payments for services. The UK has put in place measures to ensure that these restrictions do not prevent designated persons from obtaining access to legal advice and representation.

Section 15(2)(b) of SAMLA provides that sanctions regulations may provide for a prohibition imposed by the regulations not to apply to anything done under the authority of a licence issued by an appropriate Minister specified in the regulations (an "Office for Financial Sanctions Implementation (OFSI) licence" or "Treasury licence"). All of our sanctions regulations permit OFSI to issue such licences to enable the payment of reasonable professional fees for the provision of legal services, or reasonable expenses associated with the provision of legal services³.

For most UK sanctions regimes, it will be necessary for designated persons or their legal representatives to apply to OFSI for a specific licence. The General Guidance recommends that such an application is made in advance of providing substantive legal advice, so that legal representatives have certainty as to the fees that will be recoverable whilst the designated person remains listed. It explains that those making such an application should: provide an estimate of the anticipated fees or such fees as have already been incurred; provide a breakdown of how the fees will be charged or have been charged; and identify any disbursements such as payments for counsel or expert witnesses.

³ See, for example Regulation 26(2) of, and paragraph 3 of Schedule 2 to the Global Irregular Migration and Trafficking in Persons Sanctions Regulations 2025, and Regulation 64(2) of and paragraph 3 of Schedule 5 to the Russia (Sanctions)(EU Exit) Regulations 2019.

For the Russia and Belarus sanctions regimes, which have a greater demand for legal advice and representation, there is a system of General Licences to help facilitate such activities. OFSI has issued six iterations of the Legal Services General Licence under the Russia and Belarus Regulations since October 2022, with the current Legal Services General Licence expiring 28 October 2025. All iterations of the General Licences contain strict conditions for use and reporting requirements requiring law firms and counsel to report the receipt of legal fees and expenses to OFSI within a specified time frame⁴. OFSI records and scrutinises all reporting received to ensure accurate and compliant reporting. Where non-compliant usage and reporting of the General Licence is identified, enforcement action may be taken.

OFSI does not routinely publish data collected from the Legal Services General Licences. OFSI publishes general information about its operations, including licensing applications, in its Annual Review - [OFSI Annual Review 2023-24: Engage, Enhance, Enforce - GOV.UK](#). As this states, during the financial year 2023-2024 decisions were taken on 1,401 licensing cases, up from 503 in the previous recording period.

Reasonableness of fees

'Reasonableness' of legal fees is a standard concept in the laws of United Kingdom. It also features more broadly, including within the licensing requirements of United Nations Security Council mandated sanction regimes.

Part 6.6 of OFSI's UK Financial Sanctions General Guidance⁵ explains that OFSI considers that the Supreme Court Cost Guidelines (SCCG) or the sums that could be expected to be recouped if legal costs were awarded following civil court proceedings, provide a useful starting point for assessing the reasonableness of legal fees and expenses. OFSI has also published other information to assist applicants in understanding how it assesses reasonableness in licensing applications, for example the [Reasonableness in licensing](#) blog which explains (1) why the reasonableness test exists, and (2) what information applicants should provide, including specifically in legal fees applications, to help OFSI assess it. If an applicant seeks fees of a level above those set out in the SCCG, they need to demonstrate why those increased fees are reasonable in the given case. Whilst OFSI will consider rates that vary from the SCCG, it is a useful benchmark in the

⁴ Any person using the Russia and Belarus licence must send to HM Treasury, within 14 days of receiving payment:

- 1) The relevant unredacted letter of engagement between the designated person, the legal adviser, law firm or counsel;
- 2) Details of the name, employment, experience and years of post-qualification experience of any legal adviser;
- 3) Details of the name, employment, experience and the years of call of any counsel;
- 4) The relevant invoice(s) which are being paid; and
- 5) A completed "OFSI Post-Designation Legal Fees GL form".

⁵ [UK financial sanctions general guidance - GOV.UK](#)

assessment of reasonableness. In terms of legal professional privilege (LPP), OFSI expect legal professionals to carefully ascertain whether LPP applies and which information it applies to.

Cap in the Russia and Belarus General Licence

The reasons OFSI assesses reasonableness for specific licence applications are the same as the reasons that the legal fees general licence has caps. The £2,000,000 cap for Parts A and B of the Legal Fees General Licence apply to each law firm instructed by the designated person. The £2,000,000 cap also applies to each part of the General Licence separately and is available to each law firm instructed by a designated person to cover all matters on which that law firm is instructed by that designated person. In some instances, both parts of the General Licence can be used – Part A (legal services based on a prior obligation) and Part B (legal services not based on a prior obligation) – by the same law firm, up to a total of £4,000,000. It appears rare for legal work to exceed this cap and OFSI has not been asked by the legal industry to increase the caps.

