

**Mandates of the Special Rapporteur on the right to food; and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**

REFERENCE:  
AL USA 15/2019

26 August 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to food and Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, pursuant to Human Rights Council resolutions 32/8 and 36/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the possible severe impact of the unilateral economic coercive measures that your Excellency's Government imposed on Cuba on 17 April 2019, on the right to food and to an adequate standard of living of the citizens of Cuba.

According to the information received:

Over the last 50 years, comprehensive social protection programmes have largely eradicated poverty and hunger in Cuba. Food-based social safety nets include a monthly food basket for the entire population, school feeding programmes, and mother-and-child health care programmes<sup>1</sup>. Although effective, these programmes mostly rely on food imports, which amount to 70% in Cuba.

On 17 April 2019, the White House announced that it will impose additional measures against Cuba, including the lifting of the waiver related to Title III of the Helms Burton Act of 1996, allowing Americans to pursue claims against third party companies and nationals for engaging in business with Cuba; the restriction of visas for persons who have trafficked in property confiscated by Cuba from an American person or entity; and the extra-territorial restriction on remittances by anyone sending US dollars to Cuba.

As a consequence of the commercial, economic and financial coercive measures imposed by the United States, the Cuban Government announced on 14 May 2019 that it was launching widespread rationing of basic food items including chicken, eggs, rice and beans in the face of the grave economic crisis allegedly caused by the recent hardening of the United States trade embargo. This rationing has reportedly impeded Cubans' access to quantitatively and qualitatively adequate and sufficient food.

---

<sup>1</sup> World Food Program (2019), Cuba: <https://www1.wfp.org/countries/cuba>

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concerns at the possible negative impact that the application of these extra-territorial coercive measures against Cuba may have on the economic and social rights of Cubans, particularly their rights to food and to an adequate standard of living.

The extraterritorial reach of these secondary sanctions targeting non-US persons and businesses also raises serious issues regarding their legality, since it is widely considered that extraterritorial application of sanctions violates international law.

We would like to call your Government's attention to the fact that unilateral coercive measures should not be extended without a reasonable and sufficiently justified basis, as well as without an evaluation of their efficacy and impact. By seeking to prevent any person or company from transacting with Cuba in the above-mentioned sectors, the United States appears to cause material harm to the economy, and by extension the human rights of the people of Cuba, without legitimate cause or justification.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what measures have been taken by your Excellency's Government to ensure that the unilateral coercive measures are, in each case, compliant with the obligations of the United States under its international legal obligations, including the extra-territorial application of such measures.
3. Please indicate what measures your Excellency's Government has taken to ensure that the unilateral sanctions are reasonable, necessary and proportionate, and in accordance with national and international human rights law and standards, and in particular, what measures are being taken to safeguard the right to food of the people of Cuba.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Hilal Elver  
Special Rapporteur on the right to food

Idriss Jazairy  
Special Rapporteur on the negative impact of unilateral coercive measures on the  
enjoyment of human rights

**Annex**  
**Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw your Government's attention to the following human rights standards:

Article 25 of the Universal Declaration of Human Rights, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.

Article 1 of the Declaration on the Right to Development adopted by the United Nations General Assembly by Resolution 41/128 on 4 December 1986, 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.

Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, states that all peoples have the right to freely determine their political status and freely pursue their economic, social and cultural development by virtue of the right to self-determination. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 11 of the International Covenant on Economic, Social and Cultural Rights, recognizes the fundamental right of everyone to be free from hunger and calls on States to take into account, individually and through international co-operation, the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

We would further like to bring your Government's attention to General Comment No. 8 of the Committee on Economic, Social and Cultural Rights on the relationship between economic sanctions and respect for economic, social and cultural rights where the Committee considers that the provisions of the Covenant, virtually all of which are also reflected in a range of other human rights treaties as well as the Universal Declaration of Human Rights, cannot be considered to be inoperative, or in any way inapplicable, solely because a decision has been taken that considerations of international peace and security warrant the imposition of sanctions. It has been observed that although this General Comment seems to apply to sanctions adopted by the Security Council, it applies equally to unilateral coercive measures (A/HRC/28/74, para. 15).

Furthermore, recalling its position stated in the aforementioned General Comment 8, in its General Comment No. 12, the Committee on Economic, Social and Cultural Rights calls on States to refrain at all times from food embargoes or similar measures which endanger conditions for food production and access to food in other countries.

Moreover, the Vienna Declaration and Programme of Action calls upon States to refrain from any unilateral measures 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 (UDHR) and other international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food.

Resolution 27/21 of the Human Rights Council expresses grave concern by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing. It also expresses concern for the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States.

Finally, we wish to recall operative paragraph 1 of the same resolution which “[C]alls 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.”