Ability to challenge licencing decisions and delays

Where a designated person or their lawyers consider that OFSI has unlawfully delayed in issuing a licence, or has decided to place unlawful restrictions on the costs authorised under a licence, then they have the option of initiating court proceedings against the Treasury in respect of that delay or decision. As is the case for Ministerial Reviews, section 7 of the Human Rights Act 1998 enables a claim to be founded on the basis of a breach of Article 6 ECHR, where the claimant falls within the United Kingdom's jurisdiction for the purposes of Article 1 ECHR.

Limited restrictions on facilitating or enabling overseas activities which would breach UK sanctions if done in the UK or by a UK person

As set out above, there is no general prohibition on the provision of legal services to designated persons, or in sanction-related matters. There are however very limited, targeted restrictions on the provision of legal services, set out in Regulation 54D of the Russia Regulations. This prohibits the provision of legal advisory services to a person who is not a United Kingdom national or who is not incorporated or constituted under the law of any part of the United Kingdom, where the object or effect of those services is to enable or facilitate any activity being carried out, or proposed to be carried out, outside the United Kingdom and which, if it was done in the United Kingdom or by a UK person, would constitute a breach of the financial and trade sanctions in the Russia Regulations. In other words, it prohibits UK lawyers from facilitating activity, carried out overseas by non-UK persons, which would if done in the UK or by a UK person, constitute a breach of sanctions.

Regulation 54D distinguishes between advisory services and providing legal representation. Providing representation - including representing individuals or entities in legal proceedings such as challenging a sanctions designation - is excluded from the prohibition.

Regulation 54D is not a blanket prohibition: Regulation 60D(b) provides exemptions from the where legal advice is: for official diplomatic or consular business; necessary to meet UK statutory or regulatory obligations; or limited to assessing compliance with sanctions or other criminal laws worldwide. Furthermore, Regulation 64 provides that the prohibitions in Chapter 6B of Part 5 of the Russia Regulations (which includes Regulation 54D) do not apply to anything done under the authority of a licence issued by the Secretary of State. A person wishing to apply for such a licence must apply to the Office of Trade Sanctions Implementation (OTSI)⁶.

Other measures to ensure that lawyers are able to carry out their professional duties

Alongside our comprehensive guidance, the FCDO, OFSI and the Department for Business and Trade engage with the private sector and other sectors regularly and substantively to help mitigate some of these issues. In 2023, OFSI created the Legal Sector Engagement Forum (LSEF) as a new mechanism for a sector-specific periodic meeting to enhance direct government-industry-regulator engagement which has members from over 60 legal firms and organisations. OFSI has continued to also have productive dialogue with legal bodies such as the Solicitor's Regulatory Authority (SRA) and The Law Society. We also meet regularly with the Tri-sector Group, which brings together representatives from across government departments, the financial sector and non-governmental organisations, to discuss humanitarian operations, including activities related to sanctions implementation and enforcement, and help address issues such as de-risking. This supports sanctions compliance and helps ensure legitimate conduct by non-governmental organisations can continue without disruption.

A cross-government review of sanctions implementation and enforcement⁷ was published in May 2025. We have put in place clearer and better structured sanctions content online and are introducing more user-friendly guidance, as well as a new enforcement strategy. These actions support businesses and law firms on sanctions compliance.

In May 2025, the UK became one of the first signatories to the Council of Europe Convention for the Protection of the Profession of Lawyer – the first international legally binding treaty dedicated to the protection of lawyers. The Convention aims to uphold the rights of lawyers to practise free from interference and harassment. The

⁶ [Apply for a licence to provide sanctioned trade services - GOV.UK](#)

⁷ [Cross-government review of sanctions implementation and enforcement - GOV.UK](#)

UK's signing reflects its ongoing commitment to the rule of law and the independence of the legal profession. The UK will only be bound by its obligations under the Convention once it has been ratified and has entered into force.

Conclusion

The UK's sanctions are one of the tools we use to support the rule of law, to call out the abuse of human rights, support peace processes and to respond to threats to international and national security. They are used against perpetrators of human rights abuses, to prevent the flow of arms and funding to terrorist groups, and to stop corrupt officials and cyber criminals from profiting from their crimes.

The UK does not prohibit lawyers from providing legal advice or representation to designated persons. Indeed, as set out above, the UK has carefully designed its sanctions regimes to ensure that designated persons are able to access legal advice and representation, and to have their civil rights and obligations pertaining to their designation determined by a competent and impartial tribunal established by law. Where payment of legal fees and expenses would ordinarily be prohibited by asset freeze sanctions, designated persons and their legal representatives can obtain licences to authorise such payments. The measures put in place to ensure that such payments are legitimate and reasonable do not prevent designated persons from accessing legal services, nor do they prevent lawyers from providing their services. Where designated persons are dissatisfied with a decision taken about a licence or the time taken to reach a decision, they are able to challenge such decision or delay in court. The United Kingdom considers that these measures are prescribed by law, necessary in a democratic society and proportionate